

JOURNAL
OF
THE SENATE

AT THE
ADJOURNED SESSION

OF THE
FOURTEENTH GENERAL ASSEMBLY

OF THE
STATE OF IOWA,

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

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SENATE JOURNAL.

ADJOURNED SESSION.

SENATE CHAMBER,
DES MOINES, IOWA, Jan. 15, 1873. }

Senate met pursuant to adjournment, as provided in joint resolution, approved April 13th, 1872, and was called to order by Lieutenant-Governor H. C. Bulis, president.

Prayer by the Rev. Jno. H. Swope.

On motion of Senator Taylor, the reading of the journal was dispensed with.

On motion of Senator Shane, the roll was called by districts, and the following Senators were found to be present:

3d District,	Horatio A. Wonn,
5th "	Martin Read,
7th "	Elisha T. Smith,
8th "	J. S. McIntyre,
10th "	Charles Beardsley,
11th "	John P. West,
16th "	Samuel McNutt,
18th "	James A. Young,
19th "	John L. McCormack,
20th "	Mark A. Dashiell,
22d "	Robert Lowry,
27th "	Joseph Dysart,
28th "	Frank T. Campbell,
33d "	John Shane,
34th "	R. Howe Taylor,
37th "	George W. Bemis,
39th "	Oliver W. Crary,
46th "	Elisha A. Howland,
47th "	William H. Fitch.—19.

And the following Senators were found to be absent:

1st District	E. S. McCulloch,
2d "	Jacob G. Vale,
4th "	Edward J. Gault,
6th "	Robert A. Dague,

9th	District,	John Y. Stone,
12th	"	Moses A. McCoid,
13th	"	Joseph H. Merrill,
14th	"	James S. Hurley,
15th	"	Joseph D. Miles,
17th	"	Joseph W. Havens,
21st	"	Benjamin F. Murray,
22d	"	Hans R. Claussen,
23d	"	Alexander B. Ireland,
24th	"	John C. Chambers,
25th	"	Samuel H. Fairall,
26th	"	James P. Ketcham,
29th	"	Benjamin F. Allen,
30th	"	Lewis W. Stewart,
31st	"	John McKean,
32d	"	Ezekiel B. Kephart,
35th	"	Benjamin B. Richards,
36th	"	Albert Boomer,
38th	"	John H. Leavitt,
40th	"	William Larrabee,
41st	"	Samuel H. Kinne,
42d	"	George R. Willett,
43d	"	Alonzo Converse,
44th	"	John E. Burke,
45th	"	George M. Maxwell,
48th	"	Charles Atkins,
49th	"	John J. Russell—31.

Senator McNutt moved that the roll be called, which prevailed, and the roll was called with the following result:

Present—

Senators Atkins, Beardsley, Bemis, Campbell, Claussen, Crary, Dashiell, Dysart, Fitch, Havens, Howland, Kinne, Larrabee, Lowry, McCormack, McIntyre, McNutt, Murray, Read, Russell, Shane, Smith, Taylor, West, Wonn and Young—26.

Absent—

Senators Allen, Boomer, Burke, Chambers, Converse, Dague, Fairall, Gault, Hurley, Ireland, Kephart, Ketcham, Leavitt, Maxwell, McCoid, McCulloch, McKean, Merrill, Miles, Richards, Stone, Stuart, Vale and Willett—24.

INTRODUCTION OF BILLS.

By Senator McNutt: S. F. No. 1, title 1, A bill for an act to revise, amend and codify the statutes in relation to the sovereignty and jurisdiction of the state and the legislative department.

Read first and second time, and referred to committee on judiciary.

The president submitted the following communication from Samuel E. Rankin, ex-treasurer of state:

To Lieut. Gov. H. C. Bulis, President of the Senate:

Sir:—Public rumor has already informed you that the undersigned, who for the last five years was the treasurer of the Agricultural College board, failed at the annual settlement in December last to account for a balance of \$37,393.79 then in his hands.

Painful to me as is this fact, both because of the wrong in itself on my part and because of the present embarrassment caused to the college, yet duty demands from me a public and unequivocal acknowledgment of the wrong and a statement of the facts connected therewith, both of which I herewith make.

To secure to the college board the amount of my deficiency, I have assigned to them all the available property I have in the world, only retaining my household effects and necessary personal property and family clothing, and hope and believe that it is ample to pay them to the last cent.

As treasurer of the college board, it was my duty to hold their funds subject to their order, and during the five years I was their treasurer, their orders upon me were paid promptly upon presentation except for a short time prior to the close of my term.

A few years ago, when times were good and money easy to be obtained on loan, I invested my means in lands and other property, and in business, and borrowed money for the same purpose, and in some cases bought partly on time. Some of these investments did not prove profitable, and especially the business in which I had invested the largest amount, but as money was comparatively easy and I had no difficulty in procuring extension of time on my notes as they became due. I held on to my property believing that in a short time I could dispose of it at a profit, but within the last six months times changed, business became dull, and money scarce. Those to whom I was indebted needed the money and required payment, and relying in part upon promises made to me of money to borrow, and in part upon the belief that I could obtain the money by sale or mortgage of my property, before it would be needed by the college, I used of their funds.

This was my error. I make no attempt to either justify or palliate it. I should have allowed myself to have been driven into bankruptcy rather than to have used the college funds. But that I had any intention of wronging the college out of one dollar of their money I most earnestly and emphatically deny.

The statements made in some of the public journals, charging me with giving this money to others to speculate upon, is wholly false. Not one dollar of the money was loaned, or given, directly or indirectly, to either personal or political friend or enemy, but was expended as hereinbefore stated.

As I have already done all in my power to secure the college against loss, I now wish to meet, and as far as I am able, satisfy any inquiry that is of interest to the General Assembly; and with that end in view, I address you this memorial, asking that the General Assembly make such investigation of this matter as they may deem best, and as will show the exact truth.

Very respectfully,

SAMUEL E. RANKIN.

Des Moines, Iowa, January 15, 1873.

The President submitted the following communication from the Governor:

STATE OF IOWA, EXECUTIVE DEPARTMENT, }
DES MOINES, January 15, 1873. }

To the President of the Senate:

Senators Ketcham, of the Twenty-sixth district, and McKean, of the Thirty-first, having resigned during the recess of the General Assembly, elections were ordered to fill the vacancies.

C. C. CARPENTER.

Senator Lowry moved that J. M. W. Rumble, Senator elect from the 26th senatorial district, be admitted to a seat.

The motion was agreed to, and the following oath of office was administered to Mr. Rumble by the President of the Senate:

You solemnly swear to support the constitution of the United States and of this state, and to perform the duties of senator to the best of your abilities. So help you God.

On motion of Senator Lowry, the Senate adjourned for ten minutes.

Senate called to order by the President.

INTRODUCTION OF BILLS.

By Senator Larrabee: S. F. No. 2, A bill for an act to revise, amend and codify the statutes in relation to revenue.

Read first and second time and referred to committee on ways and means.

By Senator McNutt: S. F. No. 3, A bill for an act to revise, amend and codify the statutes respecting elections and officers.

Read first and second time and referred to committee on elections.

By Senator Larrabee: S. F. No. 4, A bill for an act relating to county, township, town and city governments.

Read first and second time and referred to committee on county and township organizations.

By Senator McNutt: S. F. No. 5, A bill for an act to revise, amend and codify the statutes in relation to the judicial department.

Read first and second time and referred to committee on judiciary.

By Senator Campbell: S. F. No. 6, A bill for an act to revise, amend and codify the statutes in relation to the militia.

Read first and second time and referred to committee on militia.

By Senator McNutt: S. F. No. 7, A bill for an act to revise, amend and codify the statutes in relation to corporations.

Read first and second time and referred to committee on incorporations.

By Senator Dysart: S. F. No. 8, A bill for an act to revise, amend and codify the statutes in relation to highways, ferries and bridges.

Read first and second time and referred to committee on roads and highways.

By Senator Larrabee: S. F. No. 9, A bill for an act to revise, amend and codify the statutes in relation to internal improvements.

Read first and second time and referred to committee on internal improvements.

By Senator Dysart: S. F. No. 10, A bill for an act to revise, amend and codify the statutes in relation to revenue.

Read first and second time and referred to committee on ways and means.

By Senator Murray: S. F. No. 11, A bill for an act to revise, amend and codify the statutes in relation to criminal procedure.

Read first and second time and referred to committee on judiciary.

By Senator McNutt: S. F. No. 12, A bill for an act to, revise, amend and codify the statutes in relation to the domestic relations.

Read first and second time and referred to committee on judiciary.

By Senator Larrabee: S. F. No. 14, A bill for an act to revise, amend and codify the statutes in relation to trade and commerce.

Read first and second time and referred to committee on commerce.

By Senator McNutt: S. F. No. 14, A bill for an act to revise, amend and codify the statutes in relation to the police of the state.

Read first and second time and referred to committee on judiciary.

By Senator Larrabee: S. F. No. 15, A bill for an act to revise, amend and codify the statutes in relation to the executive department.

Read first and second time and referred to committee on constitutional amendments.

By Senator Larrabee: S. F. No. 16, A bill for an act to revise, amend and codify the statutes in relation to the estates of decedents.

Read first and second time and referred to committee on judiciary.

By Senator Larrabee: S. F. No. 17, A bill for an act to revise, amend and codify the statutes in relation to the rights of property.

Read first and second time and referred to committee on judiciary.

By Senator Larrabee: S. F. No. 18, A bill for an act to revise, amend and codify the statutes in relation to discipline and government of prisons, and of the penitentiary, its government and discipline.

Read first and second time and referred to committee on penitentiary.

RESOLUTIONS.

Senator Beardsley offered the following resolution:

Resolved, That a committee of two be appointed to ascertain and report as soon as possible the condition of the work committed to the code commissioners, how much has been completed and printed and what remains yet to be done.

The resolution was adopted.

On motion of Senator Larrabee the President of the Senate was authorized and directed to fill the vacancies in committees.

Senator Shane offered the following concurrent resolution:

WHEREAS, It is alleged that Samuel E. Rankin, late State treasurer, and treasurer of the Agricultural College, has mismanaged the funds of the State, and misappropriated the funds of the Agricultural College; and,

WHEREAS, The interests of the State demand a speedy and complete investigation of said alleged mismanagement and misappropriation of said State and college funds; therefore,

Resolved by the Senate, the House concurring, That a committee of five be appointed, two on the part of the Senate and three on the part of the House, to investigate the official acts of Samuel E. Rankin, as late State treasurer, and also as late treasurer of the Agricultural College, and particularly to investigate any and all of said late State treasurer's alleged acts in regard to investing, loaning and taking care of the funds of the State, and in regard to his alleged defalcation as treasurer of the Agricultural College; and also to investigate the official acts of the trustees of the Agricultural College and Farm.

2d, *Resolved*, That said committee be authorized to administer oaths, to send for persons and papers, to employ a shorthand reporter to record their proceedings, to have leave to sit during the sessions of this General Assembly.

3d, *Resolved*, That the sessions of said committee be public, and that said committee be authorized to have their proceedings printed, and that they report the same to this General Assembly.

On the question, "Shall the concurrent resolution be adopted?" the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Bemis, Campbell, Claussen, Crary, Dashiell, Dysart, Fitch, Havens, Howland, Kinne, Larrabee, Lowry, McCormack, McIntyre, McNutt, Murray, Read, Rumple, Russell, Shane, Smith, Taylor, West, Wonn, and Young.—27.

The nays were none.

Absent or not voting—

Senators Allen, Boomer, Burke, Chambers, Converse, Dague, Fairall, Gault, Hurley, Ireland, Kephart, Leavitt, Lovell, Maxwell, McCoid, McCulloch, Merrill, Miles, Richards, Stone, Stuart, Vale, and Willett.—23.

So the concurrent resolution was adopted.

Senator Lowry offered the following concurrent resolution :

Resolved by the Senate, the House concurring, That a committee of three on the part of the Senate and six on the part of the House, be appointed to investigate the amount of money drawn from the State Treasury, when drawn, and how used since drawn from the treasury by the different state institutions, and the amount expended of the appropriations made by this General Assembly, with power to send for persons and papers.

On the question, "Shall the concurrent resolution be adopted?" the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Bemis, Campbell, Claussen, Crary, Dashiell, Dysart, Fitch, Havens, Howland, Kinne, Larrabee, Lowry, McCormack, McIntyre, McNutt, Murray, Rumple, Russell, Shane, Smith, Taylor, West, Wonn, and Young.—26.

The nays were none.

Absent or not voting—

Senators Allen, Boomer, Burke, Chambers, Converse, Dague, Fairall, Gault, Hurley, Ireland, Kephart, Leavitt, Lovell, Maxwell, McCoid, McCulloch, Merrill, Miles, Read, Richards, Stone, Stuart, Vale, and Willett.—24.

So the concurrent resolution was adopted.

The President announced Senators Beardsley and Russell as the committee to investigate and report upon the condition of the work of the code commissioners.

On motion of Senator Lowry the Senate adjourned until 10 o'clock to-morrow morning.

SENATE CHAMBER,
DES MOINES, IOWA, Jan. 16th, 1873. }

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

Prayer by the Rev. Mr. Krooker.

Journal of yesterday read.

Senator McNutt offered the following resolution :

Resolved, That the journal of yesterday be so amended that the numbers of bills introduced be made to correspond with the numbers of the titles of the prepared code.

The resolution was adopted, and as thus amended the journal was approved.

Senator Lowry, from the committee on credentials, submitted the following report:

MR. PRESIDENT—Your committee on credentials have examined the credentials of the Hon. George W. Lovell, Senator elect to fill vacancy caused by the resignation of the Hon. John McKean, of the 31st district.

ROBERT LOWRY, *Chairman*.

The report was adopted, and the President administered the following oath of office to Mr. Lovill.

You solemnly swear that you will support the constitution of the United States and of the State of Iowa, and to perform the duties of Senator. So help you God.

Senator West offered the following preamble and resolution:

WHEREAS, The journal of the Senate of March 14, 1872, does not show the final passage of S. F. No. 122; and,

WHEREAS, The minutes of that days proceedings show that on motion of Senator McKean the rule was suspended and the bill read a third time; and,

WHEREAS, The minutes show that the yeas and nays were not called on the amendment of Senator Richards, and that the vote on page 316, on Senator Richards' motion, is on the final passage of the bill; therefore,

Resolved, That the journal of that day should be amended as follows: Strike out the words "on the adoption of this amendment the yeas and nays were demanded," and insert the words "which was agreed to."

Insert the words, "On motion of Senator McKean, the rule was suspended and the bill read a third time; on the question shall the bill pass," and after the vote is inserted strike out the words, "so the amendment was adopted," and insert the words "so the bill passed."

Resolved, That this correction be spread upon the journal of to-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 adopted Senate resolution in relation to the defalcation of S. E. Rankin, ex-treasurer of the State of Iowa.

Also the following :

Senate concurrent resolution in relation to the appointment of a committee to investigate the financial management of the various state institutions, with the following amendments.

Strike out "three" on part of the Senate and insert "two."

Strike out "six" on part of the House and insert "three."

And, also, report what further legislation, if any, is needed to secure the funds of the various state institutions from misuse and loss.

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

BENJ. VAN STEINBURG, *First Ass't Clerk*.

Senator Dysart asked and obtained leave to withdraw from the files of the Senate, S. F. No. 10.

Senator Larrabee moved to reconsider the vote by which S. F. No. 1, a bill for an act to revise, amend and codify the statutes in relation to the sovereignty and jurisdiction of the state and legislative departments, was referred to the committee on judiciary, which motion prevailed.

Senator Beardsley, from the special committee on the printing of the code, submitted the following report :

MR. PRESIDENT—Your special committee to whom was referred a resolution requiring information on the condition of the work committed to the code commissioners, beg leave to report that they have had the same under consideration, and have instructed me to report as follows : The work of revising and printing the statutes in bill form, required by law to be completed by the first day of January, 1873, is finished, with these exceptions: Titles 21, 22 and 23 of part 3 are in the hands of the printer, and will be completed to-day or to-morrow. Title 12, part 1, is still in the hands of the commissioners, and will probably be ready for the printer early next week.

CHAS. BEARDSLEY, *Chairman*.

Ordered passed on file.

On motion of Senator Larrabee, the Senate proceeded to consider by sections S. F. No. 1.

Senator Larrabee moved that the "notes" at the close of each section be stricken out, which was agreed to.

Senator West moved to amend the second line of section 8, chapter 2, by striking out the words "and adjourned."

The amendment was adopted.

Senator West moved to amend the sixth line of the eighth section, chapter 2, by striking out the words "or adjourned," on which the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Crary, Dague, Dashiell, Dysart, Fitch, Kephart, Larrabee, Maxwell, McCormack, McCulloch, McNutt, Shane, Smith, West, and Young—21.

The nays were—

Senators Atkins, Claussen, Havens, Howland, Hurley, Kinne, Lovell, Lowry, McIntyre, Murray, Read, Rumple, Russell, Stone, and Taylor—15.

Absent or not voting—

Senators Allen, Converse, Fairall, Gault, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stuart, Vale, Willett and Wonn—14.

So the amendment was adopted.

Senator Ireland was granted leave of absence.

The consideration of S. S. No. 1, was resumed.

Senator West moved to amend chapter 2, section 8, line 8, by striking out the word "seven" and inserting the word "five," on which the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Crary, Dague, Dashiell, Dysart, Lovell, Maxwell, McCormack, McCulloch, McNutt, Read, Shane, Smith and West—19.

The nays were—

Senators Atkins, Claussen, Fitch, Havens, Howland, Hurley, Kinne, Larrabee, Lowry, McIntyre, Murray, Rumple, Russell, Stone, Taylor, Wonn and Young—17.

Absent or not voting—

Senators Allen, Converse, Fairall, Gault, Ireland, Kephart, Leavitt, McCoid, Merrill, Miles, Richards, Stewart, Vale and Willett—14.

So the amendment was adopted.

Senator Campbell moved to amend title 2, section 8, line 7, by striking out the word "eight" and inserting the word "seven," on which the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Crary, Dague, Dashiell, Dysart, Kephart, Lovell, Maxwell, McCormack, McNutt, Read, Rumple, Shane Smith, and West—19.

The nays were—

Senators Atkins, Burke, Claussen, Fitch, Havens, Howland, Hurley, Kinne, Larrabee, Lowry, McCulloch, McIntyre, Murray, Russell, Stone, Taylor, Wonn and Young—18.

Absent or not voting—

Senators Allen, Converse, Fairall, Gault, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stewart, Vale and Willett—13.

So the amendment was adopted.

Senator West moved to amend chapter 2, section 8, line 9, by striking out the word "five" and inserting the word "four," on which the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Crary, Dague, Dysart, McCormack, McCulloch, McNutt, Shane, Smith, and West.—12.

The nays were—

Senators Atkins, Burke, Campbell, Claussen, Dashiell, Fitch, Havens, Howland, Hurley, Kephart, Kinne, Larrabee, Lovell, Lowry, Maxwell, McIntyre, Murray, Read, Rumple, Russell, Stone, Taylor, Wonn, and Young.—24.

Absent or not voting—

Senators Allen, Chambers, Converse, Fairall, Gault, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stuart, Vale, and Willett.—14.

So the amendment did not prevail.

Senator Maxwell moved to amend chapter 2, section 8, line 11, by striking out the word "four" and inserting the word "three," on which the yeas and nays were demanded, and

The yeas were—

Senators Beemis, Boomer, Crary, Maxwell, McNutt, Shane, Smith, and West—8.

The nays were—

Senators Atkins, Beardsley, Burke, Campbell, Chambers, Claussen, Dague, Dashiell, Dysart, Fitch, Havens, Howland, Hurley, Kephart, Kinne, Larrabee, Lovell, Lowry, McCormack, McCulloch, McIntyre, Murray, Read, Rumple, Russell, Stone, Taylor, Wonn, and Young—29.

Absent or not voting—

Senators Allen, Converse, Fairall, Gault, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stuart, Vale, and Willett—13.

So the amendment was lost.

Senator Taylor moved to amend chapter 2, section 8, line 12, by striking out the word "two" and inserting the word "three."

The amendment was lost.

Senator Shane moved to amend chapter 2, section 11, by striking out the words "fines and," on which the yeas and nays were demanded, and

The yeas were—

Senators Dashiell, Dysart, McCormack, Rumple, Shane, and Smith—6.

The nays were—

Senators Atkins, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Crary, Dague, Fitch, Havens, Howland, Hurley, Kephart, Kinne, Larrabee, Lowry, Maxwell, McCulloch, McIntyre, Murray, Read, Russell, Stone, Taylor, West, Wonn and Young—29.

Absent or not voting—

Senators Allen, Converse, Fairall, Gault, Ireland, Leavitt, Lovell, McCoid, McNutt, Merrill, Miles, Richards, Stuart, Vale and Willett—15.

So the amendment did not prevail.

On motion of Senator Shane, the fourth line of section 3, chapter 2, was amended by striking out the letters "E. W." before the word "secretary."

On motion of Senator Larrabee, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Crary, Dague, Dashiell, Dysart, Fitch, Havens, Howland, Hurley, Kephart, Kinne, Larrabee, Lovell, Lowry, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Murray, Read, Rump, Russell, Shane, Smith, Stone, Taylor, West, Wonn, and Young—37.

The nays were none.

Absent or not voting—

Senators Allen, Converse, Fairall, Gault, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stuart, Vale, and Willett—13.

So the bill passed and the title was agreed to.

On motion of Senator Hurley, House messages were taken up.

Senator Lowry moved to concur in the House amendments to concurrent resolution providing for a committee in relation to appropriations for state institutions, which motion prevailed.

Senator Stone offered the following resolution:

Resolved, By the Senate, the House concurring, that the Senate will take under consideration title 1 of the code, as reported by the code commissioners, and each alternate title thereafter, and that the House shall take under consideration title two and each alternate title thereafter until each house has completed the consideration of the matter hereby committed to it.

Neither house shall consider matter hereby submitted to the other, until the same has been reported from the house to which it shall have been committed.

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:

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

BENJ. VAN STIENBURG, *First Ass't Clerk.*

Senator Larrabee moved that when the Senate adjourn it adjourn until 10 o'clock A. M. to-morrow, which was agreed to.

On motion of Senator Larrabee, House messages were taken up.

H. F. No. 1, A bill for an act to revise, amend and codify the statutes in relation to the sovereignty and jurisdiction of the state and the legislative department, was taken up and read first and second time.

On motion of Senator Campbell, the bill was passed on file.

The President announced Senators Shane and McCormack as committee on the part of the Senate on the alleged defalcation of Samuel E. Rankin, late state treasurer and late treasurer of the agricultural college and farm.

The President also announced Senators Lowry and Kinne as committee on the part of the Senate in relation to appropriations and the use thereof by the various state institutions.

At 11.55, on motion of Senator Beardsley, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, IOWA, Jan. 17, 1873. }

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

Prayer by the Rev. J. H. Swope.

Journal of yesterday 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:

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

Also, I herewith return concurrent resolution of the Senate relative to the order of considering the code of both houses, with the

following amendments, in which the concurrence of the Senate is asked:

Strike out the word "one" in the 4th line and insert "two."

Strike out the word "two" in the 8th line and insert "one."

BENJ. VAN STEINBURG, *First Ass't Clerk.*

On motion of Senator Campbell, the secretary was requested not to transmit S. F. No. 1, to the House until further orders.

On motion of Senator Campbell, House messages were taken up.

Senator Lowry moved that the Senate concur in the House amendments to concurrent resolution in relation to the consideration of the various parts of the code, which was agreed to.

H. F. No. 3, A bill for an act to revise, amend and codify the statutes in relation to the judicial department, was taken up, read first and second time, and on motion of Senator McNutt was passed on file.

H. F. No. 1, A bill for an act to revise, amend and codify the statutes in relation to the sovereignty and jurisdiction of the state and the legislative department, was taken up and read first and second time.

Senator West moved to amend chapter 2, section 8, line 2, by striking out the words "and adjourned," on which the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Converse, Crary, Dague, Dashiell, Dysart, Fitch, Kephart, Lovell, Maxwell, McCormack, McCulloch, McNutt, Rumble, Shane, Smith and West—22.

The nays were—

Senators Atkins, Claussen, Howland, Hurley, Kinne, Larrabee, Lowry, McIntyre, Murray, Read, Russell, Stone, Taylor, Wonn and Young—15.

Absent or not voting—

Senators Allen, Fairall, Gault, Havens, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stuart, Vale and Willett—13.

So the amendment was adopted.

Senator West moved to amend chapter 2, section 8, line 6, by striking out the words "or adjourned," which was agreed to.

Senator West moved to amend chapter 2, section 8, line 7, by striking out the word "light" and inserting "seven," on which question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Crary, Dague, Dashiell, Dysart, Kephart, Lovell, Maxwell, McCormack, McCulloch, McNutt, Read, Rumble, [Shane, Smith and West—20.

The nays were—

Senators Atkins, Burke, Claussen, Converse, Fitch, Howland, Hurley, Kinne, Larrabee, Lowry, McIntyre, Murray, Russell, Stone, Taylor, Wonn and Young—17.

Absent or not voting—

Senators Allen, Fairall, Gault, Havens, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stuart, Vale and Willett—13.

So the amendment was adopted.

Senator West moved to amend chapter 2, section 8, line 8, by striking out the word "seven" and inserting "five."

Senator Converse moved to amend the amendment by striking out the word "five" and inserting the word "six," which was disagreed to.

On the adoption of Senator West's amendment, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Crary, Dague, Dashiell, Dysart, Kephart, Lovill, Maxwell, McCormack, McCulloch, McNutt, Read, Shane, Smith and West—20.

The nays were—

Senators Atkins, Claussen, Converse, Fitch, Howland, Hurley, Kinne, Larrabee, Lowry, McIntyre, Murray, Rumple, Russell, Stone, Taylor, Wonn and Young—17.

Absent or not voting—

Senators Allen, Fairall, Gault, Havens, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stuart, Vale and Willett—13.

So the amendment was adopted.

On motion of Senator Larrabee, Senators Leavitt, Willett, Vale, Gault, Stuart and Allen, were granted leave of absence.

Senator Young moved to amend the second line of chapter 2, section 8, by striking out the word "five," and inserting "four."

Senator McNutt moved to amend the amendment by striking out the word "four," and inserting the word "three."

The amendment to the amendment was lost.

On the adoption of Senator Young's amendment the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Campbell, Chambers, Crary, Dysart, Howland, Lovill, Larrabee, McCormack, McCulloch, McIntyre, McNutt, Murry, Read, Rumple, Russell, Shane, Smith, Taylor, West, and Young—22.

The nays were—

Senators Bemis, Boomer, Burke, Claussen, Converse, Dague, Dashiell, Fitch, Hurley, Kephart, Kinne, Stone and Wonn—13.

Absent or not voting—

Senators Allen, Fairall, Gault, Havens, Ireland, Leavitt, Lowry, Maxwell, McCoid, Merrill, Miles, Richards, Stuart, Vale, and Willett—15.

So the amendment was adopted.

Senator McNutt moved to amend the second line of chapter 2, section 8, by striking out the words, "and fifty." On which question the yeas and nays were demanded, and

The nays were—

Senators Atkins, Burke, Campbell, Crary, Dague, Dashiell, Dysart, Howland, Kephart, Lovill, Kinne, Larrabee, McCormack, McIntyre, McNutt, Murray, Read, Rumble, Russell, Shane, Smith, Taylor, West, Wonn, and Young—25.

The nays were—

Senators Beardsley, Bemis, Boomer, Chambers, Claussen, Converse, Fitch, Hurley, Lowry, Maxwell, McColloch, and Stone—12.

Absent or not voting—

Senators Allen, Fairall, Gault, Havens, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stuart, Vale, and Willett—13.

So the amendment was adopted.

Senator West moved to amend the ninth line of chapter 2, section 8, by striking out the word "five," and inserting the word "four."

Senator Howland moved to amend the amendment by striking out the word "four," and inserting the word "three," which was disagreed to.

On the adoption of the amendment the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Chambers, Crary, Dague, Dysart, Lovill, Maxwell, McCormack, McCulloch, McNutt, Shane, Smith, and West—16.

The nays were—

Senators Atkins, Campbell, Claussen, Converse, Dashiell, Fitch, Howland, Hurley, Kephart, Kinne, Larrabee, Lowry, McIntyre, Murray, Read, Rumble, Russell, Stone, Taylor, Wonn, and Young—21.

Absent or not voting—

Senators Allen, Fairall, Gault, Havens, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stewart, Vale, and Willett—13.

So the amendment was lost.

Senator Stone moved to amend the fourth line of chapter 2, section 8, by adding the following after the word "session":

And the members of the Fourteenth General Assembly shall each refund one-half of his per diem received at its last session; the object of this section being to allow Senators whose terms will expire before the meeting of the Fifteenth General Assembly to afford a more conspicuous example of their economical inclinations.

Senator Shane raised the point of order that the amendment proposed by Senator Stone was out of order, from the fact that it was retrospective in its provisions.

The President declined to decide the point of order, from the fact that it was a constitutional and not a parliamentary question.

On the adoption of the amendment the yeas and nays were demanded, and

The yeas were—

Senators Converse, Howland, Kinne, McCormack, McIntyre, Murray, Read, Rumple, Russell, Smith, Stone, Taylor, and Wonn—13.

The nays were—

Senator Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Crary, Dague, Dashiell, Dysart, Fitch, Hurley, Kephart, Larrabee, Lovill, Lowry, Maxwell, McCulloch, McNutt, Shane, West and Young—23.

Absent or not voting—

Senators Allen, Atkins, Fairall, Gault, Havens, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stuart, Vale, and Willett—14.

So the amendment was lost.

Senator Beardsley moved to amend the 14th line of chapter 2, section 8, by inserting after the word "for" the words "stationery (except as above provided,)" which was agreed to.

On motion of Senator Beardsley, section 8, chapter 2, was amended by striking out the words "except for stationery," at the end of the section.

Senator Maxwell moved to amend the 11th line of chapter 2, section 8, by striking out the words "and their assistants," which was agreed to.

Senator Chambers moved to amend chapter 2, section 8, by striking out of the 9th line the words "to the engrossing and enrolling clerks five dollars per day each," and insert in the 9th line after the word "Senate" the words "and engrossing and enrolling," which amendment was adopted.

On motion of Senator Shane, the letters "E" and "W" before the "Secretary" were stricken out.

Senator Beardsley moved to amend the 13th line of chapter 2, section 8, by striking out the word "as" before the word "manner," which was agreed to.

Senator Stone offered the following amendments:

1. The board of supervisors of each county shall, at their January meeting, select two newspapers having the largest circulation, or one, if but one be published in their respective counties, one side of which shall be actually set up, imposed, and the press work done in the county where the same is dated and issued from a printing office actually provided and equipped with the material necessary to print a newspaper, in which shall be published all the public laws passed by the General Assembly, and such special or

local laws as are applicable within such county, and the county auditor shall immediately certify to the secretary and auditor of state the names of the papers so selected. It shall be unlawful for such board to select any newspaper of any other description than as above provided.

2. In counties having a population exceeding eighteen thousand inhabitants, as shown by the last preceding census, in which a newspaper as defined in the preceding section is printed in a foreign language, one such newspaper in addition, having the largest circulation, shall be selected.

3. The secretary of state shall furnish the publishers of such papers printed slips of all the public laws and such special or local laws as are applicable within each county for publication therein.

Senator McNutt offered the following as a substitute for Senator Stone's amendment :

The Secretary of State shall cause to be published two hundred thousand copies of the session laws in pamphlet form, at a cost not to exceed thirty-five cents per copy, and shall forward them to the county clerks of each county, in proportion to its population, so that a copy of such laws shall be placed in each family, as far as practicable. Such publication and distribution shall be made within ninety days after the adjournment.

Pending the consideration of which Senator Beardsley, by unanimous consent, moved that all bills heretofore referred to committees, be returned to the secretary, and that he distribute them in accordance with the terms of the concurrent resolution adopted by the General Assembly, which motion prevailed.

The consideration of Senator McNutt's substitute was resumed.

Senator McNutt's substitute was lost.

On the adoption of Senator Stone's amendment, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Burke, Claussen, Converse, Dague, Fitch, Hurley, Kephart, Kinne, Larrabee, McCormack, McIntyre, Murray, Read, Russell, Shane, Stone and Taylor—18.

The nays were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Crary, Dashiell, Dysart, Howland, Lovill, Lowry, Maxwell, McCulloch, McNutt, Rumble, Smith, West, Wonn and Young—19.

Absent or not voting—

Senators Allen, Fairall, Gault, Havens, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stuart, Vale and Willett—13.

So the amendment was lost.

At 12 M. the President declared the Senate adjourned until 2:30

P. M.

AFTERNOON SESSION.

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

The President announced the following appointments on committees :

Ways and Means—Senator Lovill.

Judiciary—Senator Rumble.

Schools—Senator Lovill.

Claims—Senator Rumble.

Commerce—Senator Lovill.

Public Buildings—Senator Rumble.

Internal Improvements—Senator Lovill.

Engrossed Bills—Senator Rumble.

Congressional Districts—Senator Lovill.

Penitentiary—Senator Rumble.

Senator Campbell, from the committee on military, submitted the following report :

MR. PRESIDENT—Your committee on military, to whom was referred S. F. No. 6, A bill for an act to revise, amend and codify the statutes in relation to the militia, 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.

F. T. CAMPBELL, *Chairman.*

Ordered passed on file.

The Senate resumed the consideration of S. F. No. 1.

Senator McIntyre moved to reconsider the vote by which the word "five" in the 2d line of section 8, chapter 2, was stricken out and the word "four" inserted, and also to reconsider the vote by which the words "and fifty" were stricken out.

The motion to reconsider prevailed.

The question recurring on the motion to strike out the word "five," and insert "four," and to strike out the words "and fifty," the motion was lost.

Senator McIntyre moved to reconsider the vote by which the word "seven" was stricken out of the 8th line of section 8, chapter 2, and the word "five" inserted.

The motion to reconsider prevailed.

Senator Young moved to amend the amendment by striking out the word "five" and inserting the word "six," which prevailed, and the amendment as amended was agreed to.

On 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 Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fitch, Howland, Kephart, Lovill, Larrabee, Lowry, Maxwell, McCulloch, McIntyre, McNutt, Read, Rumble, Shane, Smith, West, Wonn, and Young—29.

The nays were—

Senators Atkins, Havens, Hurley, Kinne, McCormack, Murray, Russell, Stone and Taylor—9.

Absent or not voting—

Senators Allen, Fairall, Gault, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stewart, Vale, and Willett—12.

So the bill passed and the title was agreed to.

On motion of Senator Larrabee, the Senate proceeded to the consideration of title 2, S. F. No. 2, "A bill for an act to revise, amend and codify the statutes in relation to the executive department."

On motion of Senator Larrabee the secretary was directed to erase the printed notes and references.

Senator Beardsley moved to refer the bill to the committee on ways means.

Which motion did not prevail.

Senator Shane moved to amend the first line of section 4, chapter 2, by inserting the words "or arson" after the word "murder."

Which motion was agreed to.

Senator Cambell moved to amend the first line of Sec. 1, chapter 4, title 2, by inserting after the word "government" the words "and all unappropriated funds belonging to the State."

Which amendment was disagreed to.

On motion of Senator McNutt the Senate took a recess of ten minutes.

AFTER RECESS.

Senate met pursuant to adjournment, S. F. No. 2 being under consideration.

Senator McNutt moved to amend section 11 by adding after the word "state," in the 13th line, "*Provided*, That the state hereby expressly reserves and retains the right to regulate and control the rates for fare and transportation of any railroad company which has under any act of the General Assembly accepted lands from the State under such reservations."

Senator Stone raised the point of order that the amendment was not germane to the subject under consideration, and also that it was new business.

The President decided the points of order were not well taken.

On the adoption of the amendment the yeas and nays were demanded, and

The yeas were—

Senators Campbell, Chambers, Converse, Crary, Dague, Dysart, Kephart, Lowry, Maxwell, McCormick, McCulloch, McNutt, Rumble, Shane, Taylor and West—16.

The nays were—

Senators Beardsley, Bemis, Boomer, Burke, Claussen, Havens, Hurley, Kinne, Larrabee, Lovill, Murray, Read, Russell, Smith, Stone, Wonn and Young—17.

Absent or not voting—

Senators Allen, Atkins, Dashiell, Fairall, Fitch, Gault, Howland, Ireland, Leavitt, McCoid, McIntyre, Merrill, Miles, Richards, Stewart, Vale and Willett—17.

So the amendment was lost.

Senator McNutt moved to amend the first line of ninth section, chapter 6, title 2, by striking out the words "small pica" and inserting the words "long primer," which was agreed to.

Also, in third line, to strike out the words "fifteen hundred" and insert the words "seventeen hundred and fifty" which amendment was adopted.

Also, to insert after the word "matter" the words, "and all rule and figure work shall be printed either in brevier or minion type, as may be directed by the officer ordering the work," which was agreed to.

Senator McNutt moved to amend the first line of section 11 by inserting after the word "certify" the words "under oath," which amendment was adopted.

Senator McNutt moved to amend section 11 by adding thereto the words, "and no work shall be paid for until such certificate shall be furnished," on the adoption of which the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Converse, Crary, Dague, Dysart, Havens, Kephart, Lovill, Kinne, Lowry, Maxwell, McCormack, McCulloch, McNutt, Read, Russell, Shane and West—23.

The nays were—

Senators Atkins, Claussen, Fitch, Howland, Hurley, Larrabee, McIntyre, Murray, Rumble, Smith, Stone, Taylor, Wonn and Young—14.

Absent or not voting—

Senators Allen, Dashiell, Fairall, Gault, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stuart, Vale and Willett—13.

So the amendment was adopted.

Senator West offered the following substitute for section 1, chapter 6, title 2:

A state printer shall be chosen by the qualified electors, at the

general election in 1873, and each odd numbered year thereafter, and shall hold his office two years from the time he enters upon the duties of such office.

The substitute was lost.

Senator Larrabee moved to amend the 4th line of section 10, chapter 8, by adding the word "attorney-general" after the word "instruction," which was agreed to.

On motion of Senator Larrabee, the 7th and 8th lines of section 10, chapter 8, was amended by striking out the words "shall be signed by the secretary of state."

On motion of Senator Beardsley, the 4th line of section 1, chapter 10, was amended by striking out the words "out of the state."

Senator West moved to amend the 8th line of section 10, by inserting after the word office, where it occurs the second time, the words, "and each newspaper in the state," which amendment was agreed to.

On motion of Senator Howland, the rule was suspended and the bill read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dysart, Fitch, Havens, Howland, Kephart, Lovill, Kinne, Larrabee, Lowry, Maxwell, McCulloch, McIntyre, McNutt, Murray, Reed, Rumble, Russell, Smith, Stone, Taylor, West, Wonn and Young—34.

The nays were—

Senator Hurley—1.

Absent or not voting—

Senators Allen, Dashiell, Fairall, Gault, Ireland, Leavitt, McCoid, McCormack, Merrill, Miles, Richards, Shane, Stuart, Vale and Willett—15.

So the bill passed and the title was agreed.

Senator Dashiell was granted leave of absence.

At 4:45, on motion of Senator Howland, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, IOWA, Jan. 18, 1873. }

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

Prayer by Rev. Mr. Davis.

Journal of yesterday was read and approved.

By leave, Senator McNutt offered the following concurrent resolution:

Resolved by the Senate, the House of Representatives concurring: That the joint committee heretofore appointed to investigate the official acts of Samuel E. Rankin, late state treasurer, etc., be and is hereby authorized to use the telegraph for such witnesses as may be living at a distance from the capital, and that the bills for such telegraphing be certified by the chairman of said committee, and audited and paid by the state treasurer.

The resolution was adopted.

On motion of Senator Kephart, bills on second reading were taken up.

H. F. No. 3, "A bill for an act to revise, amend and codify the statutes in relation to the judicial department," was taken up and read a first and second time.

Senator Campbell moved to amend the first line of section 1, chapter 1, title 3, by striking out all after the word "government," on which question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Campbell, Chambers, Crary, Dague, Dysart, Maxwell, McCormack, McCulloch, McNutt, Murray, Shane, Smith, West, and Young—15.

The nays were—

Senators Atkins, Bemis, Boomer, Burke, Claussen, Converse, Fitch, Havens, Howland, Hurley, Kephart, Kinne, Larrabee, Lovill, Lowry, McIntyre, Read, Rumble, Russell, Stone, Taylor, and Wonn—22.

Absent or not voting—

Senators Allen, Dashiell, Fairall, Gault, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stuart, Vale, and Willett—13.

So the amendment was lost.

Senator Hurley moved to amend section 4, chapter 2, by striking out all after the word "shall" in the second line, and inserting the following: "Be held at the next term of each court, unless transferred by agreement of parties to some other place named in section 1 hereof."

The amendment was adopted.

Senator Read moved to amend the second line of section 8, chapter 1, title 3, by inserting after the word "authority," the words, "nor shall the same, nor the opinions of the judges therein be published in the reports." Lost.

On motion of Senator Hurley, the second line of section 2, chapter 4, title 3, was amended by inserting after the word "prepare" the words, "for publication."

Senator Hurley moved to amend the fifth line of section 6, chapter 4, title 3, by inserting after the word "thereof," the words "and one copy to each county in the state," which amendment was agreed to.

On motion of Senator McNutt, the sixth line of section 6, chapter

4, title 3, was amended by striking out the word "eighty," and inserting the word "twenty."

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:

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

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

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The consideration of H. F. No. 3 was resumed.

On motion of Senator Hurley the 2d line of section 4, chapter 5, title 3, was amended by striking out after the word "judges" the words "together with the district attorney."

Senator Hurley moved to amend section 14, chapter 5, title 3, by striking out all after the word "judges" in the 2d line, which was agreed to.

On motion of Senator Shane the 7th line of section 19, chapter 5, was amended by inserting after the word "state" the words "each of the judges of the supreme court."

Senator Rumble moved to amend section 5, chapter 7, title 3, by adding thereto the following: "a book in which an index of all liens in the district or circuit court shall be kept," which was agreed to.

On motion of Senator Burke, the 1st line of section 8, chapter 7, was amended by inserting after the word "make" the words "in the appearance docket," which amendment was adopted.

Also, to amend the 2d line of same section and chapter by striking out the word "pleas" and inserting the word "petition," which was also adopted.

On motion of Senator Stone, the 8th line of section 1, chapter 8, title 3, was amended by striking out the word "venue" and inserting the words "place of trial."

Senator Hurley moved to amend the 10th section of chapter 9, title 3, by adding thereto the following: "or written contract with the party for whom services were rendered," which was agreed to.

By leave, Senator Stone offered the following resolution:

Resolved, That the reading of the sections of the bills be dispensed with, except in cases where a Senator offers an amendment to the section called; and except also, cases where sections of the printed copy have been amended by the House. In all cases not hereby excepted, the secretary shall merely call the number of the section.

On the adoption of this resolution, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Bemis, Campbell, Chambers, Crary, Larrabee Murray and Stone—8.

The nays were—

Senators Beardsley, Boomer, Claussen, Converse, Dysart, Fitch, Havens, Howland, Hurley, Kephart, Kinne, Lovill, Lowry, Maxwell, McCormack, McCulloch, McNutt, Read, Rumple, Russell, Shane, Smith, Taylor, West, Wonn and Young—26.

Absent or not voting—

Senators Allen, Burke, Dague, Dashiell, Fairall, Gault, Ireland, Leavitt, McCoid, McIntyre, Merrill, Miles, Richards, Stuart, Vale, and Willett—16.

So the resolution was lost.

Senator Rumple moved to amend the first and second lines of section 5, chapter 11, title 3, by striking out the words "have the right to," which amendment was agreed to.

Also, to amend the 3d line of same section, chapter and title, by inserting after the word "officer" the words "or other officer authorized to administer oaths," which was adopted.

On motion of Senator Howland the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dysart, Fitch, Havens, Howland, Hurley, Kephart, Lovill, Kinne, Larrabee, Lowry, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Murray, Read, Rumple, Russell, Shane, Smith, Stone, Taylor, West, Wonn and Young—37.

The nays were none.

Absent or not voting—

Senators Allen, Dashiell, Fairall, Gault, Ireland, Leavitt, McCoid, Merrill, Miles, Richards, Stuart, Vale and Willett—13.

So the bill passed and the title was agreed to.

Senators McCoid and Kephart were granted leave of absence.

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:

Requesting the attorney-general to conduct the examination of witnesses before the alleged defalcation of Samuel E. Rankin.

Also, I herewith return concurrent resolution of the Senate, with the following amendment, in which the concurrence of the Senate is asked:

Insert after the word "treasurer," etc., in sixth line, the words, "and committee on finances of the state."

BENJ. VAN STEINBURG, *First Assistant Clerk.*

On motion of Senator McNutt, House messages were taken up. Senator McNutt moved that the Senate concur in the House amendments to the concurrent resolution in relation to the alleged defalcation of Samuel E. Rankin, late treasurer of the agricultural college and farm.

The motion prevailed.

The House concurrent resolution requesting the attorney-general to conduct the examination of witnesses who may testify before the committee appointed to investigate the alleged defalcation of Samuel E. Rankin, was taken up and considered.

Senator Stone moved to amend by striking out the word "conduct" and inserting the words "assist in," which amendment was adopted.

On the adoption of the resolution as amended, the yeas and nays were demanded, and

The yeas were—

Senators Burke, Claussen, Crary, Dague, Fitch, Havens, Howland, Hurley, Kephart, Lovill, Larrabee, Maxwell, McIntyre, Read, Rumble and Young—16.

The nays were—

Senators Atkins, Beardsley, Bemis, Boomer, Campbell, Chambers, Converse, Dysart, Kinne, Lowry, McCulloch, McNutt, Murray, Russell, Smith, Stone, Taylor, West and Wonn—19.

Absent or not voting—

Senators Allen, Dashiell, Fairall, Gault, Ireland, Leavitt, McCoid, McCormack, Merrill, Miles, Richards, Shane, Stuart, Vane and Willett—15.

So the motion to concur in the resolution was lost.

H. F. No. 5, "A bill for an act to revise, amend and codify the statutes respecting elections and officers," was taken up, read first and second times and referred to committee on elections.

H. F. No. 7, "A bill for an act to revise, amend and codify the statutes in relation to highways, ferries and bridges," was taken up, read first and second time and referred to committee on roads.

On motion of Senator Larrabee, the Senate proceeded to the consideration of title 4.

Senator McIntyre moved to amend the second line of section 11, chapter 4, by striking out the word "two" and inserting the word "three."

Which was disagreed to.

On motion of Senator Larrabee the second line of section 12, chapter 1, was amended by inserting after the word "it" the words "or his agent."

Senator Shane moved to amend section 12, chapter 1, by adding thereto the following proviso:

"*Provided*, That after the first day of January, 1874, no county shall fund its indebtedness."

Pending the consideration of which the President declared the Senate adjourned until 9 o'clock A. M. Monday.

SENATE CHAMBER,
Des Moines, January 20, 1873. }

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

Prayer by the Rev. Mr. Sparr.

Journal of Saturday read and approved.

Senator Claussen moved to reconsider the vote by which H. F. No. 3, "A bill for an act to revise, amend and codify the statutes in relation to the judicial department, was passed."

Which motion prevailed.

Senator Claussen moved to reconsider the vote by which the bill was ordered to a third reading.

Which was agreed to.

On motion of Senator Claussen, the seventh section of chapter 10, was amended by adding thereto the following: "Or empanel a jury from the bystanders."

On motion of Senator Claussen the rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Chambers, Claussen, Converse, Crary, Dysart, Fairall, Fitch, Howland, Hurley, Lovill, Kinne, Larrabee, Lowry, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Read, Rumble, Russell, Shane, Smith, Stone, Taylor, West, Wonn, and Young—32.

The nays were none.

Absent or not voting—

Senators Allen, Atkins, Campbell, Dague, Dashiell, Gault, Havens, Ireland, Kephart, Leavitt, McCoid, Merrill, Miles, Murray, Richards, Stuart, Vale, and Willett—18.

So the bill passed and the title was agreed to.

By leave, Senator Lowry offered the following resolution:

WHEREAS, In the constitution of the United States, power is vested in Congress to regulate commerce among the several states; and

WHEREAS, The unreasonable, unjust and oppressive charges of

the various railroad companies, whose roads form lines of commerce, extending from state to state, have in many states of the Union, become grievously oppressive by their exorbitant charges and unjust discriminations; therefore,

Be it resolved by the Senate, the House concurring: That our Senators and Representatives in Congress, be instructed to vote for a bill to correct the abuses and regulate the rates of transportation of freight and passengers.

Senator Beardsley moved to refer the resolution to the committee on commerce, and on this question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Burke, Chambers, Claussen, Converse, Crary, Dague, Dysart, Fairall, Fitch, Howland Hurley, Lovill, Kinne, Maxwell, McCullouch, McIntyre, McNutt, Read, Rumble, Russell, Shane, Taylor, West, and Wonn—25.

The nays were—

Senators Bemis, Boomer, Larrabee, Lowry, McCormack, Smith, Stone, and Young—8.

Absent or not voting—

Senators Allen, Atkins, Campbell, Dashiell, Gault, Havens, Ireland, Kephart, Leavitt, McCoid, Merrill, Miles, Murray, Richards, Stuart, Vale, and Willett—17.

So the motion to refer prevailed.

Senator McNutt offered the following resolution:

Resolved, That bills on their second reading be held over one day before being put on their third reading.

The Senate refused to adopt the resolution.

The Senate resumed the consideration of S. F. No. 4, chapter 1, title 4, A bill for an act relating to county, township, town and city government, which was under consideration at the hour of adjournment.

The question being on the adoption of Senator Shane's proviso to section 12, by leave it was withdrawn.

Senator Maxwell moved to amend by striking out all of section 12 down to and including the word "petition" in the 4th line.

Senator Fairall moved to refer section 12 to the committee on county and township organizations, which motion prevailed, and the bill was so referred.

Senator McNutt from the committee on elections submitted the following report:

MR. PRESIDENT—Your committee on elections, to whom was referred H. F. No. 5, A bill for an act to revise, amend and codify the statutes respecting elections and officers, 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 pass on file.

SAMUEL McNUTT, *Chairman.*

On motion of Senator McNutt, the bill and report was taken up and considered.

On motion, the bill was considered by sections.

On motion of Senator Burke, the 1st line of section 18 was amended by inserting after the word "peace" the words "and two constables."

On motion of Senator Hurley, section 19 was amended by striking out all in relation to "road supervisors."

Senator Fitch moved to amend section 20, chapter 1, by striking out the words, "but if in such case the township includes an incorporated town, then two, at least, of each of said officers shall reside in such town."

The amendment was adopted.

Senator Fairall moved to amend the 6th line of section 4, chapter 2, by striking out the words "they shall be" and inserting the word "their," and adding the letter "s" to the word "session."

Also, to strike out after the word "sessions" the words "for this purpose," and in the 7th line after the word "deemed" to insert the words "the lists and," both of which amendments were agreed to.

Senator McCormack moved to amend the 9th section of chapter 2, by striking out "six" and inserting "ten," which motion did not prevail.

Senator Shane moved to amend section 4, chapter 3, and first line by striking out the words "and two clerks."

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

The amendments were adopted.

On motion of Senator Beardsley, section 20, chapter 3, was amended by striking out all after the word "election."

Senator Hurley moved to amend the 3d line of section 29, chapter 3, by inserting the word "third" before the word "day," which was disagreed to.

On motion of Senator Taylor, section 32, chapter 3, was amended by striking out the word "sixth" and inserting the word "third" in the first line of section, and in the second line by striking out the word "seventh" and inserting the word "fourth."

On motion of Senator Larrabee the same section was amended by striking out the words "an allowance" at the end of section.

Senator McIntyre moved to amend the same section by striking out the words "out of the county treasury," and inserting the words "by the officer in default."

The amendment did not prevail.

Senator Rumble moved to amend section 32, chapter 3, by inserting the words "day of" in the first blank.

Which was agreed to.

Senator Fairall moved to amend section 2, chapter 4, by striking out the words "the presiding officer of such convention or any judge of court of record," and inserting the words "judge of the supreme court."

The amendment was adopted.

On motion of Senator Larrabee, section 4, chapter 4, was amended by adding the following words thereto: "unless elected by the people, shall be appointed by the governor."

Senator McNutt moved to amend section 9, chapter 5, by inserting before the word "five" the words "not less than." Also, to insert the same words in the third line, before the word "ten." Also, to strike out in the fourth line the words "one hundred" and insert the words "not less than three hundred."

Senator Maxwell moved to amend the last amendment by striking out the word "three" and inserting "five."

Pending the consideration of which, at 12 m., the President declared the Senate adjourned until 2:30 P. M.

AFTERNOON SESSION.

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

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 S. F. No. 15, title 2, A bill for an act to revise, amend and codify the statutes in relation to the executive department, with the following amendments, in which the concurrence of the Senate is asked:

Add to section 7, chapter 5: "subject to prior rights accrued without notice."

In section 9, chapter 6, strike out "minion" and insert "non-pareil."

In section 12, chapter 10, add to the end of third line "by him or."

Add to same section: "And it shall be the duty of the Governor to so inspect the funds in the state treasury at least once in thirty days."

Insert after "attorney general" in the 4th line, section 10, chapter 8, the words "state librarian."

BENJ. VAN STEINBURG, *First Ass't Clerk.*

By leave, Senator Russell offered the following resolution:

Resolved, That while the Senate is considering any bill reported by the House, an amendment may be offered to any section of any chapter at any time while such chapter is under consideration, provided that the bill shall have been first considered by sections.

The resolution was adopted.

On motion of Senator Hurley, Senator Merrill was granted leave of absence for one week.

On motion of Senator Beardsley, House messages were taken up.

Senator Larrabee moved that the Senate concur in the House amendments, except the one making it the duty of the Governor to monthly inspect the books, moneys, etc., in the state treasury.

On the question of concurrence,

The yeas were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Clausen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Howland, Hurley, Lovill, Kinne, Larrabee, Lowry, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Read, Rumble, Russell, Shane, Smith, Stone, Taylor, West, Wonn, and Young—34.

The nays were none.

Absent or not voting—

Senators Allen, Atkins, Burke, Gault, Havens, Ireland, Kephart, Leavitt, McCoid, Merrill, Miles, Murray, Richards, Stuart, Vale, and Willett—16.

So the Senate concurred in the House amendments, except as above noted.

Senator Fairall moved to amend the House amendment in relation to the inspection of books, vouchers, etc., in the state treasurer's office, by striking out the word "thirty," and inserting "ninety," which was agreed to.

On the question of concurring in the House amendment as amended,

The yeas were—

Senators Boomer, Campbell, Chambers, Dague, Dashiell, Dysart, Fairall, Fitch, Hurley, Lovill, Kinne, Lowry, Maxwell, McCulloch, McIntyre, Rumble, Russell, Shane, Smith, Stone, Taylor, and Wonn—22.

The nays were—

Senators Beardsley, Bemis, Claussen, Converse, Crary, Howland, McNutt, Read, West, and Young—10.

Absent or not voting—

Senators Allen, Atkins, Burke, Gault, Havens, Ireland, Kephart, Larrabee, Leavitt, McCoid, McCormack, Merrill, Miles, Murray, Richards, Stuart, Vale, and Willett—18.

The amendment, not having received a constitutional majority, was lost.

Senator McNutt moved to reconsider the vote by which the Senate refused to concur in the House amendments, which motion prevailed.

Senator McNutt moved to reconsider the vote by which Senator Fairall's amendment was adopted, which was agreed to.

By unanimous consent, Senator Fairall withdrew his amendment.

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:

Authorizing the Governor and register of the state land office to procure from the commissioner of the general land office at Washington, D. C., certified lists of lands on which are conflicting claims.

Also, the House has concurred in Senate amendments to House File No. 1.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The Senate resumed the consideration of House amendment.

Senator Beardsley moved to amend the House amendment by adding, "and it shall be the duty of the Governor to see that such inspection of the office of state treasurer is made at least four times in every twelve months," which amendment was adopted.

On the question, "Shall the Senate concur in the House amendment as amended?"

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Howland, Hurley, Lovill, Larrabee, Lowry, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Rumble, Russell, Shane, Smith, Stone, Taylor, West, Wonn and Young—32.

The nays were—

Senators Converse, Kinne and Read—3.

Absent or not voting—

Senators Allen, Atkins, Gault, Havens, Ireland Kephart, Leavitt, McCoid, Merrill, Miles, Murray, Richards, Stuart, Vale, and Willett—15.

So the Senate concurred in the House amendment as amended.

The Senate then resumed the consideration of H. F. No. 5, title 5, chapter 5, section 3, the question being on Senator Maxwell's amendment to Senator McNutt's amendment to strike out "three" and insert "five."

The amendment to the amendment was lost.

Senator McNutt's amendment was then adopted.

Senator McNutt moved to insert the words "not less than" in all the lines relating to the bonds of state officers, which was agreed to.

On motion of Senator Young, the 13th, 14th, 15th, 16th and 17th lines of section 9, were stricken out, and after the word "treasurer" in the 18th line the words "clerks of the district and circuit courts, county recorders, coroners, county surveyors, and township assessors," were inserted.

On motion of Senator Read, the 20th line of section 9 was amended by inserting after the word "treasurer" the words "clerk of the district and circuit courts, auditor."

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

The amendment was adopted.

On motion of Senator Dysart, the 16th section was amended by striking out "three" and inserting "five" in the last line of the section.

On motion of Senator Larrabee, the 1st line of section 16 was amended by striking out "three" and inserting "ten."

Senator Beardsley moved to amend by striking out of the 4th line of section 16 all after the word "election," which was agreed to.

Senator Burke moved to amend section 11, chapter 5, by adding the following thereto: "But in case the board of supervisors should decide that a bond which is to be approved by them is insufficient, or such bond is not approved the first day of the session, then a reasonable time, not to exceed five days, is to be allowed the officer elect to supply a sufficient bond or approve the same," which was agreed to.

On motion of Senator Fairall, the 3d line of section 8, chapter 6, was amended by striking out the words "and bond."

On motion of Senator Taylor, the 4th line of section 20, chapter 6, was amended by striking out all after the word "costs."

On motion of Senator Fairall, section 3, chapter 7, was amended by striking out the word "other" in the 1st line thereof.

Senator Claussen moved to amend the first and second lines of section 14, by striking out the words "Whenever in the judgment of the governor the public services require it, he shall appoint a committee of competent accountants, who shall examine," and insert the following: "It shall be the duty of the governor to appoint a commission of three competent and safe accountants, who shall every three months, and at such other times as in his judgment the public interest or safety may demand, make an examination of."

Which amendment the Senate refused to adopt.

Senator Larrabee moved to amend section 15, chapter 7, by inserting after the word "aforesaid," in the first line, the words, "or under the provisions of section 12, chapter 10, title 2 of this code."

Which was agreed to.

On motion of Senator Read, the second line of section 9, chap. 6, was amended by inserting after the word "elections" the words "who shall be sworn in the manner and form as petit jurors are in the trial of civil actions."

Senator Read moved to amend section 10, chapter 7, by striking out the word "accuser."

To which the Senate refused to agree.

On motion of Senator Lowry, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fitch, Howland, Hurley, Lovell, Kiune, Larrabee, Lowry, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Read, Rumpel, Russell, Shane, Smith, Stone, Taylor, Wonn, and Young—33.

The nays were none.

Absent or not voting—

Senators Allen, Atkins, Fairall, Gault, Havens, Ireland, Kephart, Leavitt, McCoid, Merrill, Miles, Murray, Richards, Stuart, Vale, West, and Willett—17.

So the bill passed and the title was agree.

At 4:35 P. M., on motion of Senator Howland, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, IOWA, Jan. 21, 1873. }

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

Prayer by the Rev. Mr. Davis.

Journal of yesterday read, corrected and approved.

Senator Lovell, from the committee on commerce, submitted the following report:

MR. PRESIDENT—Your committee on commerce, to whom was referred the resolution instructing the Senators and Representatives to Congress from this state to vote for a bill to regulate the rates of freight on railroads, herewith return the same with amendments, and would recommend the adoption of the resolution as amended.

GEO. W. LOVELL, *Chairman.*

Senator Campbell, 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. 4, a bill for an act relating to county, township, town and city government, 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 12 of chapter 1 and insert the following :

Sec. 12. Whenever bonds issued under this act shall be duly executed, numbered consecutively and sealed, they shall be delivered to the county treasurer, and his receipt taken therefor, and he shall stand charged on his official bond with all bonds delivered to him, and the proceeds thereof, and it shall be his duty to sell the same or exchange them on the best available terms, for any legal indebtedness of the county outstanding, on the first day of January, 1872, but in neither case for a less sum than the face value of the bonds, and all interest accrued on them at the date of such sale or exchange. And if any portion of the said bonds are sold for money, the proceeds thereof shall be applied exclusively to the payment of liabilities existing against the county at and before the date above-named when they are exchanged for warrants and other legal evidences of county indebtedness, by endorsing on the face thereof the amount for which they were received, the word "canceled" and the date of cancellation; he shall also keep a record of bonds sold or exchanged by him by number, date of sale, amount, date of maturity, the name and postoffice address of the purchasers, and if exchanged what evidences of indebtedness were received therefor; which record shall be open at all times to inspection by the public. Whenever the holder of any bond shall sell or transfer it, the purchaser shall notify the treasurer of such purchase, giving at the same time the number of the bond transferred, and his postoffice address, and every such transfer shall be noted on the record. The treasurer shall also report under oath to the board at each regular session. A statement of all bonds sold or exchanged by him since preceding report and the date of such sale or exchange; and where exchanged, a list or description of the county indebtedness exchanged therefor, and the amount of accrued interest received by him on such sale or exchange, which latter sum shall be as moneys received on bond fund and so entered by him in his books.

Strike out section 14, chapter 2, and insert the following:

Sec. 14. The board of supervisors shall, at its January session of each year, select two newspapers published within the county, or one, if but one be published therein, having the largest circulation, in which the proceedings of said board shall be published at the expense of the county, and in counties having 18,000 inhabitants a paper in a foreign language, if published in said county, shall also be selected, in which such proceedings shall be published, and the

auditor shall furnish such papers selected a copy of such proceedings for that purpose; *Provided*, that the cost of such publication shall not exceed one-third the rate allowed by law for legal advertisements.

Strike out of chapter 8, section 7, "where it is not now done."

Strike out of section 33, chapter 9, all after the word "officers" in the 3th line.

Strike out all of section 40, chapter 10.

Strike out the word "fifty" in the 2d line of section 66, chapter 10, and insert "forty-five."

Strike out the word "county" in the 3d line of section 10, chapter 11, and insert "a competent."

And that so amended it do pass.

F. T. CAMPBELL, *Chairman pro tem.*

Ordered passed on file.

Senator Young presented a memorial from the society of Friends in relation to capital punishment.

Referred to the committee on judiciary.

On motion of Senator Campbell, title 4 and the report of the committee thereon was taken up and considered.

Senator Burke moved to amend the substitute to section 12 as reported by the committee, by striking out "May" and inserting "January," which was agreed to.

The substitute as amended was adopted.

Senator Dysart moved to amend section 1, chapter 2, and second line, by striking out "seven" and inserting "six," which amendment was adopted.

Senator McNutt moved to amend section 1, chapter 2, by adding thereto the following proviso:

Provided, That any county may elect one member from every civil township therein, having a population of less than six thousand inhabitants, and one supervisor for each additional six thousand inhabitants or fraction thereof. After the first election, their terms of office shall be determined by lot, so that one-third, as near as may be, shall be elected annually; and in such counties the pay of members shall be two dollars and fifty cents per day.

On the adoption the proviso the yeas and nays were demanded, and

The yeas were—

Senators Converse, Dysart, Howland and McNutt—4.

The nays were—

Senators Atkins, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Crary, Dague, Dashiell, Fairall, Fitch, Gault, Havens, Hurley, Kinne, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCulloch, McIntyre, Miles, Read, Rumble, Russell, Smith Stone, Taylor, West, Wonn and Young—34.

Absent or not voting—

Senators Allen, Ireland, Kephart, Leavitt, McCormack, Merrill, Murray, Richards, Shane, Stuart, Vale and Willett—12.

So the amendment did not prevail.

Senator Rumble moved to amend the eleventh line of section 8, chapter 2, by striking out the word "one," and inserting "two," to which the Senate refused to agree.

Senator Campbell moved to amend chapter 2, section 10, by striking out of the last line the words "twenty-five," and inserting "fifteen."

Senator McNutt moved to amend the amendment by striking out "fifteen," and inserting "ten," which was agreed to.

Senator Campbell's 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 concurred in Senate amendment to House amendment to S. F. No. 15, title 2.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The consideration of chapter 2, title 4, was resumed.

On motion of Senator Hurley, the 58th line of section 10, was amended by striking out the word "fifteen," and inserting "twelve."

Senator West moved to amend the 13th section by inserting after the word "notices," in the third line the following: "Together with the proceedings of all meetings of the board of supervisors," which was disagreed to.

Senator Chambers moved to amend section 13, by striking out all after the word "published," in the third line.

On the adoption of this amendment the yeas and nays were demanded, and

The yeas were—

Senators Boomer, Campbell, Chambers, Converse, Dashiell, Dysart, and Havens—7.

The nays were—

Senators Atkins, Beardsley, Bemis, Burke, Claussen, Crary, Dague, Fairall, Fitch, Gault, Howland, Hurley, Kinne, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCulloch, McIntyre, McNutt, Miles, Read, Rumble, Russell, Smith, Stone, Taylor, West, Wonn, and Young—31.

Absent or not voting—

Senators Allen, Ireland, Kephart, Leavitt, McCormack, Merrill, Murray, Richards, Shane, Stuart, Vale, and Willett—12.

So the Senate refused to adopt the amendment.

Senator Stone moved to amend the substitute offered by the committee, by inserting after the word "county," "and all general laws, not including this code, at the expense of the state," to which the Senate refused to agree.

The substituted was then adopted.

Senator McCoid moved to amend section 15, chapter 2, by adding thereto the following: "The chairman of the board of supervisors and the county auditor shall have the power at any time, to make an examination of the books, accounts and funds in the hands and under the control of the county treasurer, and they shall do so at least four times in each year.

Senator Taylor moved to amend the amendment by striking out the words "and the county auditor."

The amendment to the amendment was lost.

Senator Burke moved to amend the amendment by striking out all after the word "treasurer," which amendment was also lost.

Senator McNutt moved to amend the amendment by adding the following thereto: "But nothing herein contained shall relieve the board of supervisors from their duty to settle with the treasurer as now provided by law."

The amendment to the amendment was defeated.

Senator McIntyre moved to amend the amendment by striking out the words "chairman of the board of supervisors and county auditor," and insert the words "sureties of the county treasurer," which was adopted.

Senator McCoid moved to reconsider the vote by which the Senate adopted Senator McIntyre's amendment, which motion did not prevail.

On the adoption of Senator McCoid's amendment as amended,

The yeas were—

Senators McIntyre and Wonn—2.

The nays were—

Senators Atkins, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Gault, Havens, Howland, Hurley, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCulloch, McNutt, Miles, Read, Rump, Russell, Smith, Stone, Taylor, West, and Young—35.

Absent or not voting—

Senators Allen, Ireland, Kephart, Kinne, Leavitt, McCormack, Merrill, Murray, Richards, Shane, Stuart, Vale and Willett—13.

So the amendment was not adopted.

On motion of Senator Fairall section 6 was amended by adding thereto the following: "and there shall be annually elected the number requisite to keep the board full."

Senator McNutt moved to amend section 6 by inserting after the word "seven" in the 2d line, the following: "or one from each civil township having a population of not less than 6,000 inhabitants, and one additional supervisor for every fraction over 6,000 inhabitants."

The amendment was lost.

Senator Dysart moved to amend section 6, by inserting the word "may," in the first line, "and shall when petitioned to do so by one-fourth of the electors of said county."

On the adoption of which, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Chambers, Claussen, Converse, Crary, Dysart, Fairall, Fitch, Gault, Havens, Howland, Lovell, Kinne, McCulloch, McNutt, Read, Rumple, West, and Wonn—21.

The nays were—

Senators Atkins, Burke, Campbell, Dague, Dashiell, Hurley, Larrabee, Lowry, Maxwell, McCoid, McIntyre, Miles, Russell, Smith, Stone, Taylor, and Young—17.

Absent or not voting—

Senators Allen, Ireland, Kephart, Leavitt, McCormack, Merrill, Murray, Richards, Shane, Stuart, Vale and Willett—12.

So the Senate refused to adopt the amendment.

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.

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

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Fairall moved to amend section 2, chapter 3, by inserting before the word "one" the words "at least."

Which was agreed to.

Senator Campbell moved to amend section 1, chapter 4, by adding after the word "supervisors," in the fourth line, the words "or any member thereof."

To which the Senate refused to agree.

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:

Empowering the committees on enrolled bills of both houses to employ such additional force as they may deem necessary.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The Senate proceeded to consider chapter 7, title 4.

On motion of Senator Fairall, section 7 was amended by striking out of the last line the words, "so help you God."

On motion of Senator Fairall, the same words were stricken out of the 9th section.

Senator Taylor moved to amend section 20 by striking out of the second line the word "may" and inserting the word "shall," which was agreed to.

The amendment reported by the committee on township and county organization, to strike out of section 7, chapter 8, the words "where it is not now done," was adopted.

Senator Russell moved to amend section 15, chapter 7, by inserting the following after the word "justice" where it occurs the second time in the second line: "Such justice shall cause an information to be filed against him, and the same proceedings to be had as in other cases under information."

The amendment was adopted.

Senator McNutt moved to amend section 11, chapter 9, by adding thereto the following: "and the electors may vote a tax at any general election for the purpose of erecting a town hall."

The amendment was lost.

Senator Larrabee moved to amend section 11 by striking out all down to the word "where" in the second line, which was agreed to.

Pending the consideration of which, Senator Fairall, by leave, offered the following resolution:

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

The resolution was adopted.

On motion of Senator Converse, House messages were taken up.

On motion of Senator Hurley, the House concurrent resolution in relation to additional clerical force for the committee on enrolled bills was referred to the committee on judiciary.

The House concurrent resolution in relation to the adjustment of conflicting claims upon the state arising under the several railroad grants of land, the swamp land grant, etc., was taken up, read, and on motion of Senator Beardsley was referred to the committee on public lands.

The Senate resumed the consideration of title 4, chapter 9, pending the consideration of which, at 12 m., the President declared the Senate adjourned until 2:30 p. m.

AFTERNOON SESSION.

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

Senator Converse, from the committee on enrolled bills, submitted the following report:

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

A. CONVERSE, *Chairman.*

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:

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

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The consideration of S. F. No. 4 was resumed.

Senator Russell moved to strike out section 32, chapter 9, which motion did not prevail.

Senator Young moved to amend the 4th line of section 32, chapter 9, by striking out the word "theft."

The amendment was lost.

On motion of Senator Russell, the first line of section 33, chapter 9, was amended by striking out the word "three" and inserting "seven."

Senator Larrabee moved to amend the 9th line of section 33, chapter 9, by striking out the words "has not been adopted or has been repealed," and inserting the words "is not in force," which amendment was adopted.

The committee amendment, to strike out of section 9, the word "officers" in the 8th line, was lost.

Senator Young moved to amend section 37, by striking out of the 1st line the words "shall be a board of health, and, as such," which was agreed to.

Also, to strike out of the 4th line of same section, the words "as such board," which was also adopted.

Senator Taylor moved to amend section 39, by striking out the word "board" in the 1st and 6th lines, and inserting the word "trustees" in place thereof, which was agreed to.

Also, to amend the 1st and 2d lines of section 40, by striking out

the word "board" and inserting the word "trustees" which amendment was adopted.

Senator McIntyre moved to amend the 2d line of section 41, chapter 9, by striking out the words "board of health" and inserting the word "trustees," which amendment was adopted.

Also, to amend the 2d and 5th lines of section 42, by striking out the words "board of health" and inserting the word "trustees," which motion prevailed.

Senator Burke moved to amend section 42, 1st line, by inserting after the word "expenses" the words "now or hereafter," and also to insert after the word "powers" in the first line, the word "heretofore," which was agreed to.

Senator Hurley moved to amend section 12, chapter 9, by striking out all after the word "elected," in the 2d line and down to and including the word "town" in the 4th line.

Senator McCoid moved to refer section 12 to the committee on incorporations, to which the Senate refused to agree.

Senator Larrabee moved to proceed with the consideration of the bill, and that section 12 be passed for the present, which motion prevailed.

Senator Beardsley offered the following:

Sec. 11. When any incorporated city shall desire to annex to such corporation any abutting and contiguous territory thereto which is not embraced within the limits of any city, and which territory has been laid out in lots or parcels containing two acres or less, the council of such corporation may present to the circuit court of the county in which such city is situated a petition setting forth the facts and describing the territory that is desired to be annexed, and that the same has been laid out as above mentioned, together with the names of each owner of any portion of such territory, without describing at length, if there is more than one such owner, the particular portion of such territory owned by each, which petition shall have attached thereto a map or plat of such territory. A notice of the filing of such petition shall be served on each of said owners in the same manner as is required in ordinary actions, and the corporation shall be plaintiff and said owners defendants, and issues joined and the cause tried in the ordinary manner as far as applicable, except that no judgment for costs shall be rendered against any defendant who does not make any defense. If the court finds the allegations of the petition to be true, and that justice and equity requires that said territory or any part thereof should be annexed to such corporation, a decree shall be entered accordingly, and from the time of entering such decree the territory therein described shall be included in and become a part of such corporation.

The section was adopted.

Senator Beardsley moved to amend section 12 by striking out all of section down to and including the word "elected," and inserting the following:

When any incorporated city or town shall desire to be annexed to another and contiguous city or town, the council or trustees of each of such cities or towns shall appoint three commissioners to arrange and report to such council or trustees respectively the terms and conditions on which the proposed annexation can be made; and if the council or trustees of each of said cities or towns approve of the terms and conditions proposed, they shall by proper ordinance so declare, and thereupon the council or trustees of each of such cities or towns, by ordinance passed at least one month prior to the general annual election therein, may submit the question of such annexation upon the said terms and conditions so proposed to the electors of their respective cities or towns; and if a majority of the electors of each vote in favor of such annexation, the council or trustees of each shall, by proper ordinance, so declare.

The amendment was adopted.

Senator Russell moved to amend section 29, chapter 10, by adding thereto the words, "No more than one such election shall be held in the same year."

The amendment was adopted.

Senator Lowry moved to amend section 35, by inserting after the word "coal" the word "grain," in the fifth line.

Which was lost.

The recommendation of the committee to strike out section 40 was disagreed to.

Senator Howland moved to amend section 41, by inserting after the word "regulate" the words "freights on railroads."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Converse, Dysart, Howland, Maxwell, Shane and West—6.

The nays were—

Senators Atkins, Beardsley, Boomer, Burke, Campbell, Chambers, Claussen, Crary, Dague, Fairall, Gault, Hurley, Larrabee, Lovell, Lowry, McCoid, McCulloch, McIntyre, McNutt, Miles, Stone, Taylor, Wonn and Young—24.

Absent or not voting—

Senators Allen, Bemis, Dashiell, Fitch, Havens, Ireland, Kephart, Kinne, Leavitt, McCormack, Merrill, Murray, Read, Richards, Rumple, Russell, Smith, Stuart, Vale and Willett—20.

So the Senate refused to adopt the amendment.

Senator Campbell moved to amend section 42 by striking out all after the word "liquors," in the fourth line.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Burke, Campbell, Claussen, Crary, Hurley, Larrabee, Maxwell, McCoid, McIntyre, Rumple, Shane, Smith, and Wonn—13.

The nays were—

Senators Atkins, Beardsley, Boomer, Chambers, Converse, Dague, Dysart, Fairall, Fitch, Gault, Howland, Kinne, Lovell, Lowry, McCormack, McCulloch, McNutt, Miles, Read, Russell, Stone, Taylor, West, and Young—24.

Absent or not voting—

Senators Allen, Bemis, Dashiell, Havens, Ireland, Kephart, Leavitt, Merrill, Murray, Richards, Suart, Vale, and Willett—13.

So the amendment was defeated.

Senator Claussen moved to amend section 42 by striking out the words, "not prohibited by the laws of this state," and inserting the words, "subject to the laws relating thereto."

On the adoption of this amendment the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Burke, Claussen, Crary, Fairall, Fitch, Gault, Hurley, Kinne, Larrabee, Lowry, Maxwell, McCormack, McIntyre, Russell, Stone, Taylor, and Wonn—18.

The nays were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Howland, Lovell, McCoid, McCullough, McNutt, Miles, Read, Rumble, Shane, Smith, West, and Young—20.

Absent or not voting—

Senators Allen, Bemis, Havens, Ireland, Kephart, Leavitt, Merrill, Murray, Richards, Stuart, Vale, and Willett—12.

So the amendment was not adopted.

On motion of Senator Taylor, the second line of section 42 was amended by inserting after the word "regulate," the words "licence and tax."

Also, to amend the third line of same section by adding after the word "regulate," the words "licence and tax."

Senator Campbell demanded a division of the question, and the question being on inserting the word "licence," it was lost.

The words "and tax" were then inserted as above proposed.

Senator Taylor moved to amend the 4th line of section 42, by inserting after the word "regulate," the words "licence and tax."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Claussen, Crary, Fairall, Kinne, Lowry, McCormack, Russell, Taylor, and Wonn—9.

The nays were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Fitch, Gault, Howland, Hurley, Larrabee, Lovell, Maxwell, McCoid, McCulloch, McIntyre, McNutt, Miles, Read, Rumble, Shane, Smith, Stone, West, and Young—28.

Absent or not voting—

Senators Allen, Atkins, Burke, Havens, Ireland, Kephart, Leavitt, Merrill, Murray, Richards, Stuart, Vale and Willett—13.

So the amendment was lost.

Senator McCoid moved to amend the 20th line of section 48, by striking out the words "district or."

The amendment was not adopted.

On motion of Senator McCoid the vote by which the amendment was lost was reconsidered.

The amendment was then adopted.

Senator Larrabee moved to dispense with the reading of the sections except by numbers, to which the Senate agreed.

Senator Campbell moved to reconsider the vote by which Senator Larrabee's motion was adopted, which motion prevailed.

Senator Campbell moved to amend Senator Larrabee's motion by adding the words "unless Senators call for the reading," which amendment was accepted by Senator Larrabee.

On the adoption of the motion as amended the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Converse, Crary, Dague, Dashiell, Fairall, Gault, Howland, Hurley, Lovell, Kinne, Larrabee, Lowry, Maxwell, McCormack, McCulloch, McIntyre, Miles, Russell, Smith, Stone, and Young—28.

The nays were—

Senators Claussen, Dysart, Fitch, McCoid, McNutt, Read, Rumble, Shane, Taylor, West, and Wonn—11.

Absent or not voting—

Senators Allen, Havens, Ireland, Kephart, Leavitt, Merrill, Murray, Richards, Stuart, Vale, and Willett—11.

So the motion as amended was agreed to.

By leave, Senator Fairall offered the following resolution:

Resolved, That hereafter no bill be acted upon by the Senate until referred to, considered and reported back by a committee.

Pending the consideration of which, at 5 o'clock P. M., the President declared the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, IOWA, Jan. 22d, 1873. }

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

Prayer by the Rev. Mr. Davis.

Journal of yesterday read and approved.

On motion of Senator Lowry, the report of the committee on commerce, was taken up, and the joint resolution in relation to congressional legislation on railroad freights, together with the amendments reported by the committee, was read.

Senator Converse moved to refer the resolution to the committee, on railroads, which was disagreed to.

The Senate refused to concur in the amendments reported by the committee.

Senator McIntyre moved to strike all after the word "whereas," which motion was lost.

Senator Stone offered the following substitute for the resolution:

Joint resolution relative to commerce by railroads in the United States:

WHEREAS, the constitution of the United States vests in Congress the power to regulate commerce among the states; and

WHEREAS, the regulation of freight charges made by railroad companies, whose lines extends from one state to another state, is properly included within such power; and

WHEREAS, the exorbitant charges made by many of the railroad companies of the United States, and particularly by those who have lines in the state of Iowa, have become grievously oppressive to the people.

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 favor of and to vote for some bill which will correct the existing abuses and grant the relief so much needed.

Senator West offered the following amendment:

WHEREAS, the proposed relief from railroad oppressions and extortions, asked of by Congress, is likely to be distant and uncertain; and

WHEREAS, the people of each state have the power to regulate and control the corporations created by them; therefore,

Resolved, That this General Assembly ought not to adjourn until it has passed a stringent law regulating freight and passenger tariffs on the railroads within this state, and thus at once give the people the relief which they demand at our hands.

Senator Stone raised the point of order, that his substitute related to the power of Congress to regulate the rates of freight on all railroads, while Senator West's amendment related to the power of the General Assembly.

The President decided the point of order not well taken.

On the adoption of Senator West's amendment the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse,

Dague, Dashiell, Dysart, Gault, Kephart, Maxwell, McCormack, McCulloch, McNutt, Rumble, Shane and West—17.

The nays were—

Senators Atkins, Bemis, Claussen, Crary, Fitch, Havens, Howland, Hurley, Kinne, Larrabee, Lovell, Lowry, McCoid, McIntyre, Miles, Read, Russell, Smith, Stone, Stuart, Taylor, Wonn and Young—23.

Absent or not voting—

Senators Allen, Burke, Fairall, Ireland, Leavitt, Merrill, Murray, Richards, Vale and Willett—10.

So the amendment was lost.

Senator Larrabee offered the following amendment:

“And also to secure liberal appropriations for the improvement of the navigation of the Mississippi, Wisconsin and Fox rivers.”

On the adoption of the amendment the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Burke, Claussen, Crary, Fitch, Gault, Howland, Hurley, Lovell, Kinne, Larrabee, Lowry, Maxwell, McCulloch, McIntyre, Miles, Russell, Stone, Stuart, Taylor, Wonn and Young—22.

The nays were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Havens, Kephart, McCoid, McCormack, McNutt, Read, Rumble, Shane, Smith and West—19.

Absent or not voting—

Senators Allen, Fairall, Ireland, Leavitt, Merrill, Murray, Richards, Vale and Willett—9.

So the Senate adopted the amendment.

The question being on the adoption of the substitute as amended Senator McNutt moved to amend by adding thereto “Des Moines and Cedar Rapids.”

The amendment was lost.

Senator Beardsley offered the following amendment to the substitute:

Resolved, That in thus memorializing Congress, we do not surrender the right of the General Assembly of this state to regulate and control freight and passenger tariffs on railroads within its borders, but declare it to be the imperative duty of the General Assembly to pass appropriate laws to secure this end.

Senator Stone demanded a division of the question.

That part of the amendment down to and including the word “borders” was adopted.

On the adoption of the remaining part of the amendment the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Con-

verse, Dague, Dashiell, Dysart, Gault, Kephart, Lowry, Maxwell, McCormack, McColloch, McNutt, Miles, Rumble, Shane, and West—20.

The nays were—

Senators Atkins, Bemis, Claussen, Crary, Fitch, Havens, Howland, Hurley, Kinne, Larrabee, Lovell, McCoid, McIntyre, Read, Russell, Smith, Stone, Stuart, Taylor, Wonn and Young—21.

Absent or not voting—

Senators Allen, Fairall, Ireland, Leavitt, Merrill, Murray, Richards, Vale, and Willett—9.

So the last clause of the amendment was lost.

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 Senate amendments to H. F. No. 5, except amendment to section 19, chapter 1, and has appointed a committee of conference on part of the House consisting of Messrs. Close, Draper and Leahy.

Also, the House has adopted the concurrent resolution relative to the employment of a clerk for the committee on financial affairs of the state.

BENJ. VAN STEINBURG, *First Asst Clerk.*

The consideration of Senator Stone's substitute was resumed.

Senator Larrabee moved the previous question.

The motion was seconded and the main question ordered.

On the adoption of Senator Stone's substitute as amended, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Bemis, Burke, Claussen, Crary, Dashiell, Dysart, Fitch, Gault, Howland, Hurley, Lovell, Kinne, Larrabee, Maxwell, McCormack, McIntyre, Miles, Rumble, Russell, Shane, Smith, Stone, Stuart, Taylor, Wonn, and Young—27.

The nays were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Dague, Havens, Kephart, Lowry, McCoid, McCulloch, McNutt, Read, and West—14.

Absent or not voting—

Senators Allen, Fairall, Ireland, Leavitt, Merrill, Murray, Richards, Vale, and Willett—9.

So the substitute was adopted.

On motion, 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 Atkins, Beardsley, Bemis, Boomer, Burke, Campbell

Chambers, Claussen, Crary, Dague, Dashiell, Dysart, Fitch, Gault, Howland, Hurley, Kephart, Lovell, Kinne, Larrabee, Lowry, Maxwell, McCoid, McCulloch, McIntyre, McNutt, Miles, Rumble, Russell, Smith, Stone, Stuart, Taylor, West, Wonn and Young—36.

The nays were—

Senators Converse, Havens, and Read—3.

Absent or not voting—

Senators Allen, Fairall, Iæland, Leavitt, McCormack, Merrill, Murray, Richards, Shane, Vale and Willett—11.

So the joint resolution passed and the title was agreed to.

Senator Hurley, from the committee on judiciary, to whom was referred the House concurrent resolution in relation to additional clerical force for the committee on enrolled bills, reported the same back with the recommendation that it do pass.

The report of the committee was adopted and the resolution passed.

On motion of Senator Larrabee, Senator Fairall's resolution, under consideration at the hour of adjournment yesterday, was laid on the table.

The consideration of title No. 4, chapter 10, was resumed.

Senator McCoid moved to amend the first line of section 60, by striking out the word "foregoing" and inserting the words "three preceding sections."

Which amendment was adopted.

The amendments proposed to section 66, by the committee were adopted.

On motion of Senator McNutt, the second line of section 79 was amended by striking out the word "five" and inserting the word "three."

Senator Campbell moved to amend the fifth line of section 80, by striking out the word "shall" and inserting the word "may."

To which the Senate refused to agree.

Senator McCoid moved to amend section 85, by striking out all after the word "mayor," in the fourth line.

The amendment was lost.

On motion of Senator Beardsley, section 85 was amended by striking out the words "all cities and" and inserting the words "each city or," and striking out the letter "s" from the word "towns," in the fourth line.

Senator McCoid moved to amend section 94 by striking out the words "appointed by the trustees," in the first line, and insert the words "shall be elected at the general election."

The amendment was lost.

Senator McCoid moved to amend section 111 by inserting after the word "elect," in the first line, the words "a city marshal." And in the fourth line by striking out the word "marshal."

The amendment was lost.

On motion of Senator Larrabee, section 131, to the close of the chapter, was made to constitute a new chapter to be numbered 11.

On motion of Senator McNutt, section 35 was amended by inserting after the word "street," in the 4th line, the words, "to regulate the speed of trains and locomotives on railroads running over the streets or through the limits of the city or incorporated towns by ordinance, and enforce the same by fine not less than two hundred dollars."

Senator Hurley offered the following substitute for section 12, chapter 9:

Section 12. In any township in which is situated a city, two township assessors shall be elected at the general election in each year, one of whom shall be a resident of such city, and the other shall be a resident of the township outside of such city, and each in the discharge of his duties as assessor shall be confined to that portion of the township in which he resides, as hereinbefore provided.

The substitute was adopted.

Senator Chambers moved to amend sec. 11, chapter 9, by striking out the word "two" and inserting in the third line the word "one."

The amendment was lost.

Senator McCoid moved to reconsider the vote by which the Senate refused to strike out of section 85, chapter 10, the words "mayor or," in the fourth line.

The motion to reconsider did not prevail.

The amendments reported by the committee to section 10, chapter 12, were adopted.

Senator Stuart moved to amend section 10, chapter 12, by inserting after the word "surveyor," in the third line, the words "city engineer."

To which the Senate refused to agree.

Senator Hurley moved to amend the first line of section 11, chapter 12, by striking out the word "county" before the word "surveyor" in the first line.

To which the Senate agreed.

Senator Larrabee moved to strike out sections 10, 11, and 12, of chapter 12.

Senator McNutt moved that when the Senate adjourn it be until 9 o'clock to-morrow morning.

Which motion prevailed.

Senator Campbell moved to postpone the hour of adjournment 20 minutes.

Senator Larrabee moved to amend by striking out "20 minutes" and inserting "one hour."

Which was disagreed to.

Senator Campbell's motion was then adopted.

On motion of Senator Beardsley, chapter 12 was referred to the committee on county and township organization.

Senator Larrabee moved to reconsider the vote by which the 13th section of chapter 1 was adopted.

The motion to reconsider prevailed.

Senator Larrabee moved to amend chapter 1, section 13, by inserting after the word "issued" the words "in conformity with the provisions of this chapter."

Which was agreed to.

Senator Campbell moved to amend section 6, by inserting after the word "years" in the 6th line, the words, "in any county where the number of supervisors has been increased to five or seven the board of supervisors, on the petition of one-fourth of the legal voters of the county, shall submit to the qualified voters of the county, at any regular election, the question, "shall the number of supervisors be reduced to 'five?' or 'three?' If a majority of the votes cast shall be for the decrease, then the board of supervisors shall be reduced to the number indicated by such vote.

The amendment was adopted.

Senator Stuart moved to amend section 22, chapter 9, by striking out all after the word "year" in the third line,

Which was lost.

Senator Maxwell moved to amend section 11, chapter 12, by striking out the word "seven" and inserting "three," which was disagreed to by the Senate.

Senator Hurley offered the following :

Resolved, by the Senate, the House concurring, That there be a committee of two on the part of the Senate, and three on the part of the House, to prepare and report a bill to provide for the publication of the code.

The resolution was adopted.

On motion of Senator Howland, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, IOWA, Jan. 23, 1873. }

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

Prayer by the Rev. W. J. Gill.

Journal of yesterday read and approved.

On motion of Senator Campbell, House messages were taken up.

H. F. No. 5, A bill for an act to revise, amend and codify the statutes respecting elections, was taken up and considered.

Senator Campbell moved that the Senate recede from its amendment to section 19, chapter 1, title 5.

On this question,

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Clausen, Converse, Crary, Dague, Dashiell, Dysart, Gault, Havens, Howland, Kephart, Lovell, Larrabee, Lowry, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Miles, Murray, Read, Rumble, Russell, Smith, Stone, Stuart, Taylor, West and Wonn—34.

The nays were—

Senator Shane—1.

Absent or not voting—

Senators Allen, Atkins, Chambers, Fairall, Fitch, Hurley, Ireland, Kinne, Leavitt, McCoid, Merrill, Richards, Vale, Willett and Young—15.

So the Senate receded from its amendment.

H. F. No. 9, A bill for an act to revise, amend and codify the statutes in relation to incorporations, was taken up.

Read first and second time and referred to committee on incorporations.

Senator Howland offered the following resolution:

Resolved, That hereafter no Senator shall be permitted to speak more than once on the same subject.

The resolution was not adopted.

By leave, Senator Lowry presented a petition asking the repeal of the law making a two and a-half per cent tax on life insurance companies.

Senator Havens from the committee on county and township organization submitted the following report:

MR. PRESIDENT—Your committee on county and township organization, to whom was recommitted chapter 12, of title 4, with instructions to restore the "old law," respectfully report that duty performed in accordance with instructions.

J. W. HAVENS, *Chairman*.

The report of the committee, together with title 4, was taken up and considered.

Senator Larrabee moved to strike out section 15, to which the Senate refused to agree.

The substitute for section 12, as reported by committee was adopted.

On motion of Senator Beardsley the following was added as section 19, chapter 12:

"SEC. 19. None of the provisions of this chapter shall be construed to require replatting in any case where plats have been made and recorded, in pursuance of any law heretofore in force."

Senator Larrabee moved to reconsider the vote by which the Senate adopted section 2, chapter 12, to which motion the Senate agreed.

Senator Larrabee moved to amend section 17, chapter 12, title 4, by striking out the words "the same to be surveyed, and the," and insert the words "to be" in place thereof.

Also, to strike out the word "survey," and insert "plat."

Both amendments were adopted.

On motion of Senator Burke, "survey" was stricken out of the 11th line and "plat" inserted.

On motion of Senator Stuart, the word "surveying," was stricken out of the last line of section.

Senator Larrabee moved to amend section 18, by striking out the word "survey and" wherever it occurs in the section.

The amendment was adopted.

Senator Stuart moved to reconsider the vote by which the Senate adopted section 1.

The motion to reconsider did not prevail.

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, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Converse, Crary, Dague, Dashiell, Dysart, Fitch, Gault, Havens, Howland, Hurley, Kephart, Lovell, Larrabee, Lowry, Maxwell, McCoid, McCulloch, McIntyre, McNutt, Miles, Rumble, Smith, Stone, Stuart, Taylor, Wonn and Young—34.

The nays were—

Senators Claussen and Read—2.

Absent or not voting—

Senators Atkins, Fairall, Ireland, Kinne, Leavitt, McCormack, Merrill, Murray, Richards, Russell, Shane, Vale, West and Willett—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 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 :

H. F. No. 13, A bill for an act to revise, amend and codify the statutes in relation to the rights of property.

Also, the House has passed the following resolution in which the concurrence of the Senate is asked :

Requiring the attorney-general of the state to prosecute Samuel E. Rankin as provided by law.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The Senate then proceeded to the consideration of S. F. No. 2, chapter 1, title 6.

Senator McNutt moved to amend section 1 by striking out the words "and one-half," in the 4th line.

The amendment did not prevail.

Senator Kephart moved to amend section 1 by striking out the words "and a half" in the 3d line, and the word "four" in the 4th line, and inserting "three."

The amendment was defeated.

Senator Larrabee moved to amend section 2 by striking out "1,000" in the 20th line and inserting "100."

Senator Beardsley moved to amend the amendment by striking out "100" and inserting "200."

The amendment to the amendment was lost.

Senator Burke moved to amend the amendment by striking out "100" and inserting "500," on which the yeas and nays were demanded, and

The yeas were—

Senators Allen, Boomer, Burke, Claussen, Fitch, Howland, Hurley, Kephart, Lowry, Maxwell, McCoid, McIntyre, Miles, Read, Rumple, Russell, Stuart, and Taylor—18.

The nays were—

Senators Atkins, Beardsley, Bemis, Campbell, Chambers, Crary, Dashiell, Dysart, Gault, Havens, Larrabee, Lovell, McCulloch, McNutt, Murray, Smith, Stone, West, Wonn and Young—20.

Absent or not voting—

Senators Converse, Dague, Fairall, Ireland, Kinne, Leavitt, McCormack, Merrill, Richards, Shane Vale, and Willett—12.

So the amendment to the amendment was lost.

Senator Hurley moved to amend the amendment by striking out all after the word "listing" in the 19th line, down to and including the word "family" in the 20th line, on which the yeas and nays were demanded, and

The yeas were—

Senators Boomer, Burke, Claussen, Howland, Hurley, McCoid, McIntyre, Miles, Murray, Read, Rumple, and Taylor—12.

The nays were—

Senators Atkins, Beardsley, Bemis, Campbell, Chambers, Crary, Dashiell, Dysart, Fitch, Gault, Havens, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCulloch, McNutt, Smith, Stone, Stuart, West, Wonn, and Young—24.

Absent or not voting—

Senators Allen, Converse, Dague, Fairall, Ireland, Kinne,

Leavitt, McCormack, Merrill, Richards, Russell, Shane, Vale and Willett.—14.

So the amendment to the amendment was lost.

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:

Requesting the secretary of state to furnish the newly elected members of the House and Senate with copies of laws, journals and documents, delivered to members of this General Assembly.

BENJ. VAN STEINBURG, *First Ass't Clerk*.

The consideration of H. F. No. 2, was resumed.

Senator Kephart moved to amend the amendment by striking out "100" and inserting "400," on which the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Boomer, Burke, Claussen, Converse, Fitch, Kephart, Lowry, Maxwell, McCoid, McIntyre, Miles, Read, Rumple, Russell, Smith, Stuart, Taylor, and West—20.

The nays were—

Senators Beardsley, Bemis, Campbell, Chambers, Crary, Dashiell, Dysart, Gault, Havens, Howland, Hurley, Kinne, Larrabee, Lovell, McCulloch, McNutt, Murray, Stone, Wonn and Young—20.

Absent or not voting—

Senators Dague, Fairall, Ireland, Leavitt, McCormack, Merrill, Richards, Shane, Vale, and Willett—10.

The vote being a tie, the President voted yea, and the amendment to the amendment was adopted.

On Senator Larrabee's amendment as amended the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Bemis, Campbell, Chambers, Crary, Dashiell, Dysart, Fitch, Gault, Havens, Lovell, Kinne, Larrabee, McCulloch, McNutt, Miles, Murray, Smith, Stone, Stuart, Wonn, and Young—23.

The nays were—

Senators Allen, Boomer, Burke, Claussen, Converse, Howland, Hurley, Kephart, Lowry, Maxwell, McCoid, McIntyre, Read, Rumple, Russell, Taylor, and West—17.

Absent or not voting—

Senators Dague, Fairall, Ireland, Leavitt, McCormack, Merrill, Richards, Shane, Vale, and Willett—10.

So the amendment as amended was adopted.

Senator Maxwell moved to amend section 2 by inserting after the word "furniture" the words "five stands of bees."

The amendment was lost.

Senator Larrabee moved to amend section 2, by striking out "five" and inserting "one," in the 29th line.

Senator Beardsley moved to amend the amendment by striking out "one" and inserting "two hundred and fifty," on which the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Campbell, Claussen, Converse, Fitch, Gault, Kephart, Maxwell, Read, Stone, Stuart, and West—12.

The nays were—

Senators Allen, Atkins, Bemis, Boomer, Burke, Chambers, Crary, Dashiell, Dysart, Havens, Howland, Hurley, Kinne, Larrabee, Lovell, Lowry, McCoid, McCulloch, McIntyre, McNutt, Miles, Murray, Rumple, Russell, Smith, Taylor, Wonn and Young—28.

Absent or not voting—

Senators Dague, Fairall, Ireland, Leavitt, McCormack, Merrill, Richards, Shane, Vale, and Willett—10.

So the Senate refused to adopt the amendment to the amendment.

On the adoption of Senator Larrabee's amendment, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Beardsley, Bemis, Burke, Campbell, Chambers, Claussen, Crary, Dashiell, Dysart, Havens, Lovell, Kinne, Larrabee, McCulloch, McNutt, Miles, Murray, Stone, Wonn and Young—22.

The nays were—

Senators Boomer, Converse, Fitch, Gault, Howland, Hurley, Kephart, Lowry, Maxwell, McCoid, McIntyre, Read, Rumple, Russell, Smith, Stuart, Taylor and West—18.

Absent or not voting—

Senators Dague, Fairall, Ireland, Leavitt, McCormack, Merrill, Richards, Shane, Vale and Willett—10.

So the amendment was adopted.

Prior to the announcement of the above vote, Senator Lowry moved a call of the Senate.

The President decided the motion out of order at that stage of the proceedings.

Senator Dysart moved to amend section 2, by adding after the word "agricultural," in the 11th line, the words "charitable or benevolent."

Which was agreed to.

Senator Burke moved to amend the 25th line by adding after the word "opinion" the words, "and the facts on which it is based," which amendment was adopted.

Senator Wonn moved to strike out section 3, on which the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Bemis, Burke, Campbell, Crary, Dashiell, Havens, Howland, Kinne, McCoid, Murray and Wonn—12.

The nays were—

Senators Allen, Beardsley, Boomer, Chambers, Claussen, Converse, Dague, Dysart, Fitch, Gault, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCulloch, McIntyre, McNutt, Miles, Read, Rumble, Russell, Smith, Stone, Stewart, Taylor, West and Young—29.

Absent or not voting—

Senators Fairall, Ireland, Leavitt, McCormack, Merrill, Richards, Shane, Vale and Willett—9.

So the amendment was lost.

Senator West moved to amend the 8th line of section 3, by striking out the word "eight" and inserting the word "twelve."

Which was agreed to.

Senator Howland moved to amend the 1st line of the 4th section, by striking out "except for state purposes," to which the Senate refused to agree.

Senator West moved to strike out section 4, which did not prevail.

Senator Young moved to insert in the 3d line of section 4, the word "mile," where it occurs the second time.

The amendment was defeated.

Senator Shane, from the joint committee of the two houses to investigate the alleged defalcation of Samuel E. Rankin, late treasurer of the Agricultural College and Farm, rose to a question of privilege and presented the following report and the accompanying joint resolution: "Joint resolution relating to the examination of S. E. Rankin, late state treasurer and treasurer of the Agricultural College and Farm."

To the General Assembly of the State of Iowa:

The joint committee raised for the purpose of investigating the alleged defalcation of Samuel E. Rankin, late treasurer of state and of the Agricultural College, would report that on Thursday, January 23d, said Rankin being called as a witness before said committee, did then and there refuse to answer the following or any further questions to him submitted, the question asked being in the following words:

"Please state the names of the persons living east of whom you borrowed money, as stated in answer to a former interrogatory, and to whom you paid the amounts as hereinbefore stated by you?"

Which witness refused to answer. The contempt, if such it be,

of said witness, is submitted for your action, which we ask may be immediate, that your committee may proceed with its investigation.

JOHN SHANE,
JAS. L. WILLIAMS,
FRED O'DONNELL,
WM. C. EVANS,
J. L. McCORMACK.

Senator Larrabee moved to amend the joint resolution by striking out "House of Representatives" and inserting "Senate," which was agreed to.

Senator Shane moved that the report and joint resolution be referred to a special committee, to be composed of Senators Larrabee, Stone, Dysart, Burke and Claussen, and that they report at 2:30 P. M.

The motion prevailed, and the report and joint resolution were so referred.

Senator Beardsley moved that when the Senate adjourned it be until 2:30 P. M.

Which was agreed to.

Senator Converse, from the committee on enrolled bills, submitted the following report:

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

House file No. 3, a bill for act to revise, amend and codify the statutes in relation to judicial department.

Senate file No. 15, title 2, a bill for an act to revise, amend and codify the statutes in relation to the executive department.

A. CONVERSE, *Chairman.*

Senator Lowry moved to reconsider the vote by which the special committee consisting of Senators Larrabee, Stone, Dysart, Burke and Claussen was appointed.

The motion did not prevail.

At 11:45 A. M. Senator Murray moved that the Senate adjourn, to which the Senate refused to agree.

Senator McCoid, from the committee on public lands, submitted the following report:

MR. PRESIDENT—Your committee on public lands, to whom was referred a concurrent resolution authorizing the Governor and register of the state land office to secure certified lists of land on which there are conflicting claims, pre-emption entries and homestead claims, to be filed and recorded, 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. A. McCOID, *Chairman*.

Senator Campbell moved to take up and consider the report and concurrent resolution.

Which was agreed to.

Senator Campbell moved to indefinitely postpone the resolution.

Which motion did not prevail.

The Senate then concurred in the resolution.

The consideration of S. F. No. 2, title 6, chapter 1, was resumed.

Senator Larrabee moved to amend section 6 by striking out the word "thousand" in the eighth line, and inserting the word "hundred."

To which the Senate consented.

Also, to strike out the word "five" in the ninth line and insert the word "one."

The motion prevailed.

On motion of Senator Burke, the 6th section was amended by inserting after the word "property" in the second line, the words "this section is intended to embrace lands and town lots."

Senator McIntyre moved to amend the 6th section by striking out of the 4th line the words "mortgages and other like securities," after the word "judgment."

The amendment was adopted.

The committee amendment proposing to strike out of the 12th line the words "or counties" was agreed to

At 12 M. the President declared the Senate adjourned until 2:30 P. M.

AFTERNOON SESSION.

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

S. F. No. 2 being under consideration, Senator McIntyre moved to pass section 12 for the present, as the same subject was being considered by the committee on incorporations.

The motion did not prevail.

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 sign by the Speaker of the House:

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

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

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Also the following:

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:

H. F. No. 28, A bill for an act to appropriate moneys for the postage of the 14th General Assembly, adjourned session.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Kephart presented a petition from citizens of Linn county, asking that the statutes be so changed as to exempt life insurance companies from paying the two and a half per cent. tax on gross receipts.

Senator McIntyre presented a similar petition from citizens of Fremont county.

Both petitions were referred to the committee on ways and means.

Senator Larrabee from the special committee appointed this A. M., asked for further time to make a report.

The request was granted.

Senator McIntyre moved to strike out section 12.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Lowry, McCoid, McIntyre, Rumple, Stone, Taylor, and Wonn—7.

The nays were—

Senators Allen, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fitch, Gault, Havens, Howland, Hurley, Kephart, Larrabee, Lovell, Maxwell, McCulloch, McNutt, Miles, Murray, Read, Russell, Smith, Stuart West and Young—32.

Absent or not voting—

Senators Atkins, Fairall, Ireland, Kinne, Leavitt, McCormack, Merrill, Richards, Shane, Vale and Willett—11.

So the Senate refused to strike out section 12.

Senator Rumple moved to amend the first line of section 12 by inserting after the word "every" the word "fire."

The amendment was lost.

Senator Kephart moved to amend the sixth section by striking

out the word "two," in the third and sixth lines, and inserting "one."

The amendment did not prevail.

Senator McCoid moved to amend by striking out all after the word "state," in the first line, down to and including the word "state," in the second line.

The amendment was lost.

Senator McIntyre moved to insert after the word "state," in the first line of section 6, the words, "and mutual life insurance companies."

The motion did not prevail.

Senator Russell moved that the Senate take a recess of ten minutes to allow Senator Lowry to write an amendment taxing Pullman's sleeping cars.

The Senate refused to adjourn.

The committee amendment to section 15, by striking out of the second line the words "as aforesaid" and inserting the words "as provided," and filling the blank with the numeral "5," was adopted.

Senator Larrabee moved to amend section 19, by striking out the words "personal property," in the first line.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Burke, Claussen, Crary, Dysart, Lovell, Larrabee, McCoid, McNutt, Russell, Taylor, Wonn, and Young—13.

The nays were—

Senators Allen, Bemis, Boomer, Campbell, Chambers, Converse, Dague, Dashiell, Fitch, Gault, Havens, Howland, Hurley, Kephart, Lowry, Maxwell, McCulloch, McIntyre, Miles, Murray, Read, Ruple, Smith, Stone, Stuart, and West—26.

Absent or not voting—

Senators Atkins, Fairall, Ireland, Kinne, Leavitt, McCormack, Merrill, Richards, Shane, Vale, and Willett—11.

So the amendment was not adopted.

The various committee amendments to section 26 were adopted.

The recommendation of the committee that there be inserted after the word "highway," in the 7th line the words, "independent or."

Which was agreed to.

Senator McCoid moved to amend section 28 by striking out of the 2d line all after the word "therein," to and including the word "exempted," and inserting the word "exempting such exemptions as are heretofore specified."

The amendment was lost.

The committee amendment to section 30, by striking out the word "second" and inserting the word "first," was adopted.

Senator Larrabee moved to amend section 33, by inserting after the word "same," in 2d line, the following:

"Except in such cities and incorporated towns as elect a township assessor when the city council shall be a board of equalization, and shall perform such duties in substantially the same manner as is required of a township board of equalization."

The amendment was adopted.

Senator Rumble moved to amend section 34, by inserting after the word "year" the following:

"And continue from day to day until such equalization of assessments is completed."

The Senate adopted the amendment.

Senator Rumble moved to amend section 35, by adding after the word "equitable" in the 3d line, the following:

"And any person whose assessment has been increased ten per cent by the board of trustees, may appeal to the board of supervisors, the same as appeals are taken from justices of the peace to the circuit court, except without bond."

The amendment was lost.

Senator Converse, 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, to-wit:

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

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

A. CONVERSE, *Chairman.*

On motion of Senator McNutt, the further consideration of the bill was postponed and House messages taken up.

H. F. No. 28, A bill for an act to appropriate moneys for the postage of the 14th General Assembly, adjourned session, was taken up.

Read first and second time, and referred to committee on ways and means.

H. F. No. 13, A bill for an act to revise, amend and codify the statutes in relation to the rights of property, was taken up.

Read first and second time, and referred to committee on judiciary.

The House resolution in relation to the alleged defalcation of Samuel E. Rankin, was taken up, read, and on motion of Senator Converse, was referred to the committee on judiciary.

The House resolution instructing the secretary of state to furnish newly elected members of this General Assembly with certain documents was concurred in.

Senator West offered a joint resolution relative to publication of laws and code.

Read first and second times.

Senator Young moved to refer the resolution to the committee on judiciary.

Which was disagreed to.

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

On the question "Shall the joint resolution pass?"—

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fitch, Gault, Havens, Howland, Hurley, Kephart, Lovell, Larrabee, Lowry, Maxwell, McCoid, McCulloch, McIntyre, McNutt, Miles, Read, Rumble, Russell, Smith, Stone, Stuart, Taylor, West, Wonn and Young—37.

The nays were none.

Absent or not voting—

Senators Allen, Atkins, Fairall, Ireland, Kinne, Leavitt, McCormack, Merrill, Murray, Richards, Shane, Vale and Willett—13.

So the joint resolution passed, and the title was agreed to.

At 4:45 P. M., on motion of Senator Chambers, the Senate adjourned.

SENATE CHAMBER,
Des Moines, January 24, 1873. }

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

Prayer by Rev. W. J. Gill.

Journal of yesterday read and approved.

The Senate resumed the consideration of S. F. No. 2, title 6, under consideration at the hour of adjournment yesterday.

Senator Larrabee moved to amend section 3, chapter 1, by inserting after the word "township" in the second line the words "incorporated towns and cities."

The amendment was adopted.

Senator Young moved to amend section 50 by striking out all after the word "list" in the second line down to and including the word "following" in the fourth line.

To which amendment the Senate agreed.

Senator Larrabee, from the special committee appointed yesterday, submitted the following report:

MR. PRESIDENT—Your special committee, to whom was referred resolution relating to the examination of Samuel E. Rankin, beg leave to report that they have had the same under consideration, and deem the refusal to answer the interrogatories propounded to

him by the joint committee, as a contempt of the authority of this General Assembly, and that the reasons offered by him for such refusal are not valid. The committee believes that the Senate has the right to punish the witness for this offense, and it is its duty so to do. The severity of the punishment to be imposed the committee do not feel authorized to recommend.

Therefore, the committee recommend the adoption of the resolution.

LARRABEE, *Chairman.*

On motion of Senator Shane, the further consideration of the report and joint resolution was postponed until Tuesday morning next at 9:30.

Senator Young moved to amend section 51, by striking out the word "November," in the second line, and inserting the word "September."

The amendment was adopted.

Senator McNutt moved to amend section 53, by striking out the word "fifty" and inserting "thirty," in the fifth line.

The amendment was lost.

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:

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

Also, The House adopted joint resolution relative to commerce on railroads.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The consideration of chapter 1, title 6, was resumed.

Senator Beardsley moved that sections 53, 54 and 55 be stricken out.

To which the Senate refused to agree.

Senator Hurley moved to amend section 54, by striking out the word "conclusive" and insert "presumptive," in the second line.

The amendment was adopted.

Senator West moved to amend section 53, by inserting after the word "purchaser," in the first line, the words "or tax-payer."

The amendment was adopted.

Senator McCoid moved to amend section 55, by inserting after the word "receipt," in the second line, the words "through the willful negligence of the treasurer."

The amendment was lost.

Senator Hurley moved to strike out section 55.

The motion did not prevail.

Senator Campbell moved to amend section 56, by striking out the word "real," in the first line.

To which the Senate refused to consent.

Senator Larrabee moved to amend section 44, by inserting after the word "indebtedness," in the second line, the words "except as provided by section 13, chapter 1, title 4, of this code."

The amendment was adopted.

Senator Dashiell moved to reconsider the vote by which the Senate refused to strike out the words "personal property," in the 19th section, chapter 1, first line.

The motion prevailed.

The motion being on the motion to strike out the words "personal property," Senator West moved to amend by striking out the entire section on which the yeas and nays were demanded, and

The yeas were—

Senators Boomer, Chambers, Converse, Dysart, Fitch, [Gault, Kephart, Murry, Read, Stuart, and West—11.

The nays were—

Senators Allen, Beardsley, Bemis, Campbell, Claussen, Crary, Dague, Dashiell, Howland, Hurley, Kinne, Larrabee, Lovell, Maxwell, McCoid, McCulloch, McIntyre, McNutt, Miles, Rumple, Russell, Smith, Stone, Taylor, Wonn, and Young—26.

Absent or not voting—

Senators Atkins, Burke, Fairall, Havens, Ireland, Leavitt, Lowry, McCormack, Merrill, Richards, Shane, Vale, and Willett—13.

So the motion to strike out did not prevail.

On the question Shall the words "personal property," be stricken out, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Claussen, Crary, Dashiell, Dysart, Lovell, Kinne, Larrabee, Maxwell, McCoid, McNutt, Rumple, Russell, Taylor, Wonn, and Young—17.

The nays were—

Senators Allen, Boomer, Campbell, Chambers, Converse, Dague, Fitch, Gault, Howland, Hurley, Kephart, McCulloch, Miles, Murray, Read, Smith, Stone, Stuart, and West—19.

Absent or not voting—

Senators Atkins, Burke, Fairall, Havens, Ireland, Leavitt, Lowry, McCormack, McIntyre, Merrill, Richards, Shane, Vale, and Willett—14.

So the amendment was lost.

Senator West moved to amend the 7th line of section 1, by striking out the word "two," and inserting "three."

The amendment was adopted.

On motion of Senator Rumple, section 33 was amended by adding thereto the following: "And said board shall keep a record of their proceedings."

Senator McIntyre moved to amend section 33, by adding thereto the following: "All fees received under this section shall go to the county treasurer over and above his salary: *Provided*, Any assistance required in his office for the purpose of making such certificate, shall be paid by him."

Senator Beardsley moved to amend the amendment as follows: "All fees paid under this section shall be paid into the county treasury."

The amendment to the amendment and the amendment were rejected by the Senate.

Senator Larrabee moved to reconsider the vote by which the Senate refused to strike out sections 53, 54, and 55.

The motion did not prevail.

Senator Stuart moved to amend section 40 by adding the following: "But where the valuation is increased or diminished by said board, such change in valuation shall be applicable only to the tax levied for that purpose."

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 adopted joint resolution of the Senate relative to the publication of laws and code.

BENJ. VAN STEINBURG, *First Ass't, Clerk.*

The consideration of chapter 1, title 6, was resumed.

On motion of Senator Beardsley, section 53 was amended by striking out the word "his" in the fifth line."

Senator McIntyre moved to reconsider the vote by which section 53 was adopted.

The motion did not prevail.

Senator Hurley moved that when the Senate adjourn it be until 9 o'clock A. M. to-morrow.

To which the Senate agreed.

Senator Smith moved to amend the fourth line of section 4, chapter 2, title 6, by striking out the word "February" and inserting "April."

The amendment was adopted.

INTRODUCTION OF BILLS.

By Senator Beardsley: S. F. No. 9, title 18, a bill for an act to revise, amend, and codify the statutes in relation to attachments, executions and supplementary proceedings.

Read first and second time and referred to committee on judiciary.

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

Read first and second time and referred to the committee on judiciary.

Also, S. F. No 21, title 22, a bill for an act to revise, amend and codify the statutes in relation to evidence.

Read first and second time and referred to committee on judiciary.

Senator Young moved to strike out "February" in the third line of section 4 and insert the word "April."

Senator McCoid moved to commit the bill to the committee on ways and means, with instructions to inquire into the expediency of so changing the law.

Which motion did not prevail.

The question recurring on the motion of Senator Young, it was agreed to.

At 12 m. the President declared the Senate adjourned until to-morrow morning at 9 o'clock.

SENATE CHAMBER,
DES MOINES, IOWA, Jan. 25, 1873. }

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

Prayer by the Rev. Mr. Nash.

Journal of yesterday read and approved.

On motion of Senator Kephart, House messages were taken up.

H. F. No. 15, A bill for an act to revise, amend, and codify the statutes in relation to the domestic relations, was taken up, read first and second times, and referred to the committee on judiciary.

REPORT OF COMMITTEE.

Senator Converse, from committee on enrolled bills, submitted the following report:

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

Joint resolution relative to publication of laws and code.

Also, joint resolution relative to commerce on railroads.

A. CONVERSE, *Chairman.*

Senator Larrabee presented a memorial from the Iowa Industrial Convention, in relation to the collection laws, appointment of an industrial agent, &c.

The memorial was referred to the committee on commerce.

The consideration of S. F. No. 2, chapter 2, title 6, under consideration yesterday, was resumed.

Senator Crary moved to amend section 5, and first line, by inserting after the word "goods" the words "and the owner shall refuse to give a good and sufficient bond for the delivery of said goods on day of sale."

The amendment was adopted.

On motion of Senator Young, section 6 was amended by striking out "30" and inserting "60," in the third line.

Senator Smith moved to amend section 12, by striking out "February" and inserting "April," in the first line.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Boomer, Campbell, Chambers, Dashiell, Gault, Howland, Lovell, Lowry, Maxwell, McCulloch, McNutt, Miles, Murray, Read, Smith, Stewart, Taylor, West, and Young—21.

The nays were—

Senators Beardsley, Claussen, Converse, Crary, Dysart, Fairall, Fitch, Havens, Hurley, Kephart, Kinne, Larrabee, McCoid, McCormack, Russell, and Stone—16.

Absent or not voting—

Senators Bemis, Burke, Dague, Ireland, Leavitt, McIntyre, Merrill, Richards, Ruple, Shane, Vale, Willett, and Wonn—13.

So the amendment was adopted.

On motion of Senator Smith, section 13 was amended in the 3d line by striking out the word "March" and inserting "May."

Senator Young moved to amend section 5, 5th line, by striking out the words "a month" and down to and including the word "cent."

Also, to strike out of the fifth line the word "nine" and insert "six."

The amendments were adopted.

Senator Claussen moved to amend the 13th section, by striking out all after the 6th line.

The amendment was lost.

Senator Smith moved to amend section 14, by adding thereto the following:

Provided, That where money is tendered to the county treasurer or township collector in payment of taxes on any property, it shall be the duty of the treasurer or township collector to apply said money on the oldest tax due and unpaid on said property, and the tax receipt for any one year bearing date subsequent to the

taking effect of this act, shall be conclusive evidence that all previous taxes on said property have been paid, and the owner thereof exonerated from the payment of the same.

The amendment was adopted.

Senator Fairall moved to amend section 14 by striking out the word "or" before the word "school" in the fifth line, and inserting the words "or other" after the word "school."

The amendment was adopted.

Senator Fairall moved to amend section 17 by striking out all after the word "provided" in the fifth line.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Boomer, Campbell, Chambers, Converse, Dashiell, Dysart, Fairall, Gault, Havens, Howland, Kephart, Kinne, McCulloch, Read, Smith, Taylor, and West—17.

The nays were—

Senators Allen, Atkins, Beardsley, Claussen, Crary, Fitch, Hurley, Larrabee, Lovell, Lowry, Maxwell, McCoid, McNutt, Miles Murray, Russell, Stone, Stuart, and Young—19.

Absent or not voting—

Senators Bemis, Burke, Dague, Ireland, Leavitt, McCormack, McIntyre, Merrill, Richards, Rumple, Shane, Vale, Willett, and Wonn—14.

So the Senate refused to adopt the amendment.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I herewith present for your signature the following joint resolutions, which have passed both branches of the General Assembly and been duly enrolled and signed by the Speaker of the House:

Joint resolution relative to commerce by railroads.

Joint resolution relative to the publication of laws and code.

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

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Also the following:

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has adopted the following concurrent resolution of the Senate for the appointment of a committee of both houses to prepare a bill for the publication of the code.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The Senate resumed the consideration of S. F. No. 2.

Senator McNutt moved to amend section 20, by inserting after the word "weeks" the words "the first publication of which shall not be made more than six weeks, and."

The amendment was adopted.

Senator Larrabee moved to amend section 20, by striking out all after the word "it" in the 2d line, down to the word "has" in the 7th line.

The amendment was agreed to.

Senator McCoid moved to amend section 21, by striking out "20" in the 1st line and inserting "10."

The amendment was not 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 resolution, in which the concurrence of the Senate is asked:

Joint resolution directing the Governor to telegraph to the President of the United States to interpose his veto to the bill, now passed the House of Representatives, making or confirming an additional grant of land to railroads in this state.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The Senate resumed the consideration of S. F. No. 2.

Senator Beardsley moved to amend section 20, chapter 2, by inserting after the word "unless" in the 6th line, the following: "one side of which shall be actually set up, imposed, and the press work done in the county where the same is dated and issued from a printing office actually provided and equipped with the material to print a newspaper."

The amendment was agreed to.

Senator Young moved to amend section 37, by striking out of the 4th and 6th lines the word "thirty" and inserting "twenty."

Senator Kephart moved to amend the amendment by striking out "twenty" and inserting "fifteen."

The amendment to the amendment was lost, and the amendment adopted.

Senator Young moved to strike out "March" and insert "May" in the 12th line, to which the Senate agreed.

Senator Campbell moved to amend section 37, by inserting the word "hereafter" after the word "property" in the 1st line.

The Senate adopted the amendment.

Senator Larrabee moved to add the following as section 45:

"All tax sales made prior to the taking effect of this code shall be governed by the laws in force at the times of such sales; and all sales and tax deeds made prior to the taking effect of this code,

shall be governed by the laws in force at the date of making or execution of the same."

The amendment was adopted.

Senator Larrabee moved to amend section 4, chapter 3, by striking out "one" and inserting "five."

Which was agreed to.

Also, to strike out "10" and insert "50" in the 5th line.

The amendment was lost.

Senator Boomer moved to strike out "10" and insert "25" in the 3d line of section 5.

To which the Senate refused to agree.

Senator McCoid moved to amend section 6, by adding thereto the following:

"The board shall also cause an examination of the accounts of the treasurer, and all moneys in his hands, to be made at least four times each year, by the chairman of the board, and the county auditor, or by a commissioner appointed by the board for that purpose, and cause reports of such examinations to be made at the regular meetings aforesaid, showing the balance in such treasurer's hands at such examinations and the facts of all moneys so appearing in his hands, being actually on deposit.

The amendment was lost.

Senator McNutt moved to amend section 7, by striking out the word "March" in the 4th and 5th lines and inserting "May," to which the Senate consented.

On motion of Senator Fairall, section 12 was amended by striking out of the 4th line the words "for the payment whereof his bondsmen shall be liable."

On motion of Senator Converse, section 52, chapter 2, was amended by striking out the word "five" in the 2d line, and inserting the word "seven."

On motion of Senator Young, section 37 was amended by striking out of the first line the words "first day of July," and inserting the words "third Monday in June."

Senator Young moved to amend section 38 by striking out "1st Monday in August," and inserting "3d Monday in July."

The amendment was adopted.

Senator Young moved to amend section 40, by striking out "3d" and inserting "1st" in the 2d line, to which the Senate agreed.

Senator West moved to amend section 13, chapter 2, by striking out "one" and inserting "two" in the 3d line.

The amendment was lost.

Senator Campbell moved to reconsider the vote by which the words "a month for the 3d three months, and four per cent," were stricken out of section :

And also that by which the word "nine" was stricken out and the word "six" inserted.

The motion to reconsider did not prevail.

Senator West moved to reconsider the vote by which Senator Stuart's amendment to section 40, chapter 1, was adopted.

The motion to reconsider prevailed.

The question recurring on the adoption of Senator Stuart's amendment it was defeated.

On motion of Senator Maxwell, the rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Boomer, Campbell, Chambers, Converse, Crary, Dashiell, Gault, Havens, Howland, Hurley, Kephart, Lovell, Kinne, Lowry, Maxwell, McCulloch, Miles, Murray, Russell, Smith, Stuart, West, and Young—23.

The nays were—

Senators Beardsley, Claussen, Dysart, Fairall, Larrabee, Leavitt, McCoid, McNutt, Read, and Taylor—10.

Absent or not voting—

Senators Allen, Atkins, Bemis, Burke, Dague, Fitch, Ireland, McCormack, McIntyre, Merrill, Richards, Rumple, Shane, Stone, Vale, Willett and Wonn—17.

The bill having failed to receive a constitutional majority was lost.

ENROLLED BILLS.

Senator Converse, 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 resolution, viz:

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

A. CONVERSE, *Chairman.*

Also, the following:

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:

Joint resolution relative to commerce by railroads.

A. CONVERSE, *Chairman.*

Also, the following:

MR. PRESIDENT—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval the following joint resolution relative to publication of laws and code.

A. CONVERSE, *Chairman.*

Senator Larrabee moved to reconsider the vote by which S. F. No. 2, was lost, which motion prevailed.

On motion of Senator Larrabee the vote by which the bill was ordered to a third reading, was also reconsidered.

On motion of Senator Larrabee, the bill was referred to the committee on ways and means.

The President announced as special committee on the part of the Senate, to prepare a bill for the publication of the code, Senators Hurley and Fairall.

On motion of Senator Beardsley, S. F. No. 6, title 8, was taken up.

On motion of Senator Larrabee the bill was considered by sections.

Senator Fairall moved to amend section 16, by striking out all after the word "invasion" in the 3d line down to and including the word "discipline" in the 4th line.

The amendment was lost.

Senator Howland offered the following as section 21 :

The governor of the state is hereby ordered to call out 100,000 men and organize them for a war on railroads, and to appoint the the chairman of the Senate committee on military affairs, commander-in-chief of the army of Iowa.

Senator West moved to amend by striking out "men" and inserting "citizens."

To which the Senate agreed.

Senator Campbell moved to amend by adding the following to the proposed section:

Any person holding a pass on said railroads, or who has applied for such, shall be exempt from military duty in such war.

The amendment was adopted.

Senator McNutt moved to add the words "except females under 21."

The amendment was defeated.

On motion of Senator Beardsley, 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, Boomer, Campbell, Chambers, Claussen, Converse, Dashiell, Dysart, Fairall, Fitch, Gault, Havens, Howland, Kephart, Lovell, Kinne, Larrabee, Lowry, Maxwell, McCoid, McCulloch, McNutt, Miles, Murray, Russell, Smith, Stone, Stuart, Taylor, and Young—32.

The nays were—

Senators Crary, Read, and West—3.

Absent or not voting—

Senators Bemis, Burke, Dague, Hurley, Ireland, Leavitt, McCormack, McIntyre, Merrill, Richards, Rumble, Shane, Vale, Willett and Wonn—15.

So the bill passed and the title was agreed to.

Senator Beardsley moved that when the Senate adjourn it be until 2 o'clock P. M.

Senator Dashiell moved to amend by striking out "2 o'clock P. M." and inserting 9 o'clock A. M., Monday."

The amendment was adopted, and the motion as amended was agreed to.

On motion, the Senate then adjourned.

SENATE CHAMBER,
DES MOINES, IOWA, Jan. 27, 1873. }

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

Prayer by the Rev. Mr. Hekner.

The reading of the journal was proceeded with when, on motion of Senator Beardsley, the further reading was dispensed with.

Senator Fairall presented petitions from citizens of Muscatine and other counties asking for the enactment of a law to protect sheep from the ravages of dogs.

Referred to committee on agriculture.

Senator Converse presented a petition from citizens of Butler county asking for an amendment to chapter 102, of the laws of the 13th General Assembly.

Referred to committee on railroads.

HOUSE MESSAGES.

The House joint resolution in relation to instructing the Governor to telegraph the President of the United States in relation to the propriety of vetoing a certain bill, recently passed the United States House of Representatives, was read first and second time and referred to committee on federal relations.

Senator Lovell, from the committee on commerce, submitted the following report:

MR. PRESIDENT—Your committee on commerce, to whom was referred S. F. No. 13, herewith return the same with amendment. The committee recommend the passage of the bill as amended.

GEO. W. LOVELL, *Chairman.*

Passed on file.

Senator Fitch from the committee on roads, submitted the following report:

To the Senate of the State of Iowa:

A majority of your committee on roads, to whom was referred H. F. No. 7, have instructed me to report the same back with the following amendments:

Strike out sections 12 and 13, chapter 1.

In section 16, chapter 1, strike out all to the word "to" as it occurs the second time in the 2d line, and insert the words "if the commissioner fails."

In section 28, chapter 1, 4th line, strike out from the word "board" to the word "may" in the 5th line.

In section 16, chapter 2, 2d line, strike out the word "fifty" and insert "forty-five."

WM. H. FITCH, *Chairman.*

Senator Miles from the committee on internal improvements, submitted the following report:

MR. PRESIDENT—Your committee on internal improvements to whom was referred S. F. No. 9, A bill for an act to revise, amend and codify the statutes in relation to internal improvements, 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 making certain verbal corrections noted on the bill, and as thus amended that it do pass.

J. D. MILES, *Chairman.*

Ordered passed on file.

On motion of Senator West, bills on second reading were taken up.

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

On motion of Senator West, section 2, and second line was amended by striking out "33," and inserting "40."

Senator Dysart moved to amend section 3, by striking out the word "electors," and inserting the word "persons."

The amendment was adopted.

Senator Willett moved to amend section 6, by striking out the words, "of more than two year's establishment," in the fourth line.

To which the Senate consented.

The question being on the first amendment reported by the committee, it was lost.

On motion of Senator Fitch, section 15 was amended by inserting after the word "distant" in the third line, the words, "when the matter will be acted upon."

Senator Maxwell moved to amend section 16, by striking out the words "county surveyor."

The amendment was lost.

Senator Willett moved to amend section 19, by striking out the words "if one has been employed," in the first line, and inserting the words, "unless when the highways shall be placed on congressional sub-divisions."

The Senate refused to adopt the amendment.

The second amendment suggested by the committee was adopted.

Senator McCoid moved to reconsider the vote by which the committee amendment to section 19 was adopted.

The motion to reconsider prevailed.

The question recurring on the adoption of the committee amendment to section 19, the Senate refused to adopt the amendment.

Senator Fairall moved to amend section 11, by adding thereto the following:

Provided, That when personal service of such notice has been made upon all owners or occupants of lands lying on the proposed highways, or abutting thereon, no newspaper publication shall be required.

The amendment was lost.

Senator Fitch moved to amend section 17, by striking out all after the section down to and including the word "law," in the fourth line, and inserting the following:

Within twenty days after the day is fixed by the auditor, as above provided, three (3) notices shall be posted in conspicuous places on the line of the proposed highway, in each congressional township, or into which said highway may run.

The Senate refused to adopt the amendment.

The third amendment reported by the committee was lost.

Senator Willett moved to amend section 37, by striking out all after the word "appeal," in the fifth line.

Senator Kephart moved to amend the amendment by striking out of the fifth line the word "applicant," and insert "appellant for damages," in the 6th line.

Also, to strike out the words "greater amount," and insert "more favorable judgment."

Also strike out all after the word "court."

The amendment to the amendment, and the amendment were lost.

Senator Russell moved to amend section 37, by inserting after the word "highway," in the first line, the words "as to the amount of damages."

To which the Senate agreed.

Also, To strike out the words "applicant for damages," in the fifth line, and insert the word "appellant," in the sixth line.

Also, To strike out the words "a greater amount" and insert the words "more favorable judgment."

Also, To strike out all after the word "court."

Senator McCoid moved to amend the amendment as follows:

Strike out the word "fails to," in the sixth line; insert instead of "greater," in sixth line, the word "less." Change "recover" to "recovers," in sixth line,

The amendment to the amendment was lost.

Senator Russell's amendment was then adopted.

Senator Dysart moved to amend section 1, chapter 2, by striking out the words "both of," in the 12th line.

The amendment was adopted.

Senator McCoid moved to amend section 3, by inserting after the word "his" the words "election or," in the first line.

The amendment was agreed to.

On motion of Senator McCoid section 3 was stricken out.

Senator Russell moved to amend section 4, by striking out the words "so appointed."

Which was agreed to.

Senator Stuart moved to strike out section 5.

Senator Russell moved to amend the motion by striking out all after the word "supervisors," in the first line, to the word "shall," and insert the words "elected or appointed, shall be notified by the township clerk within five days after such election or appointment, and."

Also, To insert after the word "sickness," in the second line, the words, "and qualified as required by law."

Also, To strike out all after the word "sickness," in the second line down to the word "shall," in the third line.

The amendment to the amendment was lost.

Senator Larrabee moved to amend the amendment as follows:

"It shall be the duty of the township clerk to notify any supervisor within five days after his election or appointment, and if he."

The amendment to the amendment was adopted.

The Senate refused to consent to Senator Stuart's motion to strike out section 5.

Senator Dysart moved to amend section 9, by inserting after the word "itself," in the 6th line, the words "which list shall contain the names of all persons required to perform two days labor on the highways as a poll-tax."

The amendment was adopted.

Senator Dysart moved to strike out section 12.

The motion did not prevail.

Senator McCoid moved to refer section 12 to the committee on ways and means.

To which the Senate refused to agree.

The fourth amendment reported by the committee was adopted.

Senator Dysart moved to amend section 29, by striking out of the 2d line "April and."

The amendment was adopted.

Senator Fitch moved to amend section 4, chapter 3, by inserting the word "not," in the second line.

To which the Senate agreed.

Senator Fitch moved to amend section 5, chapter 2, by striking out the words "specified time" and inserting "ten days."

The amendment was adopted.

Senator Larrabee moved to amend section 32, chapter 4, by inserting after the word "Nebraska" the words "or Dakota," and after the word "Missouri," in the third line, the words "or Big Sioux."

Also, To strike out the word "or" before the word "Nebraska," in the second line.

The amendments were adopted.

Senator Claussen offered the following resolution:

Resolved, That it is the sense of the Senate that the county auditors have exclusive jurisdiction of the hearing and determining the matters of establishing, vacating and altering of roads, subject to the right of appeal, and that the bill under consideration be framed accordingly.

The Senate refused to adopt the resolution.

Senator Russell moved to recommit the bill to the committee on roads.

Which motion did not prevail.

On motion of Senator Howland, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Boomer, Chambers, Claussen, Converse, Crary, Dysart, Fitch, Gault, Howland, Hurley, Kephart, Lovell, Larrabee, Lowry, Maxwell, McCoid, McCulloch, Miles, Smith, Stone, Stuart, Taylor, West, Willett, and Young—27.

The nays were—

Senators Atkins, Fairall, McNutt, Murray, Read, and Russell—6.

Absent or not voting—

Senators Bemis, Burke, Campbell, Dagne, Dashiell, Havens, Ireland, Kinne, Leavitt, McCormack, McIntyre, Merrill, Richards, Rumble, Shane, Vale, and Wonn—17.

So the bill passed and the title was agreed to.

REPORT OF COMMITTEE.

Senator Converse, from the committee on enrolled bills, submitted the following report:

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

House file No. 5, title 5, a bill for an act to revise, amend, and codify the statutes respecting elections and officers.

A. CONVERSE, *Chairman*.

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. 28, a bill for an act to appropriate money for postage of the adjourned session of the Fourteenth 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 do pass with the following amendment:

Strike out the words "not otherwise appropriated."

LARRABEE, *Chairman*.

Ordered passed on file.

Also the following:

MR. PRESIDENT—Your committee on ways and means to whom was recommitted S. F. No. 2, a bill for an act to revise, amend, and codify the statutes 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 be amended by striking out of section 13, chapter 2, the word "one" in third line and insert "two," and strike out all after the word "months" in the fourth line and insert "three per cent per month for all after three months."

The committee also renew their former recommendations, and the restoring of the dates in relation to time of delinquency, and also the restoring of the penalty as now provided by law, except that portion accruing after the sale of land for delinquent taxes; believing as the bill stands now it will make an efficient revenue law, and therefore without the adoption of these recommendations that the bill do not pass.

LARRABEE, *Chairman*.

Ordered passed on file.

On motion of Senator McNutt, H. F. No. 28, a bill for an act to appropriate money for the postage of the 14th General Assembly, adjourned session, together with the report of the committee, was taken up and considered.

The report of committee was adopted.

On motion of Senator McCoid, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Boomer, Chambers, Claussen, Converse, Crary, Dysart, Fairall, Gault, Howland, Hurley, Kephart, Lovell, Larrabee, Lowry, Maxwell, McCoid, McCulloch, McNutt, Miles, Murray, Read, Russell, Smith, Stone, Stuart, Taylor, West, and Willett—30.

The nays were—

Senators Fitch and Young—2.

Absent or not voting—

Senators Allen, Bemis, Burke, Campbell, Dague, Dashiell, Havens, Ireland, Kinne, Leavitt, McCormack, McIntyre, Merrill, Richards, Rumble, Shane, Vale, and Wonn—18.

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.

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

BENJ. VAN STEINBURG, *First Ass't Clerk*.

At 12 M. the President declared the Senate adjourned until 2:30 P. M.

AFTERNOON SESSION.

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

Senator Murray from the committee on federal relations submitted the following report:

MR. PRESIDENT—Your committee on federal relations, to whom was referred a joint resolution of the House instructing the Governor to telegraph to the President of the United States to veto the bill recently passed by Congress, to confirm title of land to the C., R. I. & P. R. R., beg leave to report that they 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 indefinitely postponed.

B. F. MURRAY, *Chairman*.

Report of committee adopted.

Senator Shane offered a joint resolution to provide for printing the reports of and evidence taken by the Rankin investigating committee."

Senator McNutt moved to fill the blank with "600."

Which was agreed to.

On motion of Senator Larrabee, 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, Boomer, Chambers, Clausen, Converse, Crary, Dashiell, Dysart, Fairall, Fitch, Gault, Havens, Howland, Hurley, Kephart, Lovell, Larrabee, Lowry, Maxwell, McCoid, McCulloch, McNutt, Miles, Murray, Read, Russell, Shane, Smith, Stone, Stuart, Taylor, West, Willett, and Young—36.

The nays were none.

Absent or not voting—

Senators Bemis, Burke, Campbell, Dague, Ireland, Kinne, Leavitt, McCormack, McIntyre, Merrill, Richards, Rumple, Vale, and Wonn—14.

So the joint resolution passed and the title was agreed to.

Senator Converse, 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:

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

A. CONVERSE, *Chairman.*

On motion of Senator Beardsley, S. F. No. 12, title 6, A bill for an act to revise, amend and codify the statutes in relation to revenue, together with the report of the committee, was taken up and considered.

Senator McCoid offered the following resolution:

Resolved, That title 6 be recommitted to the committee on ways and means with instructions to amend in accordance with their report, and report again to the Senate.

The Senate refused to adopt the resolution.

Senator West moved to adopt the committee amendment to section 13.

The amendment was lost.

Senator Beardsley moved to reconsider the vote by which "March" was stricken out and "May" inserted in section 13, chapter 2.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Claussen, Crary, Dashiell, Dysart, Fitch, Havens, Lovell, Larrabee, McCoid, McCulloch, McNutt, Miles, Read, Russell, Stone, and Willett—17.

The nays were—

Senators Boomer, Chambers, Converse, Fairall, Gault, Howland, Hurley, Kephart, Lowry, Maxwell, Murray, Smith, Stuart, Taylor, West, and Young—16.

Absent or not voting—

Senators Allen, Atkins, Bemis, Burke, Campbell, Dague, Ireland, Kinne, Leavitt, McCormack, McIntyre, Merrill, Richards, Rumple, Shane, Vale, and Wonn—17.

So the motion to reconsider prevailed.

On the question of striking out "March" and inserting "May," the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Boomer, Chambers, Converse, Dashiell, Fairall, Gault, Howland, Hurley, Kephart, Lowry, Maxwell, Murray, Smith, Stuart, Taylor, West, and Young—19.

The nays were—

Senators Beardsley, Claussen, Crary, Dysart, Fitch, Havens, Larrabee, Lovell, McCoid, McCulloch, McNutt, Miles, Read, Russell, Stone, and Willett—16.

Absent or not voting—

Senators Bemis, Burke, Campbell, Dague, Ireland, Kinne, Leavitt, McCormack, McIntyre, Merrill, Richards, Rumple, Shane, Vale, and Wonn—15.

So the motion to strike out and insert prevailed.

Senator Lowry moved to amend section 15, by inserting after the word "property" in the 1st line the words "including Pullman's palace sleeping and dining cars."

The amendment did not prevail.

Senator Murray moved to reconsider the vote by which the Senate refused to strike out section 19, chapter 1, which motion prevailed.

The question recurring on the motion to strike out section 19, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Boomer, Chambers, Converse, Crary, Dysart, Fairall, Fitch, Gault, Kephart, Lowry, McCulloch, McNutt, Miles, Murray, Read, Stone, Taylor, West and Willett—20.

The nays were—

Senators Beardsley, Claussen, Dashiell, Havens, Howland, Hurley, Larrabee, Lovell, Maxwell, McCoid, Russell, Smith, Stuart, and Young—14.

Absent or not voting—

Senators Allen, Bemis, Burke, Campbell, Dague, Ireland, Kinne, Leavitt, McCormack, McIntyre, Merrill, Richards, Rumple, Shane, Vale, and Wonn—16.

So the motion to strike out section 19 was adopted.

On motion of Senator Kephart, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Boomer, Chambers, Converse, Fairall, Fitch, Gault, Howland, Kephart, Lowry, McCulloch, Miles, Murray, Russell, Smith, Stuart, Taylor, West, Willett and Young—20.

The nays were—

Senators Atkins, Beardsley, Claussen, Crary, Dashiell, Dysart, Havens, Hurley, Larrabee, Lovell, Maxwell, McCoid, McNutt, Read, and Stone—15.

Absent or not voting—

Senators Bemis, Burke, Campbell, Dague, Ireland, Kinne, Leavitt, McCormack, McIntyre, Merrill, Richards, Rumble, Shane, Vale, and Wonn—15.

The bill having failed to receive a constitutional majority it was lost.

On motion of Senator Beardsley, S. F. No. 9, title 10, A bill for an act to revise, amend and codify the statutes in relation to internal improvements, was taken up and considered.

On motion of Senator West, the bill was referred to the committee on railroads, except chapter 1, which was referred to the committee on judiciary.

On motion, S. F. No. 13, title 14, A bill for an act to revise, amend and codify the statutes in relation to trade and commerce, together with the report of the committee, was taken up and considered.

The Senate refused to adopt the second amendment reported by the committee.

Senator Howland moved to amend section 13, by inserting after the word "pounds" in the 10th line, the words "solid weight."

The amendment did not prevail.

The committee amendment to strike out the word "procure" and insert the word "keep" in the 1st line of section 18, was not adopted.

Senator Maxwell moved to insert after the word "procure" in the 1st line, the words "and keep."

Also, to insert the same words after the word "procure" in the 4th line.

Senator Fairall moved to amend section 29, by adding thereto "every scale shall be deemed a public one for the use of which a charge is made."

The amendment was adopted.

The committee amendment striking out of section 3, chapter 2, the word "rule," and inserting the word "rate" in the first line, was adopted.

The committee amendment inserting "note" after "in" in the second line of section 2, chapter 3, was adopted.

The recommendation of the committee that the word "but" be stricken out and the word "and" inserted in the fourth line; also, to strike out the word "alone" after the word "bearer" in the fourth line; also, to strike out the word "not" after the word "will" in the fourth line, were all concurred in.

Senator McCoid moved to strike out the last sentence of section 11.

The motion did not prevail.

Senator McCoid moved to strike out section 13, to which the Senate refused to agree.

On motion of Senator Willett, section 16, chapter 9, was amended by striking out all after the word "interest" in the third line.

Senator Stuart moved to amend section 13 by striking out "three" and inserting "five."

The Senate agreed to the amendment.

On motion of Senator Fairall, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Boomer, Claussen, Converse, Crary, Dashiell, Dysart, Fitch, Gault, Havens, Howland, Hurley, Kephart, Lovell, Larrabee, Maxwell, McCoid, McCulloch, McNutt, Miles, Smith, Stone, Stuart, Taylor, Willett, and Young—27.

The nays were—

Senators Fairall and Read—2.

Absent or not voting—

Senators Allen, Bemis, Burke, Campbell, Chambers, Dague, Ireland, Kinne, Leavitt, Lowry, McCormack, McIntyre, Merrill, Murray, Richards, Rumble, Russell, Shane, Vale, West, and Wonn—21.

So the bill passed and the title was agreed to.

At 4:45, on motion of Senator Fairall, the Senate adjourned.

SENATE CHAMBER, }
DES MOINES, IOWA, Jan. 28, 1873. }

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

Prayer by the Rev. Mr. Hehner.

Journal of yesterday read and approved.

Senator McNutt moved to reconsider the vote by which S. F. No. 2, title 6, was lost yesterday.

The motion prevailed.

Senator McNutt moved to reconsider the vote by which the bill was ordered to a third reading.

To which the Senate agreed.

Senator McNutt moved that the bill pass on file.

Senator McCoid moved to amend by referring the bill to the committee on ways and means, with instructions to report to-morrow morning at 10 o'clock.

The amendment was lost.

Senator McNutt's motion was then agreed to.

Senator Miles was granted leave of absence.

Senator Taylor, from committee on penitentiary, submitted the following report:

MR. PRESIDENT :—Your committee on penitentiary, to whom was referred S. F. No. 18, title 26, A bill for an to revise, amend, and codify the statutes in relation to the discipline and government of prisoners, and of the penitentiary, its government and discipline, 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.

R. HOWE TAYLOR, *Chairman*.

The bill and report were taken up and considered.

On motion of Senator McCulloch, their further consideration was postponed until to-morrow.

The hour for the special order having arrived, it being the "joint resolution relative to the examination of Samuel E. Rankin, late state treasurer, and late treasurer of the agricultural college and farm," it was taken up and considered.

Senator Larrabee moved to postpone the further consideration of the joint resolution for one week.

The motion did not prevail.

Senator Russell moved to lay the joint resolution on the table.

The motion was lost.

On motion of Senator Larrabee, the further consideration of the joint resolution was postponed eight 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 refused to concur in the amendment recommended by the Senate to H. F. No. 28, A bill for an act to appropriate moneys for the postage of the 14th General Assembly, adjourned session.

Also the following:

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed the following bill without amendment:

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

Also the following:

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed the following bill, S. F. No. 4, title 4, A bill for an act to revise, amend, and codify the statutes in relation to county, township, town and city government, with the following amendments, in which the concurrence of the Senate is asked:

Add to section 12, chapter 1: "But such bonds shall not be exchanged for any indebtedness of the county except by the approval of the board of supervisors of said county."

In section 10, chapter 2, 1st line, strike out "lawful" and insert "regular."

Insert in the 61st line after the word "between" "any two counties in this state, and between."

Insert in section 14, 6th line, after the word "circulation," "in the county where published."

In section 16, 3d line, after the word "buildings," "whether any species of stock not now prohibited by law, shall be permitted to run at large, and at what time it shall be prohibited."

Add to the end of section 7, chapter 3: "The auditor and his deputy are prohibited from acting as attorneys, either directly or indirectly, in any matter pending before the board of supervisors."

Add to the end of section 2, chapter 5: "*Provided*, The number of inhabitants in such county does not exceed 10,000."

Strike out section 12, chapter 9, and insert:

"Sec. 12. In any township in which is situate a city or incorporated town, two township assessors shall be elected, one by the voters of said township residing without the corporate limits of such city or town at the general election, and the other by the voters thereof residing within such limits at the municipal election in such city or town; and each in the discharge of his duties as assessor, shall be confined to that portion of his township in which he is elected as hereinbefore provided; and said city or town assessor shall hold his office for one year from the first of January next ensuing."

Add to the end of section 15: "and shall have charge of all cemeteries within the limits of their township dedicated to public use, when not controlled by other trustees of incorporated bodies."

Strike out in section 11, chapter 10, after the word "served" in the 24th, 25th, 26th, and 27th lines, "on each of said owners in the same manner as is required in ordinary," and insert "by publication in one daily or weekly newspaper published in such city, and by posting in five public places in the territory outside of said city for the period of four weeks."

Add to section 11. "The powers conferred under the provisions of this section shall also apply to cities acting under special charters."

Insert after the word "street" in the 4th line of section 36, "to regulate the speed of trains and locomotives on railroads running over the streets or through the limits of the city or incorporated town, by ordinance, and enforce the same by a fine not exceeding \$100."

Add to section 41: "But no appropriation of money can be made under this section, unless the proposition is submitted to a vote of the people, and at a municipal election of such city or town the question, Shall the city, or town council, (as the case may be) accept the benefit of the provisions of this section."

Add to section 44: "They shall also have the power to authorize or forbid the location and laying down of tracks for railroads and street railways on all streets and alleys, and public places, but no railroad track," etc.

Insert after the word "condemn" in first line of section 49, "and pay for out of the general fund."

Insert after the word "squares" in 2d line of section 50, the word "streets."

Add to the end of section 59: "The provisions and powers conferred in this chapter from section 45 to section 59 inclusive, shall apply to cities acting under special charters."

Strike out "forty five" in the 1st line of section 67, and insert "fifty."

Add to the end of section 125, "on the trial whereof the appellate court shall take judicial notice of the ordinances of the city."

Also, a substitute for chapter 12.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

On motion of Senator McCulloch, House messages were taken up.

S. F. No. 4, title 4, A bill for an act relating to county, town, township and city government, with House amendments, was taken up and considered.

The question being, "Shall the Senate concur in House amendments?"

On motion of Senator Fairall, the Senate refused to concur in the House amendment to the 1st line of section 10.

Senator McCoid moved to non-concur in the House amendment to section 16, chapter 1.

The motion did not prevail.

Senator Beardsley moved to non-concur in the House amendment to section 41, chapter 10.

The motion did not prevail.

Senator Beardsley moved to non-concur in the House amendment to section 44, chapter 10.

The motion was agreed to.

Senator Fitch moved to non-concur in the House amendment to section 67, chapter 10.

The motion did not prevail.

Senator Russell moved to non-concur in the House amendment to section 125, chapter 10.

The motion was lost.

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 with the following amendment, in which the concurrence of the Senate is asked:

Joint resolution providing for the printing of the report of the joint committee in the alleged defalcation of Samuel E Rankin.

Strike out the words "state printer," and insert "secretary of state."

BENJ. VAN STEINBURG, *First Ass't Clerk.*

On motion of Senator Kephart, chapter 12, title 4, and the House substitute, were referred to the committee on incorporations.

On motion of Senator Converse, the postmaster was excused from attendance to-day.

Senator Russell, by leave, introduced the following resolution :

Resolved, That until otherwise ordered, the Senate hold but one session each day, begin at 8½ o'clock A. M., and adjourning at 1 o'clock P. M.

Senator Converse moved to amend by striking out "one" and inserting "three."

The amendment was lost.

On the adoption of the resolution the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Beardsley, Claussen, Dashiell, Fairall, Havens, Hurley, Larrabee, Lowry, Maxwell, McCoid, Murray, Russell, Stone, Stuart, Willett, and Wonn—18.

The nays were—

Senators Boomer, Converse, Crary, Dysart, Gault, Kephart, McCulloch, McNutt, Read, Smith, Taylor, West, and Young—13.

Absent or not voting—

Senators Bemis, Burke, Campbell, Chambers, Dague, Fitch, Howland, Ireland, Kinne, Leavitt, Lovell, McCormack, McIntyre, Merrill, Miles, Richards, Rumble, Shane, and Vale—19.

So the resolution was adopted.

H. F. No. 28, A bill for an act to appropriate money for postage of the Fourteenth General Assembly, adjourned session, together

with the House message refusing to concur in the Senate amendment, was taken up.

The question being, "Shall the Senate recede?"

Senator McNutt moved that the Senate adhere to its amendment.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Chambers, Claussen, Dashiell, Dysart, Fairall, Havens, Kephart, Lowry, Maxwell, McCoid, McNutt, Murray, Read, Russell, Smith, Stone, West, and Wonn—20.

The nays were—

Senators Converse, Crary, Fitch, Gault, Larrabee, McCulloch, Stuart, Taylor, Willett, and Young—10.

Absent or not voting—

Senators Allen, Bemis, Boomer, Burke, Campbell, Dague, Howland, Hurley, Ireland, Kinne, Leavitt, Lovell, McCormack, McIntyre, Merrill, Miles, Richards, Rumple, Shane, and Vale—20.

So the motion to adhere prevailed.

Senator McNutt moved that a committee of conference on the part of the Senate be appointed on the disagreeing vote of the two houses on the Senate amendment to H. F. No. 28.

The motion prevailed, and the President appointed Senators McNutt, Smith, and Young such committee on the part of the Senate.

At 11:30, on motion of Senator Young, the Senate adjourned until 8:30 A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, January 29, 1873. }

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

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

By Senator Beardsley: S. F. No. 22, title 12, a bill, for an act to revise, amend, and codify the statutes in relation to education: Read first and second time, and referred as follows:

Chapters 1, 8, 9, 11 and 12, committee on schools.

Chapter 2, committee on state university.

Chapter 3, committee on agricultural college and farm.

Chapter 4, committee on soldiers' orphans' home.

Chapter 5, committee on reform school.

Chapter 6, committee on charitable institutions.

Chapter 7, committee on charitable institutions.

HOUSE MESSAGES.

Senate joint resolution in relation to printing the report of the joint committee on the alleged defalcation of Samuel E. Rankin, with House amendment, was taken up.

On the question, " Shall the Senate concur in the House amendment ? "

The yeas were—

Senators Atkins, Beardsley, Campbell, Chambers, Claussen, Converse, Dysart, Fitch, Havens, Hurley, Kephart, Larrabee, Maxwell, McCoid, McNutt, Merrill, Miles, Murray, Read, Rumple, Smith, Stuart, Taylor, Vale, Willett, Wonn, and Young—27.

The nays were none.

Absent or not voting—

Senators Allen, Bemis, Boomer, Burke, Crary, Dague, Dashiell, Fairall, Gault, Howland, Ireland, Kinne, Leavitt, Lovell, Lowry, McCormack, McCulloch, McIntyre, Richards, Russell, Shane, Stone, and West—23.

So the Senate concurred in the House amendment.

Senator Wonn, from the committee on incorporations, submitted the following report:

MR. PRESIDENT—Your committee on incorporations, to whom was referred H. F. No. 9, A bill for an act to revise, amend and codify the statutes in relation to corporations, beg leave to report that they 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 by striking out section 34, chapter 1, and thus amended that it do pass,

H. A. WONN, *Chairman.*

Ordered passed on file.

Senator Converse, from the committee on enrolled bills, submitted the following report:

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

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

A. CONVERSE, *Chairman.*

Senator Hurley, from the committee on judiciary, submitted the following report:

MR. PRESIDENT—Your committee on judiciary, to whom was referred S. F. No. 16, A bill for an act to revise, amend and codify the statutes in relation to the estates of decedents, 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 amendment hereinafter named be adopted, and that the bill so amended do pass.

Amend section 1, chapter 1, by striking out the word "real," in the 5th line.

Amend section 4, chapter 7, by inserting after "clerk" in 1st line, "in vacation."

Amend 5th section, chapter 1: after "section," in first line, insert "shall be binding on all parties interested therein until the next term of the court after they are entered of record, when they shall be read in open court, and approved, set aside, or modified, but until so set aside or modified." And strike out of first line thereof all after "section," and all of second line to "it."

Amend section six thereof by inserting after "is," in the first line "a party or connected by blood or affinity with any person so interested nearer than the fourth degree, or is."

Amend section 5, chapter 3, by striking out "to," in the third line, and inserting "by."

Amend section 6 thereof by inserting after "shall," in the first line, "if necessary."

Amend section 5, chapter 4, by adding to the end of the first sentence, "subject to the judgment of its proportion of the debts of the decedent."

Amend section 6 thereof by inserting in the fifth line, after "children," the word "therein."

Adopt this as section 7 thereof:

"The widow of a non-resident alien shall be entitled to the same rights in the property of her husband as a non-resident, except as against a purchaser from the decedent."

Amend section 13 thereof by striking out from the second line "bring suit to obtain," and inserting, "in such proceeding have a writ for the."

Strike out section 16, and insert:

"The widow's share shall not be affected by any will of her husband, unless she consents thereto within six months after notice to her by the other parties interested in the estate, which consent shall be entered on the proper records of the circuit court."

Strike out sections 29 and 30, and insert the following:

Sec. 29. They shall inherit from the father whenever they have been recognized by him as his children, but such recognition must have been general and notorious or else in writing.

Sec. 30. Under such circumstances, if the recognition of relationship has been mutual, the father may inherit his illegitimate children.

Sec 31. But in thus inheriting from an illegitimate child, the rule above established must be inverted so that the mother and her heirs take preference of the father and his heirs, the father having the same right of inheritance in regard to an illegitimate child that the mother has in regard to one that is legitimate.

Amend section 33, chapter 5, by striking out all of the last line and inserting "such fee therefor as may be fixed by the court."

JAS. S. HURLEY, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your committee on judiciary, to whom was referred Senate file No. 19, a bill for an act to revise, amend, and codify the statutes in relation to attachments, executions and supplementary proceedings, 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 same be amended as hereinafter stated, and when so amended the same do pass.

Amend section 8 of chapter 1 by adding after the fourth line and making the second cause for attachment: "that the defendant has disposed of his property with intent to defraud his creditors."

Amend section 12 by striking out in the fifth line, "and within three days thereafter."

Amend section 13 by striking out all of the fourth line after the word "maliciously," and the two first words of the fifth line.

Strike out section 73 and substitute the following:

"The attachment law shall be construed liberally, and the plaintiff, before or during trial, shall be permitted to amend any defect of form in the affidavit, bond, attachment, or other proceeding, and no attachment shall be dismissed for any defect in or want of bond, if the plaintiff, his agent or attorney, will at once substitute a sufficient bond; but the statement of the cause of attachment shall not be amended, nor shall such cause be stated in the alternative. But the cause or causes relied on shall each be stated in a direct and categorical manner, or shall be insufficient.

Amend chapter 2, section 6, by striking out, "and whether the defendant is entitled to redeem property sold thereon."

Amend section 50, chapter 2, by striking out the word "man" in the first line and inserting "person."

Amend chapter 3 by striking out all of sections 16, 17, 18, 19 and 20.

JAS. S. HURLEY, *Chairman.*

Ordered passed on file.

On motion of Senator Beardsley, H. F. No. 9, title 9, "A bill for an act to revise, amend and codify the statutes in relation to incorporations, with the report of the committee recommending amendments, was taken up and considered.

The question being on the adoption of the amendment reported by the committee, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Claussen, Crary, Fitch, Havens, Hurley, Larrabee, McCoid, Russell, Smith, Stone, Wonn and Young—14.

The nays were—

Senators Beardsley, Boomer, Campbell, Converse, Dysart, Gault, Kephart, Lowry, Maxwell, McCormack McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Read, Ruple, Shane, Stuart, Taylor, Vale, West, and Willett—24.

Absent or not voting—

Senators Bemis, Burke, Chambers, Dague, Dashiell, Fairall, Howland, Ireland, Kinne, Leavitt, Lovell, and Richards—12.

So the Senate refused to adopt the amendment.

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 :

H. F. No. 27, A bill for an act to add chapter 13 to title 4 of the code, in relation to county, township and city government.

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

Also, that the House has passed S. F. No. 13, title 14, A bill for an act to revise, amend and codify the statutes in relation to trade and commerce, with the following amendments, in which the concurrence of the Senate is asked :

In section 3, chapter 3, 5th line, strike out the words "set off," and insert "or."

Also, in the same line strike out the words "or cross demand."

In section 5, 2d line, strike out the words "set off" and insert the word "or."

Also, strike out in same line the words "or cross demand."

Strike out all after the word "law" in section 11, 3d line.

In section 4, chapter 4, strike out all after the words "waived it" in the 2d line.

In section 4, chapter 8, insert the word "railroad" after the word "every" in the 1st line.

Also, in the same line insert the word "or" after the word "company."

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The consideration of H. F. No. 9 was resumed.

Senator Fitch moved to amend section 3, chapter 3, by striking out "one" and inserting "two."

The amendment did not prevail.

Senator Russell moved to amend section 12, chapter 3, first line, by inserting after the word "beer" the words "lemonade or cider."

Senator Taylor demanded a division of the question, and that the first vote be taken on inserting "cider."

The motion to insert the word "cider" prevailed.

The Senate refused to agree to the motion to insert the word "lemonade."

Senator Young moved to amend section 14, by inserting after the word "liquors," in the fourth line, the words "wine, beer, or cider."

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:

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

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The Senate resumed the consideration of H. F. No. 9.

Senator Willett moved to amend by striking out "chapter" and inserting "title."

The Senate adopted the amendment.

Senator McCoid offered the following substitute for section 34:

All corporations organized under the provisions of this chapter shall be subject to legislative control by the General Assembly of the State.

The substitute was lost.

On motion of Senator West, the 2d line of section 18, chapter 3, was amended by inserting after the word "distributed" the words "by the secretary of state."

Senator Gault moved to reconsider the vote by which "cider" was inserted in section 12.

The motion to reconsider prevailed, and the question recurring on the motion to insert "cider," it was lost.

On motion of Senator Kephart, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dysart, Fitch, Gault, Kephart, Larrabee, Lowry, Maxwell, McCulloch, McIntyre, McNutt, Merrill, Miles, Rumple, Smith, Stone, Stuart, Taylor, Vale, West, Willett, and Young—28.

The nays were—

Senators Allen, Atkins, Havens, Hurley, McCoid, Read, Russell, and Wonn—8.

Absent or not voting—

Senators Bemis, Burke, Dague, Dashiell, Fairall, Howland, Ireland, Kinne, Leavitt, Lovell, McCormack, Murray, Richards, and Shane—14.

So the bill passed and the title was agreed to.

Senator Converse, 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, to-wit:

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

Also the following:

MR. PRESIDENT—The committee on enrolled bills respectfully report that they have examined joint resolution to provide for printing the report of evidence taken by the Rankin investigation committee and find the same correctly enrolled.

A. CONVERSE, *Chairman.*

On motion of Senator Beardsley, House messages were taken up.

S. F. No. 13, title 14, "A bill for an act to revise, amend and codify the statutes in relation to trade and commerce," with House amendments, was taken up and considered.

Senator Larrabee moved that the Senate non-concur in the fifth House amendment.

The motion did not prevail.

The question being, "Shall the Senate concur in the House amendments?"

The yeas were—

Senators Atkins, Beardsley, Boomer, Campbell, Claussen, Converse, Crary, Dysart, Fitch, Gault, Havens, Kephart, Larrabee, Lowry, McCoid, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Rumple, Smith, Stone, Taylor, Vale, West, Willett, Wonn, and Young—30.

The nays were—

Senators Hurley, Maxwell, Read, Russell, and Stuart—5.

Absent or not voting—

Senators Allen, Bemis, Burke, Chambers, Dagne, Dashiell, Fairall, Howland, Ireland, Kinne, Leavitt, Lovell, McCormack, Richards, and Shane,—15.

So the Senate concurred in the House amendments.

H. F. No. 27, "A bill for an act to add chapter 13, to title 4 of the code, relating to county, township, and city government, was taken up and read first and second time.

Senator Campbell moved to consider the bill now.

On motion of Senator Young, the bill was referred to the committee on incorporations.

On motion of Senator Hurley, S. F. No. 16, title 16, "A bill for an act to revise, amend and codify the statutes in relation to the estates of decedents, with the report of the committee recommending amendments, was taken up and considered.

The committee amendment to section 1, chapter 1, was adopted.

Senator Read moved to amend section 2, by inserting after the word "judges," the words "or clerk," in the second line.

The Senate refused to adopt the amendment.

The second committee amendment was concurred in.

On motion of Senator Hurley, the word "real" was stricken out of the third line of section 8, chapter 1.

The committee amendment to section 37 was adopted.

Senator Stone moved to amend section 27, chapter 2, by striking out all after the word vacancy," in the first line, down to and including the word "appointed," and insert "letters of administration with the will annexed, may be granted to some other person."

The amendment was adopted.

Senator Vale moved to reconsider the vote by which "five" was stricken out of section 37, and "ten" inserted.

The motion to reconsider prevailed.

On motion of Senator Vale, the amendment was amended by striking out "ten" and inserting "twenty."

The amendment as amended was then agreed to.

The committee amendment to section 5, chapter 3, was adopted.

On motion of Senator Smith, section 6 was amended by striking out all after the word "death," in the third line.

Pending the reading of the bill, Senator Converse moved that when the Senate adjourn it be until 2:30 o'clock P. M.

The motion did not prevail.

The consideration of the bill was resumed.

On motion of Senator Larrabee, the Secretary was excused from reading the bill except by numbers of sections.

On motion of Senator Larrabee, the hour of adjournment was prolonged until 12:30 P. M.

On motion of Senator Stone, section 47 was amended by striking out the words "set off" and inserting the words "counter claims," in the first line.

The committee amendments to sections 53 and 63, striking out "9" and inserting "12," were adopted.

The Senate refused to adopt the committee amendments to sec. 5, chapter 4.

Senator Willett moved to amend section 5, by striking out all after the word "marriage," in the second line, down to and including the word "sale," in the third line.

Also, To strike out "dower and," in the 6th line, and strike out "are," in the 7th line, and insert "is."

Pending the consideration of which, at 12:30, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, IOWA, Jan. 30, 1873, }

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

Prayer by the Rev. Mr. Mabee.

Journal of yesterday read and approved.

On motion of Senator Larrabee, Senators Gault and Hurley were granted leave of absence—the former for one week, the latter for to-day.

Senator Larrabee offered the following resolution :

Resolved, That hereafter the Senate will hold two sessions daily, as follows: commencing at 9 A. M., and adjourn at 12 noon, and commence at 2 P. M., and adjourn at 5 P. M.

On the adoption of this resolution the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Campbell, Converse, Crary, Dysart, Fitch, Howland, Kephart, Larrabee, Lowry, Maxwell, McCulloch, McNutt, Miles, Vale, West, and Young—18.

The nays were—

Senators Claussen, McCoid, McIntyre, Merrill, Murray, Read, Ruple, Russell, Shane, Smith, Stone, Stuart, Willett, and Wonn—14.

Absent or not voting—

Senators Allen, Atkins, Bemis, Burke, Chambers, Dague, Dashiell, Fairall, Gault, Havens, Hurley, Ireland, Kinne, Leavitt, Lovell, McCormack, Richards, and Taylor—18.

So the resolution was adopted.

Senator Claussen moved that he be excused from further services on the committee on judiciary.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse,

Dysart, Howland, Kephart, Lowry, McCulloch, McIntyre, Miles, Murray, Read, Shane, Stone, Vale, and West—18.

The nays were—

Senators Larrabee, Maxwell, McCoid, McNutt, Merrill, Rumble, Smith, Willett, and Wonn—9.

Absent or not voting—

Senators Allen, Atkins, Bemis, Burke, Claussen, Crary, Dague, Dashiell, Fairall, Fitch, Gault, Havens, Hurley, Ireland, Kinne, Leavitt, Lovell, McCormack, Richards, Russell, Stuart, Taylor and Young—23.

So the motion prevailed.

Senator Lowry, from the committee on railroads, submitted the following report:

MR. PRESIDENT: Your committee on railroads, to whom was referred part of title 10, S. F. No. 9, A bill for an act to revise, amend and codify the statutes in relation to internal improvements, 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.

ROBERT LOWRY, *Chairman.*

Ordered passed on file.

BILLS ON SECOND READING.

S. F. No. 16, title 16, "A bill for an act to revise, amend and codify the statutes in relation to estates of decedents," with report of committee recommending amendments, was taken up and considered.

The question being on the adoption of Senator Willett's amendment, under consideration at the hour of adjournment yesterday, it was lost.

The committee amendments to sections 6, 7, 13 and 17 were adopted.

The committee's substitute for sections 29 and 30 was read and considered.

Senator Shane moved to amend the substitute for section 29 by inserting after the word "whenever" the words, "the paternity is proven during the life of the father, or."

The amendment to the substitute was adopted, and as thus amended the substitute was agreed to.

The substitute for section 30 was adopted.

The additional section (31), as reported by the committee, was adopted.

The committee amendment to section 9, chapter 5, to insert after the word "him", where it occurs in the last line, the words, "in this title," and insert "by law," was agreed to.

Senator Campbell moved to amend sections 10, 11 and 12, in first lines, by striking out "application" and inserting "petition."

The amendment was adopted.

Senator McCoid moved to amend section 17, second line, by striking out the words, "the provisions of this title," and inserting the word "law."

The senate agreed to this amendment.

The committee amendment to section 25, fourth line, striking out the word "they," and inserting the words, "the court," was adopted.

Senator Willett moved to amend section 27 by striking out of the first line the word "principal" and inserting "testator."

The amendment was lost.

Senator Read moved to amend section 28 by striking out all after the word "deceased" in the third line.

The amendment did not prevail.

The committee amendment to section 33 was adopted.

Senator Maxwell moved to suspend the rule and read the bill a third time.

The motion prevailed.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bemis, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dysart, Fitch, Howland, Kephart, Larrabee, Maxwell, McCoid, McCormack, McCulloch, McIntyre, Merrill, Miles, Murray, Rumpel, Russell, Shane, Smith, Stone, Stuart, Taylor, Vale, West, Willett, Wonn, and Young.—35.

The nays were—

Senators McNutt and Read.—2.

Absent or not voting—

Senators Atkins, Burke, Dashiell, Fairall, Gault, Havens, Hurley, Ireland, Kinne, Leavitt, Lovell, Lowry, and Richards.—13.

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:

H. F. No. 17, A bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original justice.

H. F. No. 19, A bill for an act to revise, amend and codify the statutes in relation to proceedings to reverse, vacate or modify judgments, etc.

BENJ. VAN STEINBURG, *First Ass't Clerk*.

S. F. No. 2, title 6, A bill for an act to revise, amend and codify

the statutes in in relation to revenue, was taken up and considered.

Senator McCoid offered the following as section 19:

In making up the amount of money and credits which any person is required to list or to have listed and assessed, he will be entitled to deduct from the gross amount all bona fide debts owing by him, but no acknowledgment of indebtedness not founded on actual consideration, and no such acknowledgment made for the purpose of being so deducted, shall be considered a debt within the intent of this section, and so much only of any liability of such person as security for another shall be deducted, as the person making the list believes he is equitably or legally bound to pay, and so much only as he believes he will be compelled to pay on account of the inability of the principal debtor, and if there are other sureties able to contribute, then so much only as he in whose name the list is made will be bound to contribute; but no person will be entitled to any deduction on account of any obligation of any kind given to any insurance company for the premiums of insurance, nor on account of any unpaid subscription to any institution, society, corporation or company; and no person shall be entitled to any deduction on account of any indebtedness contracted for the purchase of United States bonds, or other non-taxable property.

Senator Converse raised the point of order that Senator McCoid's amendment was out of order, from the fact that it was the same which had already been defeated by the Senate.

The President decided the point of order not well taken.

Senator Maxwell moved to amend by inserting the words "personal property" before the word "money," in the first line.

Senator Beardsley offered the following resolution:

Resolved, That the bill be recommitted to the ways and means committee with instructions to restore to the bill the law as it now stands with reference to exemption, and to the time of the payment of taxes and of the delinquency and penalty.

Senator West moved to strike out all that part of the resolution relating to instructions.

The motion did not prevail.

Senator Murray moved the previous question.

The Senate refused to second the motion.

Senator Read moved to amend the resolution by striking out "as it now stands," and inserting "as reported by the code commissioners."

Senator Stone moved to amend the amendment by excepting the word "property."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Howland, McNutt, Miles, Murray, Stone, and Willett—6.

The nays were—

Senators Allen, Beardsley, Boomer, Campbell, Chambers, Clausen, Converse, Dague, Dysart, Fitch, Kephart, Larrabee, Lowry,

Maxwell, McCoid, McCulloch, McIntyre, Merrill, Read, Rumble, Russell, Smith, Stuart, Taylor, Vale, West, Wonn, and Young—28.

Absent or not voting—

Senators Atkins, Bemis, Burke, Crary, Dashiell, Fairall, Gault, Havens, Hurley, Ireland, Kinne, Leavitt, Lovell, McCormack, Richards, and Shane—16.

So the amendment did not prevail.

Senator Read's amendment was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I herewith present for your signature the following bill and joint resolution which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

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

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

Also, the House has appointed a committee of conference on the part of the House to H. F. No. 28, Messrs. Freeman, Wilson C. C. of Keokuk, and Cadwell.

BENJ. VAN STEINBURG,
First Assistant Clerk.

The Senate resumed the consideration of the resolution offered by Senator Beardsley.

Senator Vale moved to amend by adding "except the recommendation as reported by the commissioners in line 1, section 19.

The amendment did not prevail.

Senator Fitch demanded a division of the question.

The question being on that part of the resolution relating to "exemptions," the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Claussen, Crary, Dysart, Howland, Larrabee, McCoid, McIntyre, McNutt, Merrill, Shane, Stone, Taylor, Willett, and Wonn—16.

The nays were—

Senators Allen, Boomer, Campbell, Chambers, Converse, Dague, Fitch, Kephart, Lowry, Maxwell, McCormack, McCulloch, Miles, Murray, Read, Rumble, Smith, Stuart, Vale, West, and Young—21.

Absent or not voting—

Senators Atkins, Burke, Dashiell, Fairall, Gault, Havens, Hurley, Ireland, Kinne, Leavitt, Lovell, Richards, and Russell—13.

So that part of the resolution relating to "exemptions" was not adopted.

On the adoption of that part of the resolution relating to "delinquency and penalty," the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Claussen, Crary, Dysart, Fitch, Larrabee, McCoid, McCormack, McNutt, Merrill, Read, Shane, Stone, Vale, Willett, and Wonn—17.

The nays were—

Senators Allen, Boomer, Campbell, Chambers, Converse, Dague, Howland, Kephart, Lowry, Maxwell, McCulloch, McIntyre, Miles, Murray, Rumble, Smith, Stuart, Taylor, West, and Young—20.

Absent or not voting—

Senators Atkins, Burke, Dashiell, Fairall, Gault, Havens, Hurley, Ireland, Kinne, Leavitt, Lovell, Richards, and Russell—13.

So that part of the resolution relating to "delinquency and penalty" was not adopted.

The Senate then refused to adopt the resolution.

The question recurring on the amendment offered by Senator Maxwell to insert the words "personal property," the yeas and nays were demanded, and

The yeas were—

Senators Allen, Boomer, Chambers, Converse, Dague, Fitch, Howland, Kephart, Maxwell, McCulloch, Miles, Murray, Read, Rumble, Smith, Stuart, Vale, and West—18.

The nays were—

Senators Beardsley, Bemis, Campbell, Claussen, Crary, Dysart, Larrabee, McCoid, McCormack, McIntyre, McNutt, Merrill, Russell, Shane, Stone, Taylor, Willett, Wonn, and Young—19.

Absent or not voting—

Senators Atkins, Burke, Dashiell, Fairall, Gault, Havens, Hurley, Kinne, Leavitt, Lovell, Lowry, and Richards—13.

So the amendment did not prevail.

Senator McNutt moved to amend the amendment offered by Senator McCoid by striking out the words "of moneys and credits."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Boomer, Campbell, Chambers, Converse, Crary, Dague, Dysart, Fitch, Kephart, Lowry, McCormack, McCulloch, McNutt, Murray, Read, Rumble, Shane, Stuart, Vale, and West—20.

The nays were—

Senators Allen, Beardsley, Bemis, Claussen, Howland, Larrabee, Maxwell, McCoid, McIntyre, Merrill, Miles, Russell, Smith, Stone, Taylor, Willett, Wonn, and Young—18.

Absent or not voting—

Senators Atkins, Burke, Dashiell, Fairall, Gault, Havens, Hurley, Ireland, Kinne, Leavitt, Lovell and Richards—12.

So the amendment to the amendment prevailed.

On the adoption of the amendment as amended the yeas and nays were demanded, and

The yeas were—

Senators Campbell, Crary, Dague, Howland, Lowry, McCormack, McNutt, Murray, and Read—9.

The nays were—

Senators Allen, Beardsley, Bemis, Boomer, Chambers, Claussen, Converse, Dysart, Fitch, Kephart, Larrabee, Maxwell, McCoid, McCulloch, McIntyre, Merrill, Miles, Rump'le, Russell, Shane, Smith, Stone, Stuart, Taylor, Vale, West, Willett, Wonn and Young—29.

Absent or not voting—

Senators Atkins, Burke, Dashiell, Fairall, Gault, Havens, Hurley, Ireland, Kinne, Leavitt, Lovell, and Richards—12.

So the amendment did not prevail.

On motion of Senator Howland, the rule was suspended and the bill read a third time.

On the question, "shall the bill pass?"

The yeas were—

Senators Boomer, Campbell, Chambers, Converse, Dague, Fitch, Kephart, Howland, Lowry, McCulloch, McNutt, Murray, Read, Rump'le, Russell, Smith, Stuart, Taylor, West and Young—20.

The nays were—

Senators Allen, Beardsley, Bemis, Claussen, Crary, Dysart, Larrabee, Maxwell, McCoid, McCormack, McIntyre, Merrill, Miller, Shane, Stone, Vale, Willett, and Wonn—18.

Absent or not voting—

Senators Atkins, Burke, Dashiell, Fairall, Gault, Havens, Hurley, Ireland, Kinne, Leavitt, Lovell, and Richards—12.

So the bill having failed to receive a constitutional majority, was declared lost.

On motion of Senator Willett, house messages were taken up.

H. F. No. 17, title 17, "A bill for an act to revise, amend and codify the statute in relation to foreclosure in courts as original jurisdiction," was taken up read first and second time and referred to committee on judiciary.

H. F. No. 19, title 19, "A bill for an act to revise, amend and codify the statutes in relation to proceedings to reverse, vacate, or modify judgments, or the proceedings of boards or individuals acting judicially," was taken up, read first and second time and referred to committee on judiciary.

Senator Converse, 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:

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

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

A. CONVERSE, *Chairman*.

Also the following:

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

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

A. CONVERSE, *Chairman*.

Senator Beardsley offered the following resolution:

WHEREAS, The Senate have been unable to agree upon title 6, therefore,

Resolved, That the House be requested to consider said title.

Resolved, That the Secretary be instructed to notify the House of this action.

The resolution was agreed to.

Senator Russell was granted leave of absence until Monday afternoon.

BILLS ON SECOND READING.

S. F. No. 18, title 26, "A bill for an act to revise, amend and codify the statutes in relation to the discipline and government of prisons, and of the penitentiary, its government and discipline," was taken up and considered.

Senator Fitch moved to amend section 12 by striking out of the fifth line the word "must," and inserting "may."

Also, to amend section 13 by striking out "county court," and inserting "board of supervisors."

The amendments were adopted.

On motion of Senator Beardsley, the fifth line of section 18, chapter 1, was amended by striking out "12" and inserting "11."

Senator Fitch moved to amend section 25, chapter 2, by adding to the end of section the words, "or in any contract for the labor of convicts."

Also, to amend the fifth line of section 26, by inserting after the word "buildings," the words, "or in any contract for the labor of convicts."

Both amendments were agreed to.

Senator McCulloch moved to amend the third line of section 40 by striking out the words, "three and one-third," and inserting "eighty-five."

The amendment was defeated.

Senator West moved to amend section 6, chapter 2, 7th line, by

inserting after the word "received" the words, "together with a copy of all proposals received by him, and."

Which prevailed.

On motion of Senator Larrabee, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Clausen, Converse, Crary, Dague, Dysart, Fitch, Howland, Kephart, Larrabee, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Rumble, Shane, Smith, Stone, Stuart, Taylor, West, Willett, Wonn, and Young.—34.

The nays were—

Senator Read.—1.

Absent or not voting—

Senators Allen, Atkins, Burke, Dashiell, Fairall, Gault, Havens, Hurley, Ireland, Kinne, Leavitt, Lovell, Richards, Russell and Vale.—15.

So the bill passed and the title was agreed to.

At 12 m., the President declared the Senate adjourned until 9 a. m. to-morrow.

SENATE CHAMBER,
DES MOINES, IOWA, Jan. 31, 1873. }

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

Prayer by the Rev. Mr. Mabee.

The reading of the journal was proceeded with, when, on motion of Senator Beardsley, the further reading was dispensed with.

Senator Fitch offered the following resolution:

Resolved, That before adjournment for each day the Secretary shall announce to the Senate, the titles on file that will come up in regular order for the next day, and that hereafter no bill shall be taken up out of its order, unless by a two-third vote of the members present and voting.

The resolution was adopted.

On motion of Senator Campbell, S. F. No. 19, title 18, A bill for an act to revise, amend and codify the statutes in relation to attachments, executions, and supplementary proceedings, with report of committee recommending amendments to, was taken up and considered.

The committee amendments to sections eight, twelve and thirteen, were adopted.

Senator Shane moved to amend section thirteen, in third line, by

inserting after the word "sustained," the words "and reasonable attorney's fees, to be fixed by the court."

The amendment was adopted.

Senator Shane moved to amend the third line, section thirteen, by striking out the word "but," and inserting "and," to which the Senate agreed.

The committee's substitute for section seventy-three was lost.

The committee's amendment to section six, chapter two, was adopted.

Senator Rumble moved to amend the second line of section thirty-nine, by striking out the words "entered of" and inserting the words "recorded in a book kept for that purpose."

The amendment was agreed to.

The committee amendment to section fifty was adopted.

Senator Fairall moved to amend section 67, by striking out of the third line "a lien."

The amendment prevailed.

Senator Fairall moved to amend section sixty-seven, third line, by inserting the word "rendered," before the word "against," which prevailed.

Senator McCoid moved to amend section sixty-seven, by striking out all after the word "judgment" down to and including the word "deceased," and writing the words "is a lien upon all real estate belonging to the deceased."

The amendment was lost.

On the adoption of the amendment proposed by the committee to strike out section sixteen, chapter three, the yeas and nays were demanded, and

The yeas were—

Senators. Atkins, Beardsley, Boomer, Campbell, Chambers, Clausen, Crary, Fitch, Howland, Hurley, Kephart, Larrabee, Lowry, Maxwell, McCoid, McIntyre, McNutt, Merrill, Rumble, Smith, Stuart, Vale, Willett, and Wonn.—24.

The nays were—

Senators. Allen, Bemis, Converse, Dague, Dashiell, Dysart, Fairall, Havens, McCormack, McCulloch, Murray, Read, Taylor, West, and Young.—15.

Absent or not voting—

Senators Burke, Gault, Ireland, Kinne, Leavitt, Lovell, Miles, Richards, Russell, Shane and Stone.—11.

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

I am also directed to inform your honorable body that the House of Representatives has passed the following resolution, in compliance with the request of the Senate concerning title 6, "entitled revenue."

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Miles was granted leave of absence.

Senators Maxwell and Stone were granted leave of absence until Tuesday.

Senator Howland was granted leave of absence until Wednesday.

The consideration of S. F. No. 19, title 18, was resumed.

The committee amendment to strike out sections 17, 18, 19 and 20 of chapter 3, was adopted.

Senator Converse moved to amend section 37, chapter 2, by striking out of the 7th and 8th lines the words "one hundred" and insert "fifty."

Also, to insert after the word "exceed" in the 9th line of section 37 the words "fifty dollars but does not exceed."

Also, to add to the end of the section the following: "If said sum and costs exceed one hundred dollars, nine months."

On these amendments the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Chambers, Converse, Dagne, Dysart, Kephart, Lowry, McCulloch, McNutt, Read, Stuart, Vale, and West—14.

The nays were—

Senators Allen, Atkins, Bemis, Campbell, Claussen, Crary, Dashiell, Fitch, Havens, Howland, Hurley, Maxwell, McCoid, McCormack, McIntyre, Merrill, Murray, Rumple, Smith, Taylor, Willett, Wonn, and Young—23.

Absent or not voting—

Senators Burke, Fairall, Gault, Ireland, Kinne, Larrabee, Leavitt, Lovell, Miles, Richards, Russell, Shane, and Stone—13.

So the Senate refused to adopt the amendments.

On motion of Senator Lowry, the 11th line of section 47, chapter 2, was amended by striking out "one" and inserting "two" before "hundred."

Senator West moved to insert after section 103, chapter 2, sections 3360 to 3374 inclusive of the revision of 1860.

Pending the consideration of which, Senator Larrabee moved that when the Senate adjourn it be until 9 o'clock a. m. to-morrow, to which the Senate agreed.

Senator Hurley, from the committee on judiciary, submitted the following report:

MR. PRESIDENT—Your committee on judiciary, to whom was referred S. F. No. 20, A bill for an act to revise, amend and codify the statutes, in relation to procedure in particular cases, 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.

JAMES S. HURLEY, *Chairman*.

Ordered passed on file.

Also the following:

MR. PRESIDENT—Your committee on judiciary, to whom was referred H. F. No. 13, a bill for an act to revise, amend and codify the statutes, in relation to the rights of property, beg leave to report that they have had the same under consideration, and a majority of the committee have instructed me to make the following report: To recommend the adoption of the amendments hereinafter named, and that the bill so amended do pass:

Amend section 3, of chapter 2, by striking out the last sentence thereof.

Strike out section 1, chapter 4, and insert the following in lieu thereof:

No sale, contract or lease, wherein the transfer of title or ownership of personal property, is made to depend upon any condition, shall be valid against any condition or purchaser, vendor or lessee in actual possession obtained in pursuance thereof without notice, unless the same be in writing, executed by the vendor, lessor, or acknowledged and recorded the same as chattel mortgage."

Strike out section 14, of chapter 5, and insert the following in lieu thereof:

No vendor's lien for unpaid purchase money shall be recognized or enforced in law or equity after a conveyance by the vendor, unless such lein be reserved in such conveyance or created by a mortgage or other instrument in writing executed, acknowledged and recorded by the vendor.

Amend section 15, of chapter 6, by striking out of the third line the words "or county attorney."

Strike out section 29 of chapter 6.

Strike out all of section 30 of chapter 6 after the twelfth line thereof.

Amend section 30 of chapter 8 by striking out all of the section after "thereto" in the third line.

Insert the following for section 21 of chapter 8:

The setting off of the distributive share of the husband or wife in the real estate of the decedent shall be such a disposal of the homestead as is contemplated in the preceding section. But the survivor may elect to retain the homestead for life in lieu of such share in the real estate of the decedent.

JAS. S. HURLEY, *Chairman*.

Also the following:

MR. PRESIDENT—Your committee on judiciary, to whom was referred House File No. 15, a bill for an act to revise, amend and

codify the statutes in relation to the domestic relations, 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 amendments hereafter named; and with the adoption of such amendments that the same do pass:

Amend section 15, of chapter 1, by inserting after the word "two" in the first line "procuring of licenses and to." Add to the end of said section "and having conscientious scruples against procuring such licences."

Amend section 1 of chapter 2, by inserting after "and" in the 2d line "in the same." Amend further by striking out all of the section after "him" in the 3d line.

Amend section 9 of chapter 2 by inserting after "hy" in the 3d line "filing a."

Amend section 14 of the same chapter by inserting after "family" in the 1st line "and." Amend further by striking out all of the 1st line after "children," and all of 2d line to "are."

Amend section 4 of chapter 3 by adding as an additional clause for divorce, "whence the party after marriage becomes incurably insane and has been so for a period of not less than five years."

Amend section 5 of chapter 3 by striking out all after "husband" in the 2d line.

Amend section 13 of chapter 3 by striking out "except the allegation as to residence and."

JAS. S. HURLEY, *Chairman.*

Ordered passed on file.

Senator Maxwell from the committee on agricultural college and farm submitted the following report:

MR. PRESIDENT—Your committee on agricultural college and farm, to whom was referred chapter 3, title 12, A bill for an act to revise, amend and codify the statutes in relation to education, 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 following amendments, and as thus amended the bill do pass:

Amend the 6th and 7th lines of section 1, by striking out the following: "of one member elected from each judicial district," and insert in place thereof, "five members, no two of whom shall be elected from the same congressional district."

Amend section 2 by striking out the two first lines excepting the last two words, and insert in lieu thereof the following: "the present board of trustees shall continue in office until the first day May, 1874, and the General Assembly at the regular session in said year, shall elect three trustees to serve for four years, and two to serve two years from the 1st day of May, 1874, and shall at each

regular session thereafter elect the number necessary to keep the board full."

Amend section 8, as follows: insert after the word "elect" in the first line, "from their own number a president, who shall preside at all meetings of the board, and"

Strike out section 9.

Strike out the first sub-division of section 10, and insert "to elect a president for the state agricultural college and farm, who shall control, manage and direct the affairs of the college and farm subject to such rules as the trustees may prescribe, and also to elect such other officers as may be required in the transaction of the business of the board, as provided for in this chapter.

GEO. M. MAXWELL,
SAMUEL McNUTT,
JOSEPH DYSART.

Ordered passed on file.

Senator Beardsley moved that the Senate continue in session until 12:15 p. m.

The motion prevailed.

The Senate resumed the consideration of Senator West's amendment, and on its adoption the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Dague, Dysart, Fitch, Kephart, Lowry, Maxwell, McNutt, Read, Vale, West, and Willett.

The nays were—

Senators Allen, Bemis, Claussen, Crary, Dashiell, Fairall, Hvens, Howland, Hurley, Larrabee, McCoid, McCormack, McCulloch, McIntyre, Merrill, Murray, Rumple, Smith, Stuart, Taylor, Wonn, and Young—22.

Absent or not voting—

Senators Atkins, Burke, Gault, Ireland, Lovell, Kinne, Leavitt, Miles, Richards, Russell, Shane, and Stowe—12.

So the amendment did not prevail.

Senator West offered the following resolution:

Resolved, That the bill under consideration be referred to a special committee, consisting of Senators Willett, Converse and West, with instruction to report a section or sections, providing for appraisement of all personal property sold under execution.

Senator Campbell offered the following as a substitute for the resolution:

Resolved, That it is the sense of the Senate that personal property shall not be sold on execution unless it sell for two-thirds of its appraised value.

On the adoption of the substitute, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Dague, Dysart, Fitch, Kephart, Lowry, Maxwell, McCulloch, McNutt, Read, Vale, West, and Willett.—17.

The nays were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Dashiell, Fairall, Havens, Howland, Hurley, McCoid, McCormack, McIntyre, Merrill, Murray, Rumble, Smith, Stuart, Taylor, Wonn, and Young.—21.

Absent or not voting—

Senators Burke, Gault, Ireland, Lovell, Kinne, Larrabee, Leavitt, Miles, Richards, Russell, Shane, and Stone.—12.

So the Senate refused to adopt the substitute.

Senator West moved that the Senate adjourn.

The motion did not prevail.

The Senate refused to agree to Senator West's resolution.

On motion of Senator Murray, the rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Dashiell, Dysart, Fairall, Havens, Howland, Hurley, McCoid, McCormack, McIntyre, Merrill, Murray, Rumble, Smith, Taylor, Willett, and Wonn.—21.

The nays were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Dague, Fitch, Kephart, Lowry, Maxwell, McCulloch, McNutt, Read, Vale, West, and Young.—16.

Absent or not voting—

Senators Burke, Gault, Ireland, Leavitt, Miles, Richards, Russell, Shane, Stone, and Stuart.—13.

The bill having failed to receive a constitutional majority was declared lost.

Senator Lowry moved to reconsider the vote by which the bill was lost.

The motion prevailed.

Senator Young moved to reconsider the vote by which the bill was ordered to a third reading, which was agreed to.

At 12:15 the President declared the Senate adjourned, until 9 o'clock, A. M., to-morrow.

SENATE CHAMBER,
DES MOINES, IOWA, Feb. 1, 1873. }

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

Prayer by Rev. P. P. Ingalls.

Journal of yesterday read and approved.

S. F. No. 19, title 18, A bill for an act to revise, amend, and codify the statutes in relation to attachments, executions, and supplementary proceedings, was taken up, considered, and on motion of Senator Converse it was made a special order for Tuesday morning next at 10 o'clock.

Senator Crary presented a communication, which was referred to the committee on schools.

Senator Wonn, from the committee on incorporations, submitted the following report:

MR. PRESIDENT—Your committee on incorporations to whom was referred House substitute for chapter 12, title 4, 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 Senate do not concur in the House substitute.

H. A. WONN, *Chairman.*

Ordered passed on file.

S. F. No. 20, A bill for an act to revise, amend and codify the statutes in relation to procedure in particular cases, was taken up with the report of the committee recommending that the bill do pass.

Senator Fairall moved to strike out of 4th line, section 10, chapter 1, the words "in the manner provided for in other cases of appraisement."

The motion prevailed.

Senator Fairall moved to insert after the word "no" in the 6th line, section 7, chapter 2, the word "written."

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, with amendments, in which the concurrence of the Senate is asked:

Senate file No. 18, title 26, of the code, a bill for an act to revise, amend, and codify the statutes in relation to the discipline and government of prisons, etc.

In section 36, chapter 2, insert after the word "convict" in the fourth line, "a suit of common clothing, and."

In section 37, chapter 2, strike out of the first line the words "has authority to" and insert the word "shall."

In the same line insert after the word "persons," "except relatives of a convict confined therein."

In the second line of same section strike out "a" and insert "the," also strike out "not exceeding" and insert the word "of."

Also House file No. 11, a bill for an act to revise, amend, and codify the statutes in relation to the police of the state.

In which the concurrence of the Senate is asked.

H. A. COPELAND, *Second Ass't Clerk.*

The motion of Senator Fairall was adopted.

Pending the consideration of the bill, on motion of Senator Willett, House messages were taken up.

Senate file No. 18, title 26, a bill for an act to revise, amend, and codify the statutes in relation to the discipline and government of prisons, etc., with House amendments, was taken up and considered.

On the question, "Shall the Senate concur in the House amendment?"

The yeas were—

Senators Allen, Atkins, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Hurley, Larrabee, McCoid, McIntyre, Merrill, Richards, Rumble, Shane, Smith, Taylor, Vale, West, Willett, Wonn, and Young—29.

The nays were none.

Absent or not voting—

Senators Beardsley, Bemis, Burke, Gault, Howland, Ireland, Kephart, Kinne, Leavitt, Lovell, Lowry, Maxwell, McCormack, McCulloch, McNutt, Miles, Murray, Read, Russell, Stone, and Stuart—21.

So the Senate concurred in the House amendment.

Consideration of Senate file No. 20 was then resumed.

Senator Hurley moved to insert after the word "action" in first line section 32, chapter 2, the words, "contemplated by the three preceding sections."

Carried.

Senator Claussen moved to insert in sixth line section 7, chapter 3, after the word "no" the word "written."

Which was agreed to.

Senator Fairall moved to amend by striking out all after the word "be" in fourth line, section 14, chapter 4, and inserting "subject to redemption as in cases of sales under general execution."

Senator Hurley moved an amendment to the amendment by striking out all after the word "costs" in third line, which was agreed to, and Senator Fairall's motion was adopted.

Senator Vale moved to amend section 7, chapter 11, by inserting

after the word "notice" in first line the words "except in case of sickness."

Adopted.

Senator Claussen moved to postpone for the present the consideration of chapter 12.

Motion prevailed.

Senator Hurley moved to amend section 1, chapter 1, by striking out the words in the first line after the word "property" and inserting the words, "may be brought in any county in which the property, or some part thereof, is situate, and."

The amendment was adopted.

On motion of Senator Campbell, the further consideration of the bill was postponed until Monday morning at 9:30.

H. F. No. 13, title 13, a bill for an act to revise, amend, and codify the statutes in relation to the rights of property, together with the report of the committee recommending amendments, was taken up and considered.

The committee amendments to section 3, chapter 2, section 1, chapter 4, and section 14, chapter 5, were adopted.

Senator Rumble moved to amend the 1st line of section 8, chapter 6, by striking out the word "auditor" and inserting "recorder."

The amendment 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 following bill in which the concurrence of the Senate is asked:

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

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The consideration of H. F. No. 13, was resumed.

Senator Young moved to amend section 8, chapter 6, by striking out of the 2d line the words "a transfer book."

Senator Campbell moved to amend the amendment by striking out all of section 8, also, down to and including section 14.

On this motion, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bemis, Campbell, Chambers, Converse, Fairall, Havens, McCormack, Read, Rumble, Smith, Shane, Taylor, Vale, and Willett—16.

The nays were—

Senators Boomer, Claussen, Crary, Dague, Dashiell, Dysart, Fitch, Hurley, Larrabee, McCoid, McIntyre, Merrill, Richards, West, Wonn, and Young—16.

Absent or not voting—

Senators Beardsley, Burke, Gault, Howland, Ireland, Kephart, Kinne, Leavitt, Lovell, Lowry Maxwell, McCulloch, McNutt, Miles, Murray, Russell, Stone, and Stuart—18.

The vote being a tie the President voted "nay," and the amendment to the amendment was lost.

Senator Young's amendment was then defeated.

The committee amendments to sections 15, 29, and 30, of chapter 6, were adopted.

Senator West moved to amend section 1, chapter 8, 1st line, by inserting after the word "family" the words "five thousand dollars in value."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Bemis, Campbell, Converse, Crary, Dague, Dashiell, Dysart, McCormack, McNutt, Read, Richards, Taylor, Vale, and West—14.

The nays were—

Senators Allen, Atkins, Boomer, Claussen, Fairall, Havens, Hurley, Larrabee, McCoid, McIntyre, Merrill, Rumple, Shane, Smith, Willett, Wonn, and Young—17.

Absent or not voting—

Senators Beardsley, Burke, Chambers, Fitch, Gault, Howland, Ireland, Kephart, Kinne, Leavitt, Lovell, Lowry, Maxwell, McCulloch, Miles, Murray, Russell, Stone, and Stuart—19.

So the motion did not prevail.

The committee amendments to section 13, chapter 8, were under consideration, pending which Senator Fairall moved that when the Senate adjourn it be until 9 o'clock A. M. Monday next.

The motion was agreed to.

On motion of Senator McCoid, the further consideration of the bill was postponed until Monday next.

Senator McNutt from the committee of conference on the disagreeing votes of the two houses on the Senate amendment to H. F. No. 28, submitted the following report:

MR. PRESIDENT—The committee of conference on H. F. No. 28, A bill for an act to appropriate money for the postage of the 14th General Assembly, adjourned session, beg leave to report that they have had the matter of disagreement as to the same under consideration, and a majority of the committee recommend that the House agree to the Senate amendment, to-wit: strike out of the 1st section the words "not otherwise appropriated."

SAMUEL MCNUTT,

E. T. SMITH,

JAMES A. YOUNG,

On the part of the Senate.

JAMES H. FREEMAN,

C. C. WILSON,

On the part of the House.

Ordered passed on file.

Senator Willett moved that Senator Claussen be requested to resume his place as a member of the committee on judiciary.

The motion was unanimously agreed to, and Senator Claussen signified his compliance with the request of the Senate.

At 12 m. the President declared the Senate adjourned until 9 A. M. Monday next.

SENATE CHAMBER,
DES MOINES, IOWA, Feb. 3, 1873. }

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

Prayer by the Rev. Mr. Matheny.

On motion of Senator Crary, the reading of the journal was dispensed with.

Senator McNutt offered the following resolution:

WHEREAS, The appropriations at the regular session of the General Assembly exceeds the revenues of the state; and,

WHEREAS, A considerable portion of those appropriations remain undrawn from the treasury at this date, and if delayed in cases where there is no pressing necessity, the funds so delayed could be used in paying auditor's warrants now drawing interest; therefore,

Resolved, That the committee on ways and means be instructed to inquire into and report upon the expediency of delaying the payment of such undrawn appropriations; and further, upon the expediency of recommending that the state stop the construction of public buildings not demanded by immediate necessity.

Referred to the committee on ways and means.

On motion of Senator Claussen, S. F. No. 20, title 20, A bill for an act to revise, amend, and codify the statutes in relation to procedure in particular cases," was taken up and considered.

Senator Claussen moved to amend section 1, chapter 12, by inserting after the word "against" the words "the owners of."

Also, to amend the fifth line of section 1, by inserting the words "damages for."

Also, to insert the word "caused," in the 6th line, after the word "property."

Also, to amend the 4th line of section 9, by inserting after the word "the" "owners thereof."

Also, to strike out section 13.

Also, to amend section 14, by prefixing the words "the owners of," to the first line.

Also, to amend section 16, by striking out of the first line the

words, "the action may be brought directly against the raft," and insert the words, "actions against the owners of rafts."

Also, to strike out of the same line and section the words "in such actions."

All of which amendments were adopted.

On motion of Senator Claussen, the rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Bemis, Boomer, Campbell, Chambers, Clausen, Converse, Crary, Dague, Dysart, Fairall, Fitch, Havens, Kinne, Larrabee, Lowry, McCoid, McCormack, McIntyre, McNutt, Merrill, Rumble, Shane, Taylor, Vale, West, Willett, Wonn, and Young—29.

The nays were—

Senators Read, and Richards—2.

Absent or not voting—

Senators Allen, Beardsley, Burke, Dashiell, Gault, Howland, Hurley, Ireland, Kephart, Lovell, Leavitt, Maxwell, McCulloch, Miles, Murray, Russell, Smith, Stone, and Stuart—19.

So the bill passed and the title was agreed to.

REPORT OF COMMITTEE.

Senator Converse, from committee on enrolled bills, submitted the following report:

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

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

A. CONVERSE, *Chairman.*

H. F. No. 13, title 13, A bill for an act to revise, amend and codify the statutes in relation to the rights of property, with the report of the committee, was taken up and considered.

The question being on the motion to strike out all after the word "thereto" in the 3d line of section 13, the motion prevailed.

The recommendation of the committee to restore section 21, was adopted.

Senator Shane moved to amend section 21½ as follows: strike out all printed in italic type.

The amendment was adopted.

On motion of Senator Taylor, section 21½ was added to and made a part of section 21.

Senator Vale moved to amend the first line of section 8, by striking out the words, "in the county."

The amendment did not prevail.

Senator Fairall moved to strike out chapter 11.

The Senate refused to agree to the motion.

Senator Larrabee moved to strike out section 1.

Which was not agreed to.

On motion of Senator McCoid, the 6th line of section 4, was amended by striking out "summons," and inserting "notice."

Senator McCoid moved to amend chapter 9, section 7, 6th line, by inserting after the word "homestead," the following:

Provided, That in case of a crop of corn it shall not be later than the first of December thereafter."

The amendment was adopted.

Senator Read moved to amend section 1, chapter 11, by striking out all of the third line.

Senator Vale moved to amend the bill by adding an additional chapter, to be known as chapter 12.

Lost.

Senator Fairall moved to amend chapter 11, by adding thereto the following as section 6: "The provisions of this chapter shall not apply to easements already acquired.

The amendment was agreed to.

On motion of Senator Taylor, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Bemis, Boomer, Campbell, Chambers, Clausen, Crary, Dague, Dysart, Fairall, Fitch, Havens, Lovell, Kinne, Larrabee, Lowry, McCoid, McCormack, McIntyre, Merrill, Read, Richards, Rumble, Shane, Taylor, West, Willett, Wonn, and Young—29.

The nays were—

Senators Converse, McNutt, and Vale—3.

Absent or not voting—

Senators Allen, Beardsley, Burke, Dashiell, Gault, Howland, Hurley, Ireland, Kephart, Leavitt, Maxwell, McCulloch, Miles, Murray, Russell Smith, Stone, and Stuart—18.

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:

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

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Converse, 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:

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

A. CONVERSE, *Chairman.*

H. F. No. 13, title 15, A bill for an act to revise, amend and codify the statutes in relation to the domestic relations, with the report of the committee, recommending amendments, was taken up and considered.

The committee's first amendment to section 15, was adopted.

On the adoption of the 2d amendment to section 15, as reported by the committee, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Chambers, Claussen, Converse, Dague, Fairall, Havens, Lowry, McCoid, McCormack, McIntyre, Rumble, Vale, Willett, and Young—15.

The nays were—

Senators Atkins, Bemis, Boomer, Campbell, Crary, Dysart, Fitch, Kinne, Larrabee, McNutt, Merrill, Read, Richards, Shane, Taylor, West, and Wonn—18.

Absent or not voting—

Senators Beardsley, Burke, Dashiell, Gault, Howland, Hurley, Ireland, Kephart, Leavitt, Lovell, Maxwell, McCulloch, Miles, Murray, Russell, Smith, Stone, and Stuart—17.

So the amendment did not prevail.

Senator Shane moved to amend section 18, by striking out all after the word "together," in the second line, and inserting the following: "until the death of either, such marriage shall be deemed valid."

The amendment did not prevail.

Senator Claussen moved to strike out section 18, as reported by the House, and restore the section as reported by the code commissioners.

Which was agreed to.

Senator Chambers moved to strike out section 16, of chapter 1.

The amendment was lost.

Senator Read moved to reconsider the vote by which the Senate adopted the committee's amendment to section 15.

The motion was agreed to.

The question recurring on the adoption of the amendment to insert in the first line of section 15, after the word "to," the words "procuring of licenses, and to."

Pending the consideration of which, at 12 M., the President declared the Senate adjourned until 2 P. M.

AFTERNOON SESSION.

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

On the adoption of the amendment under consideration at the hour of adjournment, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Bemis, Boomer, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Fairall, Havens, Lowry, McCoid, McIntyre, McNutt, Merrill, Murray, Rumble, Smith, Vale, West, Willett, Wonn, and Young—24.

The nays were—

Senators Claussen, Fitch, Read, Richards, and Taylor—5.

Absent or not voting—

Senators Allen, Beardsley, Burke, Crary, Gault, Howland, Hurley, Ireland, Kephart, Kinne, Larrabee, Leavitt, Lovell, Maxwell, McCormack, McCulloch, Miles, Russell, Shane, Stone, and Stuart—21.

So the amendment was adopted.

The committee amendment to section 1, chapter 2, was adopted.

Senator Claussen moved to strike out section 2.

The motion did not prevail.

The committee amendment to section 9 was adopted.

Senator Fairall moved to amend the 2d line of section 12, by inserting after the word "debts" the words "or liabilities."

Which was agreed to.

The committee amendment to section 14 was agreed to.

Senator Fairall moved to amend section 2, by striking out the word "not" at the end of the 5th line, and after the word "made" in the 6th line, down to and including the word "truth," and insert the words "in good faith, and."

The amendment was adopted.

On motion of Senator Fairall the words "other than such oath," were stricken out of the 2d and 3d lines of section 3.

Senator Claussen moved to amend section 3, by striking out all after the word "motion" in the 3d line down to and including the word "alone" in the 5th line.

The amendment was lost.

The committee amendment to section 4 was adopted.

The committee amendment to section 5 was agreed to.

The committee amendment to section 13 was adopted.

Senator Shane moved to strike out section 1 and insert the following :

"The parents are the natural guardians of their minor children and are equally entitled to the care and custody of them."

Carried.

Senator Read moved to amend the 2d section as reported by the code commissioners, by striking out all after the word "other" in the 1st line, down to and including the word "will" in the 2d line, and inserting the words "survivor becomes the guardian."

Also, to strike out of the 3d line the words "or guardian."

The amendments were lost.

Senator Fairall moved to strike out section 2 and insert the section reported by the code commissioners.

The motion prevailed.

Senator Shane moved to strike out section 4 and insert the section reported by the code commissioners.

Senator Willett moved to amend the motion by inserting the words in the section "he may select a guardian of his property."

The amendment to the motion was lost.

Senator Rumple moved to amend the motion by striking out the word "own" in the 1st line.

Which was agreed to.

Senator Shane's motion as amended was then adopted.

Senator Shane moved to strike out "five" and insert "ten" in section 18.

The amendment was agreed to.

On motion of Senator Rumple, section 39 as reported by the code commissioners, was restored to the bill.

Senator Shane moved to amend section 3, by striking out "clerk of the circuit court," and inserting "board of supervisors," in the 6th line.

The amendment was adopted.

Senator Burke moved to amend section 32, chapter 5, by inserting after "property" in the 5th line, "and the allegations of the petition have been satisfactorily proved upon trial, provided for in the following section."

The Senate agreed to the amendment.

On motion of Senator McCoid the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Bemis, Boomer, Burke, Campbell, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Kephart, Lovell, Larrabee, Lowry, McCoid, McCormack, McIntyre, McNutt, Merrill, Murray, Richards, Rumple, Shane, Smith, Taylor, Vale, Wonn, and Young—32.

The nays were—

Senators Read, West, and Willett—3.

Absent or not voting—

Senators Allen, Beardsley, Chambers, Gault, Howland, Hurley,

Ireland, Kinne, Leavitt, Maxwell, McCulloch, Miles, Russell, Stone, and Stuart,—15.

So the bill passed, and the title was agreed to.

Senator Converse, from the committee on enrolled bills, submitted the following report:

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

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

A. CONVERSE, *Chairman.*

Also the following:

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

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

A. CONVERSE, *Chairman.*

On motion of Senator Lowry, the Senate adjourned.

SENATE CHAMBER,
Des Moines, February 4, 1873. }

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

Prayer by Rev. Dr. Murphy.

On motion of Senator Vale, the reading of the journal was dispensed with.

On motion of Senator Kephart, House messages were taken up.

H. F. No. 11, A bill for an act to revise, amend and codify and statutes in relation to the police of the state, was taken up.

Read first and second time and referred to the committee on the suppression of intemperance.

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

Read first and second time and referred to committee on judiciary.

Senator West presented the following memorial, which was ordered spread upon the journal of the Senate and printed:

MEMORIAL.

To the General Assembly of the State of Iowa:

The State Grange, representing forty thousand Patrons of Husbandry, in Iowa, respectfully represent:

That the people of our state, and especially the agricultural portion, are suffering under unjust and burdensome railroad tariffs, which by their exorbitant rates absorb almost the entire profits of our labor, and by their unfair and iniquitous discriminations prevent our products from reaching remunerative or competing markets.

Our public lands have been lavished upon those corporations; our people have paid millions for the construction of the roads; private property has been taken and given to them; they have been fostered by every means at the command of our government and our people until these corporations have grown to be powerful monopolies, attempting to control legislation; regarding neither the public convenience nor the public good, and seeking only to enrich themselves from the labor and necessities of the people.

And we further represent, that without legislative interference we are completely at the mercy of these grasping corporations. They are crushing the life out of our agricultural, mechanical and other industrial interests. These interests cry aloud to you for aid.

The embarrassed and prostrated condition of our farming community is abundant evidence that this state of affairs cannot long continue without producing a general bankruptcy of the agriculturists of the state. In this great emergency we look to you to protect us from the extortions of those soulless corporations, extortions which exact four bushels of corn to carry one to market. We look to you to correct the abuses of which we complain, and to regulate and limit their charges for passengers and freight, by the enactment of a railroad tariff law.

We, therefore, respectfully, urgently and persistently ask, and confidently expect, that, at your present session, you will enact a law prescribing maximum rates for passengers and freight on the railroads of Iowa, which, while allowing fair and remunerative rates to the roads, will protect our people from the present outrageous discriminations and exorbitant charges.

In this our appeal and prayer a million of people join us.

Signed on behalf of the Grange.

A. B. SMEDLEY, *Master State Grange P. H.*

WM. DUANE WILSON, *Secretary of State Grange of Iowa.*

Senator Fairall introduced S. F. No. 23, A bill for an act relating to the penalty on delinquent taxes levied in the year 1872.

Read first and second time.

Senator Fairall moved to suspend the rule and read the bill a third time.

Senator Beardsley moved to refer to the committee on ways and means.

The motion to refer did not prevail.

Senator West moved to amend the first section of the bill by striking out "June" and inserting "May."

The Senate refused to adopt the amendment.

Senator Larrabee moved to amend as follows :

Insert after "1873" the words, "and that the penalty on said taxes shall not exceed ten per cent per annum.

Pending which, the hour for the special order, it being the consideration of the "joint resolution in relation to the examination of Samuel E. Rankin, late state treasurer, and treasurer of the agricultural college and farm," it was, on motion of Senator Lowry, postponed for thirty minutes.

The consideration of S. F. No. 23, was resumed.

On the adoption of Senator Larrabee's amendment, the yeas and nays were demanded, and

The yeas were—

Senators Burke, Campbell, Crary, Dague, Larrabee, McCoid, McNutt, Miles, Shane, Vale, and Willett—11.

The nays were—

Senators Allen, Atkins, Beardsley, Bemis, Boomer, Chambers, Claussen, Converse, Dashiell, Dysart, Fairall, Fitch, Havens, Hurley, Ireland, Kephart, Leavitt, Lovell, Lowry, McCormack, Merrill, Murray, Read, Richards, Rumble, Russell, Smith, Stone, Stuart, Taylor, West, Wonn, and Young—33.

Absent or not voting—

Senators Gault, Howland, Kinne, Maxwell, McCulloch, and McIntyre—6.

So the amendment 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 following bill, in which the concurrence of the Senate is asked :

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

H. A. COPELAND, *Second Ass't. Clerk.*

Senator Larrabee moved to amend section 1, by adding thereto the following :

"And those who have paid their taxes previous to taking effect of this act shall be allowed ten per cent interest thereon from the date of payment to June 1st, which will be allowed as a payment upon their tax of 1873, and those who shall pay prior to June 1st shall be allowed such interest, and the same shall be rebated and deducted.

The amendment was lost.

Senator Stone offered the following amendment to section 1:

The provisions of this act shall not apply to the payment of taxes by railroad companies. They shall comply with the law now in force as to the time of paying their taxes.

Senator Converse moved the previous question, which was seconded, and the main question was ordered.

On the adoption of Senator Stone's amendment the yeas and nays were demanded, and

The yeas were—

Senators Allen, Bemis, Dashiell, Havens, Larrabee, Murray, Shane, Stone, Taylor, and Wonn—10.

The nays were—

Senators Atkins, Beardsley, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dysart, Fairall, Fitch, Hurley, Ireland, Kephart, Kinne, Leavitt, Lovell, Lowry, McCoid, McCormack, McIntyre, McNutt, Merrill, Miles, Read, Richards, Rumple, Russell, Smith, Stuart, Vale, West, Willett, and Young—36.

Absent or not voting—

Senators Gault, Howland, Maxwell, and McCulloch—4.

So the amendment did not prevail.

Senator Fairall's motion to suspend the rule and read the bill a third time was agreed to.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Fairall, Havens, Ireland, Lowry, McIntyre, McNutt, Murray, Rumple, Smith, Stone, Stuart, Taylor, West, Wonn, and Young—17.

The nays were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fitch, Hurley, Kephart, Kinne, Larrabee, Leavitt, Lovell, McCoid, McCormack, Merrill, Miles, Read, Richards, Russell, Shane, Vale, and Willett—28.

Absent or not voting—

Senators Chambers, Gault, Howland, Maxwell, and McCulloch—5.

So the bill having failed to receive a constitutional majority was lost.

The hour for the special order having arrived, it being the joint resolution in relation to the Rankin defalcation, it was taken up and considered.

On motion of Senator Beardsley, the joint resolution was indefinitely postponed.

The hour for the special order having arrived, it being the consideration of S. F. No. 19, title 18, A bill for an act to revise, amend, and codify the statutes in relation to attachments, executions and supplementary proceedings, with the report of the committee recommending amendments, it was taken up and considered.

Senator Converse moved to amend chapter 2, by adding an additional section to be numbered as 75, as follows:

SEC. 75. Personal property levied upon and advertised for sale on execution, must be appraised before sale, by two disinterested householders of the neighborhood, one of whom shall be chosen by the execution debtor, and the other by the plaintiff, or in case of the absence of either party, or if either or both parties neglect or refuse to make choice, the officer making the levy shall choose one or both, as the case may be, who shall forthwith proceed to return to said officer a just and true appraisement, under oath, of said property, if they can agree, and in case they cannot agree, they shall choose another disinterested householder, and with his assistance they shall complete such appraisement, and the property shall not be sold for less than two-thirds of said valuation.

Provided, The same shall be offered for three successive days at the same place and hour of day, as advertised, and if no offer equal to two-thirds the value thereof be made, then it shall be lawful to sell said property for one-half of said valuation.

The section was adopted.

Senator Read moved to amend section 37, chapter 2, as follows:

Provided, That the provisions of this chapter in relation to stay of executions shall not apply to existing contracts, but such contracts shall be governed by the laws in force at the time they were made."

The amendment was agreed to.

On motion of Senator Kephart, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bemis, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Ireland, Kephart, Lovell, Kinne, Larrabee, Leavitt, McCoid, McCormack, McIntyre, McNutt, Merrill, Miles, Murray, Read, Rumble, Russell, Shane, Smith, Stone, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—39.

The nays were—

Senators Atkins, Fitch, Hurley, Lowry, and Richards—5.

Absent or not voting—

Senators Burke, Gault, Havens, Howland, Maxwell, and McCulloch,—6.

So the bill passed and the title was agreed to.

Senator Hurley from the committee on judiciary submitted the following report.

MR. PRESIDENT—Your committee on judiciary to whom was referred chapter 1 of S. F. No. 9, title 10, A bill for an act to revise, amend and codify the statutes in relation to internal improvements, 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 following be inserted in said chapter as section 7 thereof:

SEC. 7. Either party may appeal from such assignment of damages to the circuit court, within thirty days after the assignment is made in the manner and the proceedings on such appeal shall be as provided by chapter 4 of this title.

And that section 9 be amended by inserting in the first line after "court" as to the granting of license, "and so amended the same do pass."

JAS. S. HURLEY, *Chairman.*

Ordered passed on file.

Senator Converse, from the committee on enrolled bills, submitted the following report:

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

S. F. No. 18, title 26, An act to revise, amend, and codify the statutes in relation to the discipline and government of prisoners, and of the penitentiary, its government and discipline.

A. CONVERSE, *Chairman.*

Senator Fairall moved to take up S. F. No. 9, title 10, A bill for an act to revise, amend and codify the statutes in relation to internal improvements, with the report of the committee recommending amendments.

Senator Kephart moved to amend by taking up title No. 4.

The motion did not prevail.

Senator Fairall's motion was adopted.

Senator Hurley moved to amend section 1, by inserting after "on" in the third line the words "or near."

The Senate agreed to the amendment.

The first and second amendments reported by the committee were adopted.

Senator Richards moved to amend section 26, chapter 2, fourth line, by striking out "may," and insering "shall."

Carried.

Senator West moved to refer the bill to the committee on judiciary, with instructions to report at 9 A. M. to-morrow.

Senator Larrabee moved to amend by referring only the last seven sections of chapter 2.

The amendment did not prevail.

On the adoption of Senator West's motion to refer with instructions, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Dysart, McNutt, Richards, Rumble, and West—10.

The nays were—

Senators Allen, Atkins, Bemis, Burke, Claussen, Crary, Dague, Dashiell, Fairall, Fitch, Havens, Hurley, Ireland, Kephart, Kinne, Larrabee, Leavitt, Lovell, Lowry, McCoid, McCormack, McIntyre, Merrill, Miles, Murray, Read, Russell, Shane, Smith, Stone, Stuart, Taylor, Vale, Willett, Wonn and Young—36.

Absent or not voting—

Senators Gault, Howland, Maxwell, and McCulloch—4.

So the motion did not prevail.

Senator Converse moved to amend chapter 2, by striking out sections 23 to 29 inclusive.

The motion did not prevail.

On motion of Senator McNutt, the 3d line of section 3, chapter 3, was amended by striking out the word "without."

Senator Shane moved to amend section 3, chapter 4, by adding thereto the following:

"*Provided*, That such corporations shall be liable to the owner of any such land for any damages occasioned by laying down, replacing, keeping open, or repairing such pipes, such damages to be recoverable from time to time as they may accrue, in an ordinary action in any court of competent jurisdiction."

The amendment was agreed to.

Senator Shane moved to amend the 2d line of section 6, chapter 4, by inserting after "may" the words "under the direction of the circuit court."

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 Senate has passed the following bill, with amendments, in which the concurrence of the House is asked:

Senate file No. 16, A bill for an act to revise, amend, and codify the statutes in relation to the estates of decedents.

1st. Add to section 1, chapter 1: "Except as prescribed in the chapter relating to marriage and divorce."

2d. Add to section 40, chapter 3, "unless the same have been

approved by the administrator, in case they may be allowed by the clerk without said notice."

3d. Substitute for section 6, chapter 4. "The distributive share of the widow shall be so set off as to include the ordinary dwelling house given her by law to the homestead, or so much thereof as will be equal to the share allotted her by the last section, unless she prefers a different arrangement; but no different arrangement shall be permitted where it would have the effect of prejudicing the rights of creditors."

4th. Add to the fourth line, section 1, chapter 5, "and such final settlement shall be made within three years unless otherwise ordered by the court."

5th. Strike out of section 11 of chapter 3 the words, "or if he fail to comply with the order of the court or judge, requiring him to deliver the property to the executor."

H. A. COPELAND, *Second Ass't Clerk.*

The consideration of S. F. No. 9, title 10, was resumed.

Senator West moved to amend the second and third lines of section 19, chapter 4, by striking out "ten" and inserting "five."

Senator McNutt moved that when the Senate adjourn it be until 9 o'clock A. M. to-morrow.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Claussen, Dague, McNutt, Richards, Rumble, Russell, Shane, and Willett—9.

The nays were—

Senators Allen, Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Cravy, Dashiell, Dysart, Fairall, Fitch, Havens, Hurley, Ireland, Kephart, Kinne, Larrabee, Leavitt, Lovell, Lowry, McCormack, McIntyre, Merrill, Miles, Murray, Smith, Stone, Stuart, Taylor, Vale, West, Wonn, and Young—34.

Absent or not voting—

Senators Bemis, Gault, Howland, Maxwell, McCoid, McCulloch, and Read—7.

So the motion did not prevail.

At 12 M. the President declared the Senate adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

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

The consideration of Senator West's motion to strike out "ten" in the 2d and 3d lines of section 19, chapter 4, was resumed.

The amendment was lost.

On motion of Senator Hurley, section 23 was amended by striking out the last clause thereof.

Senator McNutt moved to strike out section 28.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Claussen, Converse, Crary, Dashiell, Dysart, Fairall, Havens, Ireland, Kephart, Kinne, Lowry, McCoid, McCormack, McNutt, Merrill, Miles, Murray, Read, Richards, Rumble, Shane, Smith, Stone, Taylor, Vale, West, and Willett—30.

The nays were—

Senators Campbell, Dague, Fitch, Hurley, Larrabee, Leavitt, Russell, Stuart, Wonn, and Young—10.

Absent or not voting—

Senators Allen, Atkins, Burke, Chambers, Gault, Howland, Lovell, Maxwell, McCulloch, and McIntyre—10.

So the sections were stricken out.

On motion of Senator Fairall, the 2d line of section 29 was amended, by striking out "required" and inserting "requested."

Senator Fairall moved to amend section 29, by adding thereto the following: "at such reasonable place as may be designated by the owner."

The amendment was adopted.

Senator McCoid moved to amend section 1, chapter 5, by adding thereto the following:

"And when subscriptions have been given or contracts made with any such corporation for stock, and subsequent to such subscription or contracting the real interest, legal or equitable, to this contemplated road, shall pass into any other corporation, no such subscription or contract for stock shall be collectable except upon delivery of stock in said last named corporation.

The amendment was disagreed to.

Senator Richards moved to amend section 3, chapter 5, by inserting after the word "may" in the third line, "by purchase, sale, or otherwise."

Also, to insert in the fourth line after the word "stock" where it occurs the second time, the words "property and franchise."

The amendments were adopted.

Senator McNutt offered the following to be inserted as section 6, chapter 5:

Sec. 6. All contracts, stipulations and conditions regarding the right of controlling and regulating the charges for freight and passengers upon railroads, heretofore made in granting lands, or other property, or franchises, to railroad corporations, are expressly reserved, continued and perpetuated in full force and effect, to be exercised by the General Assembly whenever the public good or the public necessity requires such exercise thereof.

Which was agreed to.

Senator Campbell moved to strike out all of section 12 after the word "date" in the second line.

The Senate refused to adopt the amendment.

Senator Shane moved to amend section 16 by striking out all after the word "cases" in the sixth line, and inserting the following:

Any railroad company neglecting or refusing to comply with the provisions of this section shall be liable for all damages sustained by reason of such neglect and refusal, and in order for the injured party to recover, it shall only be necessary for him to prove such neglect or refusal.

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 bill, in which the concurrence of the Senate is asked:

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

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The consideration of S. F. No. 9 was resumed.

Senator Vale moved to amend the second line of section 16, by inserting after the word "any" the word "enclosure."

The amendment did not prevail.

On motion of Senator Converse, the 2d line of section 17, was amended by inserting after the word "right" the words "to fence."

Senator Hurley moved to insert in the 4th line of section 17, after the word "willful," the words "or negligence."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Burke, Claussen, Crary, Fairall, Fitch, Havens, Hurley, Ireland, Kinne, Larrabee, Leavitt, McIntyre, Miles, Murray, Russell, Smith, Stone, Wonn, and Young—21.

The nays were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Kephart, Lowry, McCoid, McNutt, Merrill, Read, Richards, Rumple, Shane, Stuart, Taylor, Vale, West, and Willett—22.

Absent or not voting—

Senators Bemis, Gault, Howland, Lovell, Maxwell, McCormack, and McCulloch—7.

So the Senate refused to adopt the amendment.

" Senator Fitch moved to amend chapter 5 by inserting the following as section 19:

Sec. 19. In all cases where taxes have been voted under chapter 48 of the 12th General Assembly, or chapter 102 of the 13th General Assembly, to aid in the construction of any railroad, or where said tax has been transferred under chapter 81 of the 14th General Assembly, and said tax has been voted or transferred under any conditions or contract with the railroad company which the township may desire to have changed or modified, said township is hereby authorized upon agreement of its trustees with the railroad company constructing said proposed railroad to submit to a vote of the electors of the township, the question whether the conditions or contract under which said tax was voted or transferred shall be changed or modified, and said trustees, upon petition of one third of the legal voters of the township, as shown by the vote cast at the last general election, asking such change or modification, shall order an election, submitting the agreement to the electors at a special election called therefor, said election to be conducted in all respects, as to notice and manner of holding, as the election at which the tax was originally voted.

The amendment was adopted.

Senator Richards moved to insert in the fourth line of section 26 the words "sell or" after the word "may."

Also, to insert after the word "lease" the words "its railway property and franchises to, or may make."

Also, in the second line insert "owning or" before the word "operating."

All of which was agreed to.

On motion of Senator McNutt, the words, "subject to the laws of this state," were added to section 26.

Senator McCoid offered the following as section 27½, chapter 5:

Sec. 27½. Where any railway company shall be organized under a corporate name, and shall have made contracts for payments to it upon delivery of stock in such company, and shall subsequent to such contracts have changed their corporate name, or where the real ownership in the property, rights, powers and franchises have passed legally or equitably into any other company, no such contracts shall be enforced in law or equity until tender or delivery of stock in such last named corporation or company."

The Senate adopted the section.

Senator McNutt offered the following amendments to chapter 5:

Sec. 30. For the transportation of passengers not to exceed three and one-half cents per mile per passenger.

Sec. 31. For the transportation of wheat, in quantities not less than a car load of ten tons, according to custom, the same to be loaded and unloaded at the expense of the shipper, ten dollars per car for any distance under twenty miles; for any distance of twenty miles and under thirty miles, five cents per ton per mile; for any distance of thirty miles and under fifty miles, four cents per ton per mile; for any distance of fifty

miles and under seventy-five miles, three cents per ton per mile; for any distance of seventy-five miles and under one hundred miles, two and three-quarter cents per ton per mile; for any distance of one hundred miles and under one hundred and fifty miles, two and one-half cents per ton per mile; for any distance of one hundred and fifty miles and under two hundred miles, two and one-quarter cents per ton per mile; for any distance of two hundred miles and under two hundred and seventy-five miles, two cents per ton per mile; and for any distance of two hundred and seventy-five miles and over, one and four-fifths cents per ton per mile.

For the transportation of all other grain in bulk and feed, ten per cent less per car and per ton per mile than is allowed for the transportation of wheat.

Sec. 32. For the transportation of cattle and hogs, and other live stock, except horses, mules, and sheep, in customary car loads of ten tons, the same price per car and per ton per mile for the different distances transported that is allowed and prescribed in section thirty-one of this chapter for the transportation of wheat.

Sec. 33. For the transportation of horses and mules per car load, ten per cent more may be charged than the price allowed for the transportation of cattle and hogs the same distance. And for the transportation of sheep by the usual car load, only eighty per cent of the price prescribed for cattle and hogs may be charged.

Sec. 34. For the transportation of wagons and other agricultural implements by the usual car load, the same price per car and per ton, per mile, that is allowed for the transportation of horses and mules, being ten per cent more than the price of wheat.

Sec. 35. For the transportation of flour by the usual car load of ten tons, allowing two hundred and twenty pounds to the barrel, and for the transportation of salt, allowing seventy barrels to the car load, the same price per car and per ton, per mile, for different distances, that is herein prescribed and allowed in section thirty-one of this chapter for the transportation of wheat.

Sec. 36. For the transportation of coal, cord wood, and soft lumber, including lath and shingles, by the usual car load of ten tons, loaded and unloaded at the expense of the shipper, one-fifth less per car and per ton per mile, for different distances, than is prescribed and allowed in section thirty-one of this chapter for the transportation of wheat—shingles being reckoned at one-tenth and lath one-sixth the rate of lumber per thousand.

Sec. 37. For the transportation of different classes of merchandise, according to the usual classification in the northwest by railroad and steamboat companies, per hundred pounds as follows: For fourth class freight, double the price in section thirty-one prescribed for the transportation of wheat; for third class freight, fifteen per cent more than for fourth class; for second class freight, thirty per cent more than for fourth class; for first class freight, fifty

per cent more than for fourth class; for once and a half first class freight, fifty per cent more; and for double first class, one hundred per cent more than for first class freight—reference being had to the price per car load and per ton per mile, for different distances, in section thirty-one provided, and one hundred pounds being reckoned as one two hundredth part of a car load; provided, that any entire single shipment, however small, may be reckoned as one hundred pounds, and charge made accordingly.

Sec. 38. For the purpose of carrying out the provisions of this chapter, the classification of freights established by the different companies operating railroads within this state, shall continue without change from the first day of January, A. D. 1873, and it is hereby declared unlawful for any person, corporation, or company, owning or operating any railroad in this state, to alter or change the present classification of freight with the purpose or intent of avoiding the provisions of this chapter.

Sec. 39. All connected railroads in this state, operated or controlled by the same person or company, under lease or otherwise, shall, for the purposes of this chapter, in computing distances and determining rates, be regarded as one road.

Sec. 40. Any officer, agent, or employe of any railroad company, person, or corporation operating a line of railroad within this state, who shall violate, or be a party to the violation of any of the provisions of this chapter, or instrumental therein, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished for every such offense by fine not less than twenty dollars nor more than one hundred dollars, and by imprisonment not less than five nor more than thirty days; and any such person, corporation, or railroad company as aforesaid, who shall authorize, direct, cause, permit, or allow any violation of the provisions of this chapter by any officer, agent, or employe, such railroad company, person, or corporation shall forfeit and pay to the person injured five times the amount of compensation or charge illegally taken or demanded, or five times the amount of damage caused, as the case may be, to be recovered by such person in a civil action in any court, or before a justice of the peace, as the case may be, of this state; and for every such violation, such railroad company, person, or corporation shall forfeit and pay to the state of Iowa, for the use of the school fund, the sum of five hundred dollars, to be recovered in any civil action in the name of the state; and it is hereby made the duty of the attorney-general of the state and of the several district attorneys within their respective districts, to sue for and recover all sums forfeited as aforesaid.

Sec. 41. If, under the operation of this chapter, any station more distant from any point of shipment should be charged for any kind and quantity of freight less than a station nearer to the same point of shipment, for the same kind and quantity of freight, then the charge to that nearer station may continue the same to one or

more stations beyond, until a station is reached at which, by the operation of this chapter, a larger charge is allowed to be made.

Sec. 42. Any railroad corporation which shall fix, demand, take, or receive from any person or persons any greater toll or compensation for the transportation, receipt handling, or delivery of goods or merchandise, in violation of the provisions of this chapter, shall forfeit and pay for any such offense any sum not exceeding one thousand dollars and costs of suit, including a reasonable attorney's fee, to be taxed by any court where the same is heard, by appeal or otherwise, to be recovered in an action of debt by the party aggrieved, in any court having jurisdiction thereof.

Sec. 43. The provisions of this chapter in relation to transporting of freight, shall not apply to any railroad in this state until the gross earnings the preceding year (reckoning from the first day of January of each year) shall equal or exceed the sum of four thousand dollars per mile, average for all the miles of road operated during the whole of that preceding year.

Sec. 44. When any prosecution, or action for the violation of any of the provisions of this chapter in relation to the transportation of passengers or freight, shall be commenced, it shall be the duty of the Governor when notified thereof, and requested by the person or persons commencing the prosecution, or action, to employ suitable counsel to conduct, or assist in conducting the same; and the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury, for compensation for such counsel, and to pay any incidental expenses, necessary to carry on said prosecution. Such compensation and incidental expenses shall be audited and allowed by the auditor of state on the certificate of the Governor, that said services were actually performed, and such incidental expenses necessary, and that the sums in such certificates were reasonable for the services rendered. And when thus certified and allowed, it shall be paid by the treasurer of the state out of said appropriation.

Senator Campbell moved that the amendments be printed and made the special order for to-morrow at 10 A. M.

Senator Larrabee offered the following amendment to the amendments, with the request that it also be printed with those offered by Senator McNutt, provided the Senate should order them printed:

Sec. 45. All contracts, stipulations and conditions regarding the right of controlling and regulating the charges for freight and passengers upon railroads heretofore made, in granting land or other property, or franchises, to railroad corporations, are expressly reserved, continued and perpetuated in full force and effect to be exercised by the General Assembly, whenever the public good and the public necessity requires such exercise thereof.

The amendment to the amendment was received, and the question being on making them a special order and printing, the yeas were demanded, and

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Claussen, Converse, Dague, Dashiell, Dysart, Fitch, Kephart, Lovell, Lowry, McCormack, McNutt, Read, Richards, Rumple, Shane, Taylor, Vale, West, and Willett—23.

The nays were—

Senators Allen, Atkins, Bemis, Burke, Crary, Fairall, Havens, Hurley, Ireland, Kinne, Larrabee, Leavitt, McCoid, McIntyre, Merrill, Miles, Murray, Russell, Smith, Stone, Stuart, Wonn and Young—23.

Absent or not voting—

Senators Gault, Howland, Maxwell, and McCulloch—4.

The vote being a tie, the President voted "yea," and the motion to print and make a special order prevailed.

Senator Murray moved that the Senate adjourn, on which the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Burke, Claussen, Fairall, Havens, Hurley, Lowry, McCoid, McCormack, McNutt, Murray, Read, Rumple, Russell, Stone, Stuart, Taylor, Willett, and Wonn—20.

The nays were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Converse, Crary, Dague, Dashiell, Dysart, Fitch, Ireland, Kephart, Kinne, Larrabee, Leavitt, Lovell, McIntyre, Merrill, Miles, Richards, Shane, Smith, Vale, West, and Young—26.

Absent or not voting—

Senators Gault, Howland, Maxwell, and McCulloch—4.

So 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 following bill, with amendments, in which the concurrence of the Senate is asked:

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

1st. Strike out "writ," in the first line, section 11, chapter 1, and insert "order."

2d. Add to section 24, chapter 2, the following: "But only one such new trial shall be granted."

3d. In first line, section 8, chapter 3, strike out the word "shall" and insert "may."

4th. In section 21, chapter 4, after the word "mortgage," second

line, insert "or by the execution of an instrument in writing referring to the mortgage, and duly acknowledged and recorded.

5th. Insert a new section, 23½, in chapter 4:

Sec. 23½. The vendors of real estate, when part or all the purchase money remains unpaid after the day fixed for payment, whether time is or is not the essence of the contract, may file his petition asking the court to require the purchaser to perform his contract or to foreclose and sell his interest in the property.

6th. Strike out section 8, chapter 9, and substitute a new section 8:

"The defendant may move to dissolve the injunction either before or after the filing of the answer."

7th. Strike out all the written amendments to chapter 12, in sections 1, 9, 14, and 15.

BENJ. VAN STEINBURG, *First Ass't Clerk*.

On motion of Senator Beardsley, House messages were taken up.

S. F. No. 16, A bill for an act to revise, amend, and codify the statutes in relation to the estates of decedents, with the House amendments, was taken up and considered.

On the question, "Shall the Senate concur in the House amendments?"

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Hurley, Ireland, Kephart, Lovell, Kinne, Larrabee, Leavitt, Lowry, McCoid, McCormack, McIntyre, Merrill, Miles, Rumples, Shane, Smith, Stone, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—38.

The nays were—

Senators Atkins, Read, Richards, and Russell—4.

Absent or not voting—

Senators Allen, Gault, Havens, Howland, Maxwell, McCulloch, McNutt, and Murray—8.

So the Senate concurred in the House amendments.

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 amendments to H. F. No. 13, except the following:

3d. Strike out section 14, chapter 5, and insert "no vendor's lien for unpaid purchase money shall be recognized or enforced in law or equity after a conveyance by the vendor, unless such lien be reserved in such conveyance, or created by a mortgage or other

instrument in writing executed, acknowledged, and recorded by the vendor."

5th. Strike out section 29, of chapter 6, as written in by the House.

H. A. COPELAND, *Second Ass't Clerk.*

S. F. No. 20, A bill for an act to revise, amend and codify the statutes in relation to procedure in particular cases, with the House amendments, was taken up and considered.

On motion of Senator Larrabee, the Senate refused to concur in the House amendment inserting a new section numbered 23½.

On motion of Senator Converse, the Senate refused to concur in House amendments to chapter 12.

On motion of Senator Vale, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, IOWA, Feb. 5, 1873. }

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

Prayer by the Rev. S. N. Matheny.

On motion of Senator Crary, the reading of the journal was dispensed with.

On motion of Senator Dysart, that part of title 12 in reference to the agricultural college and farm was recommitted to the committee on agricultural college and farm.

Senator Shane presented a memorial from citizens of Benton county, asking for legislation in relation to tariffs on railroads.

Referred to the committee on railroads.

House messages were taken up and considered.

Senator Campbell moved that the Senate non-concur in the House amendments to chapter 12 of S. F. No. 20, title 20.

Senator Richards moved to amend the House amendments by restoring the provisions of the chapter as reported by the code commissioners.

The amendment was adopted.

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:

Title 26, a bill for an act to revise, amend, and codify the statutes in relation to the discipline and government of penitentiary.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The Senate resumed the consideration of House amendments to chapter 12 of S. F. No. 20, title 20.

The question being on agreeing to the House amendments as amended (except the fifth),

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Crary, Dague, Dashiell, Dysart, Hurley, Ireland, Kephart, Lovell, Larrabee, Leavitt, Lowry, McCormack, McNutt, Merrill, Miles, Murray, Richards, Rumple, Shane, Smith, Stone, Taylor, Vale, West, Willett, Wonn, and Young—33.

The nays were—

Senators Atkins, Claussen, Converse, Fitch, McCoid, Read, and Russell—7.

Absent or not voting—

Senators Allen, Fairall, Gault, Havens, Howland, Kinne, Maxwell, McCulloch, McIntyre, and Stuart—10.

So the Senate agreed to the House amendments as amended (except the fifth).

H. F. No. 13, A bill for an act to revise, amend, and codify the statutes in relation to the rights of property, with the House amendments, was taken up and considered.

On the question, "Shall the Senate agree to the House amendments?"

The yeas were—

Senators Campbell, Converse, Dague, Kephart, McIntyre, Shane, Smith, Stone, Taylor, West, and Willett—11.

The nays were—

Senators Atkins, Beardsley, Bemis, Boomer, Burke, Chambers, Claussen, Crary, Dysart, Fitch, Hurley, Ireland, Kinne, Larrabee, Lovell, Lowry, McCoid, McCormack, McNutt, Miles, Murray, Read, Richards, Rumple, Russell, Stuart, Vale, Wonn, and Young—29.

Absent or not voting—

Senators Allen, Dashiell, Fairall, Gault, Havens, Howland, Leavitt, Maxwell, McCulloch, and Merrill—10.

So the Senate refused to concur in the House amendments.

H. F. No. 23, A bill for an act to revise, amend, and codify the statutes in relation to the compensation of public officers, was taken up, read first and second time, and referred to committee on compensation of public officers.

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

Read first and second time and referred to committee on judiciary.

Senator McNutt moved that the Senate insist on its amendments to H. F. No. 13, and appoint a committee of conference on the disagreeing votes of the two houses.

The motion prevailed, and the President appointed Senators Willett, Richards and McNutt as committee on the part of the Senate.

Senator Lowry moved to refer the amendments offered yesterday by Senator McNutt to title 10, to the committee on railroads.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Claussen, Converse, Dashiell, Dysart, Kephart, Lovell, Lowry, McCormack, McNutt, Read, Richards, Rumble, Shane, Vale, West, and Willett—20.

The nays were—

Senators Allen, Atkins, Bemis, Burke, Crary, Dague, Fitch, Havens, Hurley, Ireland, Kinne, Larrabee, Leavitt, McCoid, McIntyre, Merrill, Miles, Murray, Russell, Smith, Stone, Stuart, Taylor, Wonn, and Young—25.

Absent or not voting—

Senators Fairall, Gault, Howland, Maxwell, and McCulloch, —5.

So the Senate refused to refer the amendments.

Title 4 was taken up and considered.

On motion of Senator Young, the further consideration of title 4, was postponed for the present.

On motion of Senator Hurley, H. F. No. 9, title 10, A bill for an act to revise, amend and codify the statutes in relation to internal improvements, was taken up and considered.

The question being on the amendment offered by Senator Larrabee to the amendments offered by Senator McNutt, Senator McCoid presented the following substitute, which was read for information:

SEC. 29. No railway corporation organized or doing business in this state under any act of incorporation or general law of this state, now in force, or which may hereafter be enacted, shall charge or collect for the transportation of goods, merchandise, or property, on its said road, for any distance, any greater amount, as toll or compensation, than is at the same time charged or collected for the transportation of similar quantities of the same class of goods, merchandise, or property, over a greater distance upon the same road; nor shall corporations charge different rates for receiving, handling, or delivering freights at different points on its road, or roads connected therewith, which it has a right to use, nor shall any such railway corporation charge or collect for the transportation of goods, merchandise, or property, over any portion of its road a greater amount as toll or compensation than shall be charged

or collected by it for the transportation of similar quantities of the same class of goods, merchandise, or property, over any other portion of its road of equal distance; and all such rules, regulations or by-laws of any such railway corporation as fix, prescribe, or establish any greater toll or compensation than is hereinbefore prescribed, are hereby declared to be void.

SEC. 30. In the months of June, in each year, each railway company operating a railway in this state, shall fix its maximum rates of fare for passengers and freights, for transportation of timber, wood and coal per ton, cord, or thousand feet per mile, also its fare and freights per mile for transporting merchandise, and articles of the first, second, third or fourth class of freights; and on the first day of July following shall put up at all the stations and depots on its road, and file in the clerk's office of the district court of each county through which said road shall pass, a printed copy of such fare and freight schedule, and cause a copy to remain posted during the year, and to each of said copies in the clerk's office of the district court shall be attached a statement under oath of the secretary, general superintendent, and general passenger and freight agents, that such schedule is a true statement of the maximum rates of freights and passenger rates on said railway, in good faith made out, and intended to be executed by said railway company, and that said railway has not directly or indirectly, by any agreement or combination, tacit or expressed, by which the provisions of this act shall, or are intended to be violated or evaded, fixed a joint tariff of rates, or caused the same to be fixed upon, to prevent the natural effect of competition, that no such combination had been so made, or entered into, that no personal or local discriminations had been made during the previous year.

SEC. 31. Whenever any railway corporation, as lessee, or otherwise operates any other railway in connection with its own road, the provisions of this act as to charges for carrying freight and passengers, shall apply to such other road so operated, in like manner, as if the same were a part of the line of road owned by the corporation operating the same, and for such purposes all lines of railway operated by the same company shall be considered one and the same road.

SEC. 32. Any railway company or companies combining, confederating, or agreeing, through their officers, agents, or employees, to fix joint tariffs upon any railway, or branches, within or without this state, whereby shipments made within this state may be affected in violation or evasion, directly or indirectly, of the provisions of this act, shall subject the said company, or companies, to the penalties provided in sections 34 and 35 of this chapter, and the presidents, and vice president, secretaries, general freight agent, and each local station agent, who shall knowingly carry into effect the said joint tariff, shall be guilty of conspiracy under section 13 of title 24 of this code.

SEC. 33. Whenever any railway corporation, as lessee or otherwise, operates any other railway in connection with its own road, the provisions of this act as to charges for carrying freight, shall apply to such other road so operated, in like manner, as if the same were a part of the line of road owned by the corporation operating the same, and for such purposes all lines of railway operated by the same company shall be considered one and the same road.

Sec. 34. Any willful violation of any of the provisions of this act on the part of any railway corporation, shall be deemed and taken as a forfeiture of its franchises, and such corporation so offending may be proceeded against by the district-attorney in any county through or into which its road may run by scire facias, or upon information in the nature of a quo warranto, to judgment of ouster and final execution, under chapter 151 of the Revision of 1860.

Senator Richards proceeded to address the Senate.

Pending which, Senator Campbell raised the point of order that the rule limiting speeches to five minutes was still in force.

The President decided the point of order well taken.

Senator McNutt moved to suspend the rule so far as the remarks of Senator Richards was concerned.

Senator McCoid moved to amend by suspending the rule during the consideration of title 10.

The amendment did not prevail.

The Senate refused to agree to Senator McNutt's motion.

The question being on Senator Larrabee's amendment to Senator McNutt's amendments, Senator Larrabee asked and obtained leave to amend his amendment as follows :

By inserting after the word "property," in the second line, the words, "or voting taxes to aid in the construction of."

Senator Larrabee's amendment to the amendment was then adopted.

Senator Kephart moved to amend the third line of section 43, by striking out "four" and inserting "three."

Senator Russell moved to strike out section 43.

The motion did not prevail.

On the adoption of the amendment to strike out 4 and insert 3 the yeas and nays were demanded, and

The yeas were—

Senators Allen, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Dague, Dashiell, Dysart, Havens, Hurley, Ireland, Kephart, Lovell, Larrabee, Lowry, McCormack, McIntyre, Miles, Read, Richards, Rumble, Stuart, and Taylor—27.

The nays were—

Senators Atkins, Fairall, Fitch, Kinne, Leavitt, McCoid, McNutt, Merrill, Murray, Russell, Shane, Smith, Stone, Vale, West, Willett, Wonn, and Young—18.

Absent or not voting—

Senators Crary, Gault, Howland, Maxwell, and McCulloch—5.

So the motion prevailed.

Senator Campbell moved to strike out section 43.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Campbell, Crary, Fairall, Kinne, Lowry, McCoid, McCormack, Murray, Russell, Shane, Smith, Stone, Willett, Wonn, and Young—17.

The nays were—

Senators Beardsley, Bemis, Boomer, Burke, Chambers, Claussen, Converse, Dague, Dashiell, Dysart, Fitch, Havens, Hurley, Ireland, Kephart, Larrabee, Leavitt, Lovell, McIntyre, McNutt, Merrill, Miles, Read, Richards, Rumple, Stuart, Taylor, Vale, and West—29.

Absent or not voting—

Senators Gault, Howland, Maxwell, and McCulloch—4.

So the motion to strike out did not prevail.

Senator Kinne moved to amend by adding a new section as follows :

Sec. — The provisions of this act shall apply to all steamboats transporting passengers and freight upon the navigable waters of this state.

Senator McNutt raised the point of order that the amendment was not germane to the question under consideration.

The President decided the point of order not well taken.

On the adoption of the amendment the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bemis, Crary, Fairall, Havens, Ireland, Kinne, Murray, Wonn, and Young—11.

The nays were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Dague, Dashiell, Dysart, Fitch, Hurley, Kephart, Larrabee, Lovell, Lowry, McCoid, McCormack, McIntyre, McNutt, Merrill, Miles, Read, Richards, Rumple, Russell, Shane, Smith, Stone, Stuart, Taylor, Vale, West, and Willett—34.

Absent or not voting—

Senators Gault, Howland, Leavitt, Maxwell, and McCulloch—5.

So the amendment was lost.

The question being on the adoption of Senator McCoid's substitute, Senator Campbell moved to amend as follows :

And it shall be the duty of the Governor, when notified thereof, and requested by the person or persons commencing the prosecution, or action, to employ suitable counsel to conduct, or assist in conducting the same; and the sum of five thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any

money in the treasury, for compensation for such counsel, and to pay any incidental expenses necessary to carry on said prosecution or action. Such compensation and incidental expenses shall be audited and allowed by the auditor of state on the certificate of the Governor that said services were actually performed, and such incidental expenses necessary, and that the sums in such certificates were reasonable for the services rendered. And when thus certified and allowed, it shall be paid by the treasurer of the state out of said appropriation.

On the adoption of this amendment the yeas and nays were demanded, and

The yeas were—

Senators Allen, Beardsley, Bemis, Boomer, Campbell, Chambers, Claussen, Converse, Dagne, Dashiell, Dysart, Fairall, Havens, Hurley, Ireland, Kephart, Kinne, Leavitt, Lovell, Lowry, McCormack, McNutt, Merrill, Murray, Rumple, Shane, Taylor, Vale, West, and Willett—30.

The nays were—

Senators Burke, Crary, Larrabee, McCoid, McIntyre, Miles, Read, Richards, Russell, Smith, Stone, Stuart, Wonn, and Young—14.

Absent or not voting—

Senators Atkins, Fitch, Gault, Howland, Maxwell, and McCulloch—6.

So the Senate adopted the amendment.

On the adoption of the substitute as amended the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Fairall, Fitch, Havens, Ireland, Kinne, Leavitt, McCoid, Merrill, Miles, Murray, Smith, Wonn, and Young—15.

The nays were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Hurley, Kephart, Larrabee, Lovell, Lowry, McCormack, McIntyre, McNutt, Read, Richards, Rumple, Russell, Shane, Stone, Stuart, Taylor, Vale, West, and Willett—30.

Absent or not voting—

Senators Bemis, Gault, Howland, Maxwell, and McCulloch—5.

So the Senate refused to adopt the substitute.

The question recurring on the adoption of the amendments offered by Senator McNutt, Senator Campbell demanded a division of the question, and on the adoption of section 30, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Dague, Dashiell, Dysart, Fitch, Kephart, Lovell, Lowry, McCormack, McNutt, Miles, Read, Richards,

Rumple, Shane, Stuart, Taylor, Vale, West, Willett, and Young—28.

The nays were—

Senators Allen, Atkins, Crary, Fairall, Havens, Hurley, Ireland, Kinne, Larrabee, Leavitt, McCoid, McIntyre, Merrill, Murray, Russell, Smith, Stone, and Wonn—18.

Absent or not voting—

Senators Gault, Howland, Maxwell, and McCulloch—4.

So the section was adopted.

On the adoption of section 31 the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Dague, Dashiell, Dysart, Kephart, Lovell, Lowry, McCormack, McNutt, Read, Richards, Rumple, Shane, Taylor, Vale, West, and Willett—23.

The nays were—

Senators Allen, Atkins, Bemis, Crary, Fairall, Fitch, Havens, Hurley, Ireland, Kinne, Larrabee, Leavitt, McCoid, McIntyre, Merrill, Miles, Murray, Russell, Smith, Stone, Stuart, Wonn, and Young—23.

Absent or not voting—

Senators Gault, Howland, Maxwell, and McCulloch—4.

The vote being a tie the President declined to vote, so the section not having received a majority was lost.

On the adoption of section 32, the yeas and nays were demanded and

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Dague, Dashiell, Dysart, Kephart, Lovell, Lowry, McCormack, McNutt, Read, Richards, Rumple, Shane, Taylor, Vale, West, and Willett—23.

The nays were—

Senators Allen, Atkins, Bemis, Crary, Fairall, Fitch, Havens, Hurley, Ireland, Kinne, Larrabee, Leavitt, McCoid, McIntyre, Merrill, Miles, Murray, Russell, Smith, Stone, Stuart, Wonn and Young—23.

Absent or not voting—

Senators Gault, Howland, Maxwell, and McCulloch—4.

The vote being a tie the President declined to vote, so the section not having received a majority, was lost.

On the adoption of the section 33, down to section 43, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Dague, Dashiell, Dysart, Kephart, Lovell, McCormack, McNutt, Richards, Rumple, Shane, Taylor, Vale, and West—20.

The nays were—

Senators Allen, Atkins, Bemis, Crary, Fairall, Fitch, Havens, Hurley, Ireland, Kinne, Larrabee, Leavitt, Lowry, McCoid, McIntyre, Merrill, Miles, Murray, Read, Russell, Smith, Stone, Stuart, Willett, Wonn, and Young—26.

Absent or not voting—

Senators Gault, Howland, Maxwell, and McCulloch—4.

So the Senate refused to adopt the sections.

On the adoption of section 43 the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Chambers, Clausen, Dague, Kephart, Lovell, Larrabee, Leavitt, McNutt, Miles, Richards, Rumple, Taylor, Vale, and West—18.

The nays were—

Senators Allen, Atkins, Campbell, Converse, Crary, Dashiell, Dysart, Fairall, Fitch, Havens, Hurley, Ireland, Kinne, Lowry, McCoid, McCormack, McIntyre, Merrill, Murray, Read, Russell, Shane, Smith, Stone, Stuart, Willett, Wonn, and Young—28.

Absent or not voting—

Senators Gault, Howland, Maxwell, and McCulloch—4.

So the Senate refused to adopt section 43.

On the adoption of section 44 the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Kephart, Lovell, Lowry, McCormack, McNutt, Richards, Rumple, Shane, Taylor, Vale, West, and Willett—20.

The nays were—

Senators Allen, Atkins, Burke, Claussen, Crary, Fairall, Havens, Hurley, Ireland, Kinne, Larrabee, Leavitt, McCoid, McIntyre, Merrill, Miles, Murray, Read, Russell, Smith, Stone, Stuart, Wonn, and Young—24.

Absent or not voting—

Senators Bemis, Fitch, Gault, Howland, Maxwell, and McCulloch—6.

So section 44 was not adopted.

On the adoption of section 45, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Hurley, Ireland, Kinne, Larrabee, Leavitt, Lovell, Lowry, McCormack, McNutt, Miles, Murray, Richards, Rumple, Shane, Smith, Stone, Stuart, Taylor, Vale, West, Willett, and Young—34.

The nays were—

Senators Allen, Beardsley, Boomer, Havens, Kephart, McCoid, McIntyre, Merrill, Read, Russell, and Wonn—11.

Absent or not voting—

Senators Bemis, Gault, Howland, Maxwell, and McCulloch—5.
So the Senate adopted section 45.

Senator Larrabee moved to strike out sections 33 to 39, inclusive.

The motion did not prevail.

Senator Stone moved to amend the fourth and fifth lines of section 36 by striking out the words "as provided in this chapter" and inserting "mandamus."

Also, to strike out of the eighth line of section 36 the word "chapter" and insert "law pertaining to mandamus."

The amendments were adopted.

Senator Hurley moved to amend the first line of section 40 by striking out the word "March" and inserting "April."

The amendment was lost.

Senator Beardsley moved to amend the sixth line of section 41 by adding after the word "between" the words "and the value thereof per mile."

On the adoption of this amendment, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Ireland, Lovell, Kinne, Larrabee, Leavitt, Lowry, McCoid, McCormack, McIntyre, McNutt, Merrill, Miles, Murray, Richards, Ruple, Russell, Shane, Smith, Vale, West, Willett, Wonn, and Young—36.

The nays were—

Senator Read—1.

Absent or not voting—

Senators Allen, Atkins, Bemis, Burke, Gault, Howland, Hurley, Kephart, Maxwell, McCulloch, Stone, Stuart, and Taylor—13.

So the amendment was agreed to.

Senator Beardsley moved to amend the same line by adding after the word "kind," "and the value thereof."

Also, add in the 7th line, after the word "number," the words "the value thereof."

The amendments were adopted.

Senator Claussen moved to amend section 9, by inserting after the word "court," wherever it occurs, the words "or circuit court."

Which was agreed to.

Senator Beardsley moved to strike out all after the word "as," in third line of section 43, down to and including the word "section," in the fifth line, and insert the words, "and also a detailed statement of the assessed value of all other property belonging to such railway corporation and situate in such county."

Pending the consideration of which, Senator Willett moved that when the Senate adjourn it be until 9 o'clock to-morrow morning.

The motion did not prevail.

At 12 m. the President declared the Senate adjourned until 2:00 P. M.

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AFTERNOON SESSION.

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

The question being on the adoption of Senator Beardsley's amendment to section 43, Senator Fairall moved the previous question.

Which was seconded by the Senate, and the main question ordered.

Senator Shane was granted leave of absence.

On the adoption of Senator Beardsley's amendment to section 43, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Clausen, Converse, Dysart, Lowry, McCormack, McNutt, Merrill, Richards, Taylor, and Vale—15.

The nays were—

Senators Allen, Atkins, Burke, Crary, Dague, Dashiell, Fairall, Fitch, Havens, Hurley, Ireland, Kephart, Kinne, Larrabee, Leavitt, Lovell, McCoid, McIntyre, Miles, Murray, Read, Rumple, Russell, Smith, Stone, Stuart, West, Willett, Wonn, and Young—30.

Absent or not voting—

Senators Gault, Howland, Maxwell, McCulloch, and Shane—5.

So the Senate refused to adopt the amendment.

The bill was then ordered engrossed for a third reading.

On motion of Senator McIntyre, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Hurley, Ireland, Kephart, Kinne, Larrabee, Leavitt, Lovell, Lowry, McCoid, McCormack, McIntyre, Merrill, Miles, Murray, Read, Rumple, Russell, Smith, Stone, Stuart, Taylor, Vale, West, Willett, Wonn and Young—42.

The nays were—

Senators Beardsley, McNutt, and Richards—3.

Absent or not voting—

Senators Gault, Howland, Maxwell, McCulloch, and Shane—5.

So the bill passed and the title was agreed to.

On motion of Senator Campbell, S. F. No. 4, title 4, A bill for an act relating to county, township, town, and city government, with House amendments, and report of committee, was taken up and considered.

The report of the committee, recommending that the Senate do concur in House amendments to chapter 12, was adopted.

The question being, "Shall the Senate agree to the House amendments (except those to chapter 12, and section 44, of chapter 10.)

The yeas were—

Senators Allen, Atkins, Campbell, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Hurley, Ireland, Kephart, Kinne, Larrabee, Leavitt, Lowry, McCormack, McIntyre, Merrill, Miles, Rumble, Smith, Stone, Taylor, Vale, West, Willett, Wonn, and Young—30.

The nays were—

Senators Bemis, Boomer, Chambers, Lovell, McCoid, McNutt, Murray, Read, Richards, Russell, and Stuart—11.

Absent or not voting—

Senators Beardsley, Burke, Fitch, Gault, Havens, Howland, Maxwell, McCulloch, and Shane—9.

So the Senate concurred in the House amendments, except as above noted.

On motion of Senator Miles, H. C. Russell, mail carrier, was granted leave of absence.

Senator Beardsley, from the committee on schools, submitted the following report:

MR. PRESIDENT—Your committee on schools, to whom was referred sundry chapters of title 12, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that they be amended in several sections as noted on the bill, and that when thus amended they do pass.

CHAS. BEARDSLEY, *Chairman*.

Ordered passed on file.

Senator Converse, 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:

Title 26, an act to revise, amend and codify the statutes in relation to the discipline and government of persons and of the Penitentiary, its government and discipline.

A. CONVERSE, *Chairman*.

Senator Ireland from the committee on State University submitted the following report:

MR. PRESIDENT—The committee on State University respectfully report that they have examined chapter 2, title 12, S. F. No. 22, and recommend its passage.

A. B. IRELAND, *Chairman.*

Senator Claussen from the committee on soldiers' orphans' homes, submitted the following report :

MR. PRESIDENT—Your committee on soldiers' orphans' homes, to whom was referred chapter 4, title 12, of the soldiers' orphans' homes, 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 without amendment.

H. R. CLAUSSEN, *Chairman.*

Ordered passed on file.

Senator Larrabee moved to take up chapter 1 of title 12, S. F. No. 22, A bill for an act to revise, amend and codify the statutes in relation to education, together with the report of the committee.

Senator Campbell moved to amend by requiring the committee having the remainder of title 12 in their hands to report to-morrow morning.

The amendment did not prevail.

Senator Larrabee's motion was then agreed to.

Senator Beardsley moved to strike out all of section 3, chapter 1, down to and including the word "office," in the sixth line, and insert:

"He shall, if deemed necessary, have published after the adjournment of each regular session of the general assembly a sufficient number of copies of all amendments to the school laws passed at such session, to furnish each school officer in the state with a copy thereof; appropriate references shall be made to the previous law that has been amended or changed so as to clearly indicate the effect of such amendments or changes."

The amendment was adopted.

On motion of Senator Beardsley, section 9 was stricken out.

On motion of Senator Campbell, section 2, chapter 2, was amended by striking out the word "exclusive."

Senator Young moved to insert in the fourth line of section nine, chapter two, before the word "fifty," the words "not less than."

The amendment was adopted.

Senator Larrabee moved to strike out section 14.

Which was disagreed to.

Senator Dysart moved to amend by adding a new section to the numbered section 19:

SEC. 19. No person shall open, maintain, or conduct any shop or other place for the sale of wine, beer, or spirituous liquors, or sell the same at any place within a distance of three miles from the

state university in Johnson county; *Provided*, That the same may be sold for sacramental, mechanical, medical, or culinary purposes. And any person violating the provisions of this act shall be punished, on conviction by any court of competent jurisdiction, by a fine not exceeding fifty dollars for each offense, or by imprisonment in the county jail for a term not exceeding thirty days, or by both such fine and imprisonment.

On the adoption of this amendment the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Converse, Crary, Dague, Dashiell, Dysart, Fitch, Havens, Hurley, Kephart, Larrabee, Leavitt, McCoid, McNutt, Murray, Read, Rumple, Smith, Vale, West, and Willett—26.

The nays were—

Senators Allen, Claussen, Fairall, Kinne, Lovell, Lowry, McCormack, McIntyre, Miles, Richards, Russell, Stone, Stuart, and Taylor—14.

Absent or not voting—

Senators Atkins, Gault, Howland, Ireland, Maxwell, McCulloch, Merrill, Shane, Wonn, and Young—10.

So the amendment was adopted.

Senator Larrabee offered the following as section 20 :

Sec. 20. No member of the general assembly shall be eligible to the office of regent during the term for which he was elected.

Which was agreed to.

Chapter 4 was taken up and considered.

Senator Beardsley moved to amend the second section of chapter 4, by adding thereto the following :

No member of the general assembly shall be eligible to the office of trustee during the term for which he was elected.

The amendment was adopted.

Senator Murray moved to amend chapter 4, by adding thereto the following as a new section :

No person shall open, maintain, or conduct any shop or other place, for the sale of wine, beer or intoxicating liquors, within a distance of three miles of the place where said orphans homes are located, to-wit: the counties of Scott, Blackhawk and Mills, and any person violating the provisions of this section shall be punished on conviction by any court of competent jurisdiction by a fine not exceeding fifty dollars for each offense, or by imprisonment in the county jail for a term not exceeding thirty days, or by both such fine and imprisonment.

On this question, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Converse, Crary, Dague, Dashiell, Dysart, Havens, Hurley,

Ireland, Kephart, Leavitt, McNutt, Murray, Read, Smith, Vale, and West—22.

The nays were—

Senators Allen, Claussen, Fairall, Kinne, Larrabee, Lovell, Lowry, McCoid, McCormack, McIntyre, Miles, Richards, Russell, Stone, Stuart, Taylor, Willett, and Young—18.

Absent or not voting—

Senators Atkins, Fitch, Gault, Howland, Maxwell, McCulloch, Merrill, Rumble, Shane, and Wonn—10.

So the section was adopted.

Senator West moved that the further consideration of the chapter be postponed until 9 o'clock to-morrow.

Which was disagreed to.

Senator Beardsley moved to refer chapter 9, to the committee with instructions to restore the law as now in force.

The motion was lost.

Senator Larrabee moved to strike out chapter 9, of the bill and insert chapter 1 of the school laws of Iowa.

Senator McIntyre moved to amend the amendment by adding thereto the following:

That no wine, beer, spiritous or malt liquors be sold or given away within ten miles of any district school, either independent or otherwise, and for a violation of this section, each offense, they be fined not less than ten or more than one hundred dollars.

On this question, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Kephart, Leavitt, McIntyre, McNutt, Miles, Murray, Smith, Vale, and West—17.

The nays were—

Senators Allen, Burke, Claussen, Crary, Fairall, Havens, Hurley, Ireland, Kinne, Larrabee, Lovell, Lowry, McCoid, McCormack, Read, Richards, Rumble, Russell, Stone, Stuart, Taylor, Willett, Wonn, and Young—24.

Absent or not voting—

Senators Atkins, Bemis, Fitch, Gault, Howland, Maxwell, McCulloch, Merrill, and Shane—9.

So the amendment to the amendment was lost.

Senator McCoid offered various amendments to the amendment offered by Senator Larrabee.

Which were agreed to.

On the adoption of Senator Larrabee's amendment as amended the yeas and nays were demanded, and

The yeas were—

Senators Converse, Crary, Fitch, Hurley, Lovell, Kinne, Larrabee, Richards, Stone, West, and Wonn—11.

The nays were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Dague, Dashiell, Dysart, Fairall, Havens, Ireland,

Kephart, Lowry, McCoid, McCormack, McIntyre, McNutt, Miles, Murray, Read, Rumble, Russell, Smith, Stuart, Taylor, Vale, Willett, and Young—30.

Absent or not voting—

Senators Allen, Atkins, Gault, Howland, Leavitt, Maxwell, McCulloch, Merrill, and Shane—9.

So the amendment was defeated.

On motion of Senator Fairall, the first line of section 6 was amended by striking out the word "all."

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 Senate amendment to House amendment to S. F. No. 20, title 20, A bill for an act to revise, amend and codify the statutes in relation to procedure in particular cases, relating to those parts of chapter 12 that were stricken out by the Senate.

Also, the House recedes from its amendment to insert section 23½, in chapter 4.

Also, the House has appointed Messrs. Pratt, Hall and Merrill, committee of conference on part of the House, to confer with Senate committee on H. F. No. 13, A bill for an act to revise, amend and codify the statutes in relation to rights of property.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator West moved to postpone the further consideration of the bill until ten o'clock to-morrow.

Senator Lowry moved that the Senate adjourn.

On the question, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Burke, Crary, Dashiell, Fitch, Havens, Kephart, Kinne, Lowry, McNutt, Murray, Russell, Smith, West, and Wonn—16.

The nays were—

Senators Beardsley, Boomer, Campbell, Chambers, Claussen, Converse, Dague, Dysart, Fairall, Hurley, Ireland, Larrabee, Leavitt, Lovell, McCoid, McCormack, McIntyre, Merrill, Miles, Richards, Rumble, Stuart, Taylor, Vale, Willett, and Young—26.

Absent or not voting—

Senators Bemis, Gault, Howland, Maxwell, McCulloch, Read, Shane, and Stone—8.

So the motion to adjourn was lost.

Senator West's motion to postpone did not prevail.

Senator Dashiell moved to reconsider the vote by which Senator Larrabee's amendment was lost.

Senator Dysart moved to lay the motion to reconsider on the table.

Which was agreed to.

Senator Fairall moved to reconsider the vote by which S. F. No. 9, title 10, was passed.

Senator Stone moved to lay the motion to reconsider on the table, to which the Senate agreed.

At 4:20, on motion of Senator West, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, IOWA, Feb. 6, 1878, }

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

Prayer by. Rev. Mr. Miles.

Reading of the journal was proceeded with, when, on motion of Senator Beardsley, further reading was dispensed with.

Senator Dashiell, from the committee on reform school, submitted the following report:

MR. PRESIDENT—Your committee on reform school, to which was referred chapter 5, title 12, 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.

DASHIELL, *Chairman.*

Ordered that the report pass on file.

Senator Ireland was granted leave of absence on account of sickness in his family.

Senator Maxwell, from the committee on agricultural college and farm, submitted the following report:

MR. PRESIDENT—Your committee on agricultural college and farm, to whom was referred chapter 3 of title 12, of a bill for an act to revise, amend and codify the statutes in relation to education, 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 accompanying substitute, and recommend that the substitute be adopted and do pass.

GEO. M. MAXWELL, *Chairman.*

Ordered passed on file.

The consideration of S. F. No. 22, title 12, A bill for an act to revise, amend and codify the statutes in relation to education, which

was under consideration at the hour of adjournment, was resumed.

Senator Maxwell moved that the substitute reported by the committee on agricultural college and farm be referred back to the committee and be printed, and that the committee report to-morrow morning.

Senator West moved to amend the motion, and that the substitute be considered now.

The substitute was ordered printed without re-referring.

On motion the report of the committee on chapter 5, of title 12, recommending that the chapter do pass, was taken up, and the chapter was considered.

Senator Larrabee moved to amend the first section by striking out of the first line the word "reform," and inserting the word "industrial."

The amendment was not agreed to.

Senator Fitch moved to amend the second line of section 2, by striking out the word "five," and inserting the word "three."

Which was agreed to.

Senator Beardsley moved to amend section 2, by adding thereto the following: "No member of the General Assembly shall hereafter be chosen a trustee of the Reform School."

The amendment was adopted.

On motion of Senator Fitch, the section was further amended by adding the words, "and no appointment shall be made till the number of trustees is reduced to three."

Senator McCoid moved to strike out the proviso to section 4.

Which was disagreed to.

Senator Beardsley moved to amend section 1, chapter 6, by striking out of the second line, after the word "of," where it occurs the third time, down to and including the word "and" in the third line. Also, to amend by striking out "other" at the end of third line.

The amendments were adopted.

Senator Fitch moved to strike out the word "six," and insert "three."

Senator Fairall moved to amend the amendment by striking out "three," and inserting "five."

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

Senator Rumble moved to amend section 1, by adding thereto the following: "No member of the Legislature shall be eligible to the office of trustee during the time he is such member."

Senator Beardsley offered the following as a substitute:

"No member of the General Assembly shall hereafter be chosen a trustee of the College for the Blind."

The substitute was adopted.

On motion of Senator Miles, the word "Legislature" was stricken out of the fourth line of section 1, and "General Assembly" inserted.

On motion of Senator Beardsley, section 2 was stricken out.

Senator Wonn moved to amend the first line of section 5, by striking out "ten" before "cents," and inserting "five."

The amendment was rejected.

On motion of Senator Fitch, "35," was stricken out of the second line of section 9, and "40" inserted.

Senator Shane moved to amend section 10 as follows: Strike out "another," and insert "a" in the first line. Also, strike out the words, "and the treasurer," and insert the word "who" in the second line. Also, in the same line, strike out "the," and insert "a." Also, after the word "a," insert the words, "not less than."

Senator Beardsley moved to amend the amendment by adding to the section the words, "the treasurer shall not be a member of the board of trustees."

The amendment to the amendments was lost, and the amendments were disagreed to.

Senator Fairall moved to insert after the word "of," in the second line of section 10, the words, "not less than."

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 insists on its amendments to S. F. No. 4, title 4, A bill for an act to revise, amend and codify the statutes relating to county, township and city government, and has appointed Messrs. Hall, Green and Beresheim a committee of conference on the part of the House, on the disagreeing votes of the two Houses, and respectfully asks the appointment of a like committee on the part of the Senate.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Also the following:

MR. PRESIDENT: I am directed to inform your honorable body that the House of Representatives has refused to concur in the following Senate amendments to H. F. No. 15, A bill for an act to revise, amend and codify the statutes in relation to the domestic relations.

By adding to section 4 of chapter 3, "when either party after marriage becomes incurably insane, and has been so for a period not less than five years."

Also to amend section 18, chapter 5, by striking out the word "five" in the first line, and inserting the word "ten."

BENJ. VAN STEINBURG,
First Assistant Clerk.

Senator Willett moved to amend section 12 by adding thereto the following: "and then only as necessary to meet the wants of the institution."

The amendment was adopted.

Senator Smith moved to strike out "8" and insert "6" in the third line of section 12.

The Senate refused to agree to the amendment.

Senator Dashiell moved to insert after the word "treasurer" in the first line of section 9, the words "so much as is necessary, not to exceed."

The amendment was adopted.

On motion of Senator Larrabee, "December" was stricken out of the second line of section 14, and "November" inserted.

Senator McIntyre moved to amend chapter 5 by adding thereto the following as section 21:

Section 21. It shall be unlawful for any person to open or maintain a place for the sale or keeping of intoxicating liquors, wine, ale or beer, at any place within three miles of the college for the blind, located at Vinton, in Benton county, Iowa; and any person violating the provisions of this section, shall, upon conviction, be fined a sum not less than one hundred dollars, nor more than three hundred dollars for each offense."

Senator Taylor moved to amend the section by inserting "cider" after the word "beer."

The amendment to the section was lost.

On the adoption of the section offered by Senator McIntyre, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Fitch, Howland, Kephart, Leavitt, Maxwell, McIntyre, McNutt, Murray, Rumble, Shane, Smith, Vale, and West—23.

The nays were—

Senators Bemis, Claussen, Crary, Fairall, Havens, Hurley, Kinne, Larrabee, Lovell, Lowry, McCoid, McCormack, Miles, Read, Richards, Stuart, Taylor, Willett, Wonn and Young—20.

Absent or not voting—

Senators Allen, Gault, Ireland, McCulloch, Merrill, Russell, and Stone—7.

So the section was adopted.

On motion of Senator Hurley, the House message in relation to H. F. No. 15 was taken up and considered.

Senator Hurley moved that the Senate recede from its amendment.

Senator Richards asked a division of the question, and that a vote be taken on each amendment.

On the question, "Shall the Senate recede from the first amendment?"

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dashiell, Dysart, Fairall, Fitch, Havens, Howland, Hurley, Kephart, Kinne, Larrabee, Leavitt, Lovell, Maxwell, McCoid, McCormack, McIntyre, McNutt, Merrill, Miles, Richards, Rumble, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn and Young—38.

The nays were—

Senator Read—1.

Absent or not voting—

Senators Allen, Atkins, Bemis, Dague, Gault, Ireland, Lowry, McCulloch, Murray, Russell and Stone—11.

So the Senate receded from the amendment.

The question being on receding from the second amendment,

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Claussen, Converse, Crary, Dashiell, Dysart, Fairall, Havens, Howland, Hurley, Kephart, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McCormack, McIntyre, McNutt, Merrill, Miles, Murray, Read, Rumble, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—37.

The nays were—

Senators Atkins, Fitch, Kinne, Richards, and Shane—5.

Absent or not voting—

Senators Allen, Chambers, Dague, Gault, Ireland, McCulloch, Russell, and Stone—8.

So the Senate receded from its second amendment.

Senator Campbell moved to reconsider the vote by which section 19 was added to chapter 12, title 2.

Senator Dysart moved to lay the motion on the table.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Crary, Dague, Dysart, Howland, Kephart, Maxwell, McNutt, Murray, Smith, Vale, and West—16.

The nays were—

Senator Atkins, Bemis, Burke, Claussen, Fairall, Fitch, Havens, Hurley, Kinne, Larrabee, Leavitt, Lovell, Lowry, McCoid, McCormack, McIntyre, Merrill, Miles, Read, Richards, Rumble, Russell, Shane, Stone, Stuart, Taylor, Willett, Wonn, and Young—29.

Absent or not voting—

Senators, Allen, Dashiell, Gault, Ireland, and McCulloch—5.

So the motion to lay on the table did not prevail, and the vote by which the section was inserted was reconsidered.

The question being on the adoption of section 19, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Campbell, Converse, Crary, Dague,

Dysart, Howland, Kephart, Maxwell, McNutt, Murray, Smith, Vale, and West—15.

The nays were—

Senators Atkins, Bemis, Burke, Claussen, Dashiell, Fairall, Fitch, Havens, Hurley, Kinne, Larrabee, Leavitt, Lovell, Lowry, McCoid, McCormack, McIntyre, Merrill, Miles, Read, Richards, Rumble, Russell, Shane, Stone, Stuart, Taylor, Willett, Wonn, and Young—30.

Absent or not voting—

Senators Allen, Chambers, Gault, Ireland, and McCulloch—8.

So the Senate refused to adopt section 19.

Senator Lowry offered the following concurrent resolution:

Resolved by the Senate, the House concurring, That the Secretary of State be directed to print ——— copies of the report and evidence taken before the committee appointed to investigate the amount of money drawn from the State treasury, by the different State institutions, for the use of the General Assembly.

Senator Larrabee moved to lay the resolution on the table.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Fairall, Havens, Murray, and Russell—4.

The nays were—

Senators Atkins, Beardsley, Boomer, Burke, Campbell, Chambers, Claussen, Crary, Dague, Dashiell, Fitch, Howland, Hurley, Kephart, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McCormack, McIntyre, McNutt, Merrill, Miles, Read, Richards, Rumble, Shane, Smith, Stone, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—38.

Absent or not voting—

Senators Allen, Bemis, Converse, Dysart, Gault, Ireland, Kinne, and McCulloch—8.

So the motion did not prevail.

The blank was then filled with "600," and the resolution adopted.

Senator Hurley moved that when the Senate adjourned it be until 9 A. M. to-morrow.

On this question the yeas and nays were demanded.

The yeas were—

Senators Atkins, Claussen, Fairall, Havens, Howland, Hurley, Kinne, Lowry, McCoid, McCormack, McIntyre, Merrill, Murray, Richards, Rumble, Russell, Shane, Stone, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—25.

The nays were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Converse, Crary, Dague, Dashiell, Dysart, Fitch, Kephart, Larrabee, Leavitt, Lovell, McNutt, Miles, and Smith—18.

Absent or not voting—

Senators Allen, Burke, Gault, Ireland, Maxwell, McCulloch and Read—7.

So the motion was agreed to.

Senator Murray moved to reconsider the vote by which section 19 was added to chapter 4, of title 12, which motion prevailed.

The question recurring on the adoption of section 19, it was defeated.

Senator Shane moved to reconsider the vote by which section 21 was added to chapter 5 of title 12.

The motion prevailed, and the Senate refused to adopt the section.

On motion of Senator Kephart the time of adjournment was postponed 15 minutes.

On motion of Senator Hurley, S. F. No. 4, with the House message relating thereto, was taken up and considered.

Senator Hurley moved that a committee of conference be appointed on the disagreeing votes of the two houses on S. F. No. 4.

The motion prevailed, and the President appointed Senators Beardsley, Richards and Taylor as such committee on the part of the Senate.

Senator Kephart from the committee on suppression of intemperance, submitted the following report:

MR. PRESIDENT--Your committee on suppression of intemperance, to whom was referred H. F. No. 11, A bill for an act to revise, amend and codify the statutes in relation to the police of the 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 chapter 6, section 33, be amended in second line by striking out all after the word "liquors," and inserting in stead thereof "including wine and beer," and so amended recommend that it do pass.

E. B. KEPHART, *Chairman.*

Ordered passed on file.

Senator West moved that chapters 3, 4, and 5, of title 11, be referred to the committee on agriculture.

The motion was agreed to.

Senator Fitch presented a petition from citizens of Hamilton county, asking for legislation in relation to tariff on railroads.

Referred to committee on railroads.

Senator Maxwell presented a similar petition from citizens of Story county.

Same reference.

Senator Taylor presented a similar petition from citizens of Hardin county.

Same reference.

At 12 o'clock, on motion of Senator Howland, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, IOWA, Feb. 7, 1873. }

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

Prayer by the Rev. Mr. Miles.

The reading of the journal was proceeded with, when, on motion of Senator Campbell, the further reading was dispensed with.

Senator Campbell moved to reconsider the vote by which the testimony before and the report of the committee appointed to investigate the condition of the state institutions, was ordered printed.

The motion did not prevail.

The consideration of S. F. No. 22, title 12, A bill for an act to revise, amend and codify the statutes in relation to education, was resumed.

Senator Shane offered the following as an additional section to chapter 6 :

Sec. 21. Upon the death, resignation or removal from the state of any member of the board of trustees, the General Assembly, if in session at the time, shall fill the vacancy; but if the General Assembly is not in session, then shall the Governor fill such vacancy by appointment, to continue until the next regular session of the General Assembly, and until a successor shall be by that body elected. The refusal or neglect of any duly elected or appointed member of said board to act, shall be deemed a resignation.

The section was adopted.

On motion of Senator Kephart, chapter 7 was taken up and considered.

Senator Beardsley offered the following as a substitute for section 1:

There shall be permanently maintained at Council Bluffs, in the county of Pottawattamie, an institution for the support and education of the deaf and dumb, under the supervision of a board of trustees consisting of five persons, to be elected by the General Assembly, to hold their offices four years after the date of their election. No member of the General Assembly shall be a trustee of this institution.

The section was adopted.

On motion of Senator Fitch, "35" was stricken out and "40" inserted in the 2d line of section 4.

Senator Dysart moved to amend section 6, by inserting after the word "be" the words "approved by the executive council and."

The amendment was agreed to.

Senator Willett moved to amend section 9, by adding thereto the following: "which may be drawn quarterly in such amounts as the wants of the institution may require."

The amendment was adopted.

Senator West moved to strike out "12" and insert "10" in the 2d line of section 9.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Boomer, Burke, Campbell, Converse, Dashiell, Dysart, Fitch, Kephart, Kinne, Lowry, Maxwell, McCormack, Read, Richards, Rumble, Shane, Stuart, Vale, West, and Willett—20.

The nays were—

Senators Allen, Atkins, Beardsley, Bemis, Claussen, Dague, Howland, Larrabee, Leavitt, Lovell, McCoid, Merrill, Miles Murray, Russell, Smith, Stone, Taylor, and Wonn—19.

Absent or not voting—

Senators Chambers, Crary, Fairall, Gault, Havens, Hurley, Ireland, McCulloch, McIntyre, McNutt, and Young—11.

So the motion prevailed.

Senator Kephart moved to strike out "10" in the first line and insert "15."

Also, to strike out "December," and insert "November" in the third line of section 10.

The Senate adopted the amendments.

Senator Richards moved to amend section 6, by inserting after the word "as," and before the word "treasurer," the words "president and another as."

The amendment was agreed to.

Senator Beardsley moved to amend the second line of same section by striking out "he," and inserting "treasurer."

The amendment was adopted.

Senator Willett moved to reconsider the vote by which section 12 was amended.

The motion was agreed to.

Senator Willett moved to amend section 12, by adding thereto "and then only in such amounts as the wants of the institution may require."

Which was agreed to.

Senator Kephart moved to reconsider the vote by which "five" was stricken out of the second line of section 2, chapter 5, and "three" inserted."

The motion prevailed, and the question recurring on the motion to strike out "five" and insert "three," it was lost.

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 H. F. No. 29, A bill for an act to appropriate money for payment of postage of the adjourned session of the 14th General Assembly.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The consideration of S. F. No. 22, title 12, was resumed.

Senator Vale moved to amend section 7, chapter 9, by inserting after the word "secretary" in the third line the words "and treasurer."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Campbell, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fitch, Havens, Hurley, Kephart, Lovell, Kinne, Larrabee, Leavitt, Lowry, Maxwell, McCoid, McIntyre, McNutt, Merrill, Richards, Rumble, Russell, Stone, Stuart, Vale, West, Willett, and Wonn—31.

The nays were—

Senators Beardsley, Bemis, Boomer, Burke, Howland, McCormack, Miles, Murray, Read, Smith, Taylor, and Young—12.

Absent or not voting—

Senators Allen, Chambers, Fairall, Gault, Ireland, McCulloch, and Shane—7.

So the amendment was adopted.

Senator West moved to amend section 1, chapter 9, first line, by inserting after the word "organized" the words "and every independent school district, organized as such prior to the taking effect of this code."

Which was agreed to.

Senator Kephart moved to amend section 11 by striking out all after the word "all" in the second line, down to and including the word "years" in the third line, and inserting the following: "Persons in the district over the age of five years."

The amendment was agreed to.

Senator Beardsley moved to reconsider the vote by which the last amendment was adopted.

Senator Kephart moved to lay the motion on the table.

The motion to lay on the the table prevailed.

On motion of Senator Larrabee, section 15 was stricken out.

Senator Vale moved to amend the first line of section 17, inserting after the word "secretary" the words "and treasurer."

The amendment was agreed to.

Senator Chambers moved to amend the third line of same section by inserting the words "township or independent district," which prevailed.

Senator McCormack moved to amend the second line of section 16 by inserting after "secretary" the words "and treasurer."

The amendment was agreed to.

On motion of Senator Dysart, the same words were inserted after the word "secretary" in the second line of section 19.

Senator Rumble moved to add the following as section 20½:

Sec. 20½. They, or a majority of them, shall have power, with the concurrence of the president of the board of directors, to dismiss or suspend any pupil from the schools in their district for

gross immorality, or for a persistent violation of the regulations or rules of the school, and to re-admit them if they deem proper so to do.

The section was adopted.

Senator Miles moved to insert "treasurer" after the word "president" in the 3d line of section 21.

Which was agreed to.

On motion of Senator McCormack, the 1st line of section 18, was amended by striking out the words "with their district."

Senator McCormack moved to amend 3d line of section 22, by inserting after the word "secretary" the words, "and treasurer."

The Senate agreed to the amendment.

On motion of Senator Young, the 6th line of section 25, was amended by striking out "county" before "treasurer."

Senator Vale moved to amend section 29, by striking out the 6th sub-division, and inserting the following:

6th. The amount of teachers' fund held over, received, paid out, and on hand in his district.

7th. The amount of contingent fund held over, received, paid out and on hand in his district.

8th. The amount of school house fund held over, received, paid out, and on hand in his district.

The amendment was adopted.

Senator Vale moved to amend by adding after section 30, sections 41, 42, 43, 44, and 45, of the school laws of Iowa.

The amendment was agreed to.

Senator Beardsley, from the conference committee on S. F. No. 4, submitted the following report:

To the President of the Senate:

The committee of conference on the disagreeing votes of the two houses upon title 4, of the code, having met, have agreed, after full and free conference, to recommend and do recommend to their respective houses as follows:

1st. That the House amendment to chapter 12 be amended by inserting after the word "plat" in line 10 of section 10, the following: "For thirty days after the issuance of such notice."

2d. Also, by inserting as section 11, the following new section in said chapter:

Sec. 11. Whenever any congressional subdivision of land of forty acres or less, or any lot or subdivision, is owned by two or more persons in severalty, and the description of one or more of the different parts or parcels thereof cannot, in the judgment of the county auditor, be made sufficiently certain and accurate for the purposes of assessment and taxation, without noting the metes and bounds of the same, it shall be the duty of the auditor to require and cause to be made and recorded a plat of such tract or lot of land, with its several subdivisions in accordance with the provisions

of this chapter; and he shall proceed in such cases according to the provisions of section 10, and all the provisions of said section in relation to plats of towns, cities, etc., shall govern as to the tracts and parcels of land in this section referred to.

3d. That the Senate recede from its non-concurrence in the House amendment to section 44, chapter 10, and concur therein.

CHARLES BEARDSLEY,
R. HOWE TAYLOR,
B. B. RICHARDS,

Conferees on the part of the Senate.

B. J. HALL,
J. W. GREEN,
JOHN BERESHEIM,

Conferees on the part of the House.

The question being on the adoption of the report,

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fitch, Havens, Howland, Hurley, Kephart, Kinne, Lovell, Larrabee, Lowry, Maxwell, McCoid, McCormack, McIntyre, McNutt, Miles, Murray, Richards, Rumble, Russell, Shane, Smith, Stone, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—41.

The nays were none.

Absent or not voting—

Senators Allen, Atkins, Fairall, Gault, Ireland, Leavitt, McCulloch, Merrill, and Read—9.

So the report was adopted.

The Senate resumed the consideration of title 12.

Senator Beardsley moved to amend section 32 by striking out "of the school district" and inserting "thereto."

Also, insert after the word "township" the word "and," and strike out the words "and state."

The amendment was adopted.

Senator Maxwell moved to amend section 36 by adding "and the teachers shall draw no pay as teachers for the time spent in attending such institute."

Senator Kephart moved to amend the amendment by striking out the word "no" after the word "draw."

On the adoption of the amendment to the amendment, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Claussen, Dague, Dysart, Howland, Kephart, Kinne, Larrabee, Leavitt, Lowry, McCormack, McIntyre, Merrill, Murray, Read,

Richards, Rumple, Russell, Shane, Taylor, Vale, West, Willett, and Young—28.

The nays were—

Senators Atkins, Bemis, Crary, Dashiell, Fitch, Havens, Hurley, Lovell, Maxwell, McCoid, Miles, Stuart, and Wonn—13.

Absent or not voting—

Senators Allen, Converse, Fairall, Gault, Ireland, McCulloch, McNutt, Smith, and Stone—9.

So the amendment to the amendment was adopted.

Senator Taylor moved to add the following as section 39½.

Sec. 39½. The county superintendent shall not hold any office in or be a member of the board of directors of a district township, or independent district, or a member of the board of supervisors during the term of his incumbency.

The section was adopted.

Senator Beardsley moved to amend section 40 by inserting after "grammar" the word "physiology."

Senator West moved to amend the amendment by adding after the word "physiology" the words "and natural history."

The amendment to the amendment was lost, and the amendment adopted.

Senator Howland moved to amend section 40 by adding after the word "States" the words "Fowler's Works on Phrenology, and Youalt on the Horse."

The amendment did not prevail.

Senator Beardsley moved to amend section 44 by adding thereto the following: "Except visiting schools and hearing appeals."

Senator Rumple moved to amend the amendment by striking out "visiting schools and."

The amendment to the amendment was lost, and the amendment was adopted.

Senator West moved to amend the first line of section 44, by striking out "he," and inserting "board of supervisors."

The amendment was lost.

Senator McNutt moved to strike out section 44, to which the Senate refused to agree.

Senator Richards moved that when the Senate adjourn it be until 9 o'clock A. M. to-morrow.

Which was agreed to.

On motion of Senator Vale, section 44 was amended by striking out "and," and inserting "a full."

On motion of Senator Shane, section 46 was amended by striking out "fifth day," and inserting "first Tuesday."

On motion of Senator Shane section 49 was amended by striking out "days of November," and inserting "Tuesday of October."

Senator McCormack moved to strike out all after the word "in," in the second line of section 50, and insert "no case shall his compensation exceed \$500 per year."

Pending the consideration of which,
Senator Converse, from the committee on enrolled bills, submitted the following report:

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

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

S. F. No. 16, title 16, A bill for an act to revise, amend, and codify the statutes in relation to the estates of decedents.

A. CONVERSE, *Chairman.*

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:

A joint resolution authorizing the governor to appoint a committee to investigate the condition of the penitentiaries of the state.

H. A. COPELAND, *Second Ass't Clerk.*

Senator Hurley, from the committee on judiciary, submitted the following report:

MR. PRESIDENT—Your committee on judiciary, to whom was referred H. F. No. 21, A bill for an act to revise, amend and codify the statutes in relation to justices of the peace and their courts, 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.

JAS. S. HURLEY, *Chairman.*

Ordered passed on file.

Also the following:

MR. PRESIDENT—Your committee on judiciary, to whom was referred H. F. No. 19, A bill for an act to revise, vacate or modify judgments in the courts in which rendered, 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, and when so amended the same do pass:

Amend section 7, chapter 2, by striking out "the title to" and inserting "any interest in."

Strike out section 13, chapter 2, and insert: "If the transcript being filed, errors are not assigned and filed with the clerk of the supreme court, and the same served on the appellee, or his attorney

ten days before the first day of the trial term, the appellee may have the appeal dismissed, or the judgment or order affirmed unless good cause for the failure be shown by affidavit."

Amend section 9, chapter 3, by striking out "six" and inserting "twelve."

JAMES S. HURLEY, *Chairman.*

Ordered passed on file.

Senator Merrill was granted leave of absence until Tuesday morning.

At 12 o'clock the President declared the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, IOWA, Feb. 8, 1873. }

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

Prayer by Rev. Mr. Brostid.

On motion of Senator Shane, the reading of the journal was dispensed with.

Senator West presented a "memorial and joint resolution of the Legislature of Iowa, asking Congress to pass a law granting 160 acres of land to honorably discharged soldiers and sailors of the war of the rebellion.

Read first and second time, and on motion of Senator West, the rule was suspended and the joint resolution read a third time.

On the question "Shall the joint resolution pass?"

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Chambers, Converse, Crary, Dysart, Fitch, Howland, Hurley, Kephart, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McNutt, Miles, Murray, Read, Richards, Rumble, Smith, Vale, West, Willett, and Wonn—28.

The nays were—

Senator Claussen—1.

Absent or not voting—

Senators Allen, Atkins, Campbell, Dague, Dashiell, Fairall, Gault, Havens, Ireland, Kinne, McCoid, McCormack, McCulloch, McIntyre, Merrill, Russell, Shane, Stone, Stuart, Taylor, and Young—21.

So the joint resolution passed and the title was agreed to.

Senator Maxwell, from the committee on agricultural college and farm, submitted the following report:

MR. PRESIDENT—Your committee on agricultural college and farm, to whom was referred chapter 3, title 12, and substitute for same, beg leave to report that they have had the same under consideration, and a majority of said committee have instructed me to report the substitute back with the following amendment, and when so amended that the same do pass.

GEO. M. MAXWELL, *Chairman.*

Ordered passed on file.

Senator West, from the committee on agriculture, submitted the following report:

MR. PRESIDENT—Your committee on agriculture, to whom was referred chapters 3, 4, and 5, of H. F. No. 11, A bill for an act to revise, amend and codify the statutes in relation to the police of the 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 be amended as follows:

Chapter 3, section 23, in 3d line, strike out the word "fifteen" and insert "ten."

Also in section 26, 1st line, strike out the word "ten" and insert the word "five."

Also, in 3d line strike out the word "twelve" and insert "six."

Also, in section 27, 1st line, strike out the word "ten" and insert "five."

Also, in the same line strike out the word "fifteen" and insert "ten."

Also, in the 3d line of same section, strike out the word "twelve" and insert "nine."

And when so amended that it do pass.

J. P. WEST, *Chairman.*

Ordered passed on file.

Senator Converse, from the committee on enrolled bills, submitted the following report:

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

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

A. CONVERSE, *Chairman.*

On motion of Senator Converse, Senator Bemis was added to the committee on enrolled bills.

Senator Shane, from the joint committee appointed to investigate the defalcation of Samuel E. Rankin, late state treasurer and treasurer of the agricultural college and farm, submitted the following report :

REPORT OF COMMITTEE.

To the Senate and House of Representatives :

The joint committee of the Senate and House of Representatives, to which was referred the concurrent resolution relating to the alleged mismanagement of the state funds by Samuel E. Rankin, late state treasurer, and relating to his alleged defalcation as treasurer of the agricultural college and farm, and also relating to the official acts of the board of trustees of the college, would respectfully report :

That, in pursuance of said resolution, they called before them, and examined as witnesses, in detail and under oath, Gov. C. C. Carpenter, ex-Gov. Samuel Merrill, Hon. A. S. Welch, Prof. Geo. W. Jones, Gen. J. L. Geddis, Hon. Isaac Brandt, Hon. John A. Elliott, Capt. F. R. West, Prof. A. E. Roberts, W. O. Waldron, Esq., Hon. C. Close and Hon. Geo. W. Bassett. That, in addition to the above named gentlemen, they have partially examined under oath, the Hon. Samuel E. Rankin; and that the testimony and evidence given by the witnesses above named was carefully written down at the time, and is herewith submitted to you for your inspection and consideration. The committee, for the purpose of carrying out the spirit, as well as the letter of your concurrent resolution, have thought proper to embrace the whole time of Major Rankin's official service as treasurer of state and treasurer of the agricultural college, within the scope of their inquiries; and in so doing, many interrogatories apparently irrelevant have been asked, and many immaterial answers have been received and recorded; yet, upon a close and careful examination of the whole, it will be apparent that such interrogatories might have elicited answers having a direct bearing upon the subject matter under investigation, and that no investigation would be complete without answers thereto.

The committee at the time of entering upon its duties had every reason to and did expect that Major Rankin himself would lend it all the assistance, and give it all the information in his power in regard to the subject matter of inquiry; and with the feeling that he was "more sinned against than sinning," it entered upon its duties. Laboring under this impression, he was called before the committee and was sworn and partially examined, when, without justification or excuse, he peremptorily refused to testify or give the public further information. This contumacy and contempt was promptly reported to the Senate and House of Representatives, and the matter was committed to the wisdom of the General Assembly. The committee does not deem Major Rankin's refusal to testify further as unfortunate for the cause of truth. It very

soon became apparent that all the material portion of the evidence he did give was untruthful, without foundation, and *false* in fact; and reasoning from what testimony the committee had received from him, it came to the conclusion that this witness had not designed, from the beginning, to tell the truth; that his request at the commencement of the session for a full and thorough investigation, was but consistent with that system of deception he has practised for years, and that his proffers of assistance were a farce, and intended only to mislead the public mind.

The fruits of this tedious investigation may not assist materially in making up any deficit or losses resulting to the agricultural college from Major Rankin's defalcation as its treasurer, but may direct the attention of the General Assembly, and the people of the state, to the loose management of the finances of the state and state institutions by sworn officers, and the opportunities that are afforded to necessitous or dishonest public servants to plunder the state or other public treasuries through defective laws, or the negligence of those whose duty it is to see existing laws enforced. Should this testimony have the effect of causing the General Assembly to revise the laws as to the management of the state finances, and the laws organizing and governing the vast pecuniary interests involved in the agricultural college, and other state institutions, then would the committee consider the time and labor had, and the money expended in this investigation, not lost.

As a starting point in this investigation, the committee has had no trouble as to a very material point: that is, the fact, and the amount of the defalcation. Major Rankin himself admits the fact and the amount, and a committee acting in behalf of the board of trustees of the agricultural college, corroborate his statement as to both. Hence your committee has had no trouble on that score; but has mainly confined its inquiries:

First, To the time, place, and manner in which the misappropriation commenced, how it was carried on, who, if any one, was the cause or what was the inducement, and who received the benefit of the same.

Secondly, As to the management of the affairs of the agricultural college and farm, and the disposition of its funds.

In regard to the first branch of the inquiry, your committee would state, that the cash deficit in the treasury of the agricultural college was on the 14th of December, 1872, \$37,393.79, since which time it has not been diminished or increased, except by the amount charged the late treasurer as interest on his settlement with a committee of the board of trustees appointed for that purpose; as will hereafter more fully appear. The testimony shows that Major Rankin was elected college treasurer at the regular meeting of the board of trustees in January, 1868; that he gave a bond at the time in the sum of \$75,000, with ample security, which bond was approved by the board of trustees; and that he

forthwith entered upon his duties as such treasurer, and continued to act in that capacity until January, 1869, when he was re-elected, but no bond was required of, or given by him for that year. In the meantime he continued to act as treasurer, handling tens of thousands of dollars, until January 10th, 1870, when he was again re-elected to the same office. Under this election he gave no bond until May 4th, 1870, when he filed his bond for that year, which was approved.

On the 7th of December, 1870, he was again elected to the same position, for the then ensuing year of 1871, but no bond was required by the board, and he gave none. He was again elected in December, 1871, but no additional bond was thought of or required until after all the money was stolen, when he was again elected, upon the express condition that he would execute a bond covering his past delinquencies as well as future responsibilities as such treasurer. Major Rankin failed to execute this last bond, and consequently the board of trustees, about the last of December, 1872, elected Dr. Jno. F. Ely, of Cedar Rapids, as treasurer of the institution, who now holds that position.

The committee are constrained to come to the conclusion that early in 1869 Major Rankin commenced to use unlawfully the funds of the college in his hands, for his own private or personal uses. The sums used at first appear to have been small, and were soon replaced by him, but only to be taken again from the college treasury more frequently, and in larger amounts, to be longer detained, and perhaps never replaced. This gradual depletion of the college treasury was thus continued by him until about the 25th of January, 1871, when it became entirely empty, and he was called upon to raise the necessary funds to meet the drafts made on him by the cashier of the college for current expenses from other sources. At this time the aggregate amount of the college funds which he had unlawfully used was a little over \$36,000, which sum should then have been in the hands of its treasurer, subject to its drafts. The college treasury being then empty, and Major Rankin being treasurer of state, with the control of the state funds, he turned at once to the treasury of the state as a source from which to supply the current expenses of the college and to honor its drafts. In pursuance of this policy, he advised his deputy, Hon. Isaac Brandt, that the college treasury was exhausted, and that he would be compelled to carry college warrants by funds from the state treasury, until the college treasury became replenished by remittances from agents. And this was done. From that time until on or about the 6th day of July, 1872, college drafts were honored and paid out of state funds whenever his necessities, private wants, or speculative demands required. Between the 25th day of January, 1871, and the 6th day of July, 1872, he thus unlawfully used moneys from the state treasury aggregating the sum of \$36,000, in which sum he was on the day last above mentioned defaulter to the state treasury.

On this last mentioned day—July 6th, 1872—a warrant was drawn on the treasurer of state, by the auditor, upon a requisition signed by the proper officers of the college, for the sum of \$38,500; being the amount of the appropriation made to the college for various purposes by the 14th general assembly, which warrant, on the same day, was paid and canceled. At that time Major Rankin was absent from the city, and the Hon. Isaac Brandt, acting as deputy treasurer of state, took the proceeds of the warrant, and placed them to the credit of the college, in order to make up what had been previously drawn from the state treasury in payment of college warrants. This was done pursuant to an understanding between Mr. Rankin and Mr. Brandt, and when done it left a balance in the state treasury due the college of about seven thousand dollars, which was thereafter paid out on college warrants from time to time until exhausted. This balance, together with the payments into the college treasury of the interest fund received from time to time by the treasurer, enabled him to meet all drafts made on him by the college cashier, until about the 1st of December, 1872, when a draft for three thousand dollars was received, two thousand of which was payable in currency, and one thousand in exchange. To meet this draft there was no funds in the college treasury, and Major Rankin again had recourse to the coffers of the state treasury, from which he took two thousand dollars to supply the currency portion of the warrant, and made a draft on the Union National Bank of Chicago for the balance. A few days thereafter Major Rankin borrowed from the Citizens' National Bank of Des Moines two thousand dollars in exchange, and deposited it to the credit of the state, and thus made up this last deficiency. From that time thenceforth, there does not appear any evidence before the committee that Major Rankin either mismanaged the state funds, or misappropriated the college funds. In this connection it is proper for your committee to say, that Hon. Isaac Brandt was in no manner officially connected with the college funds; that during Major Rankin's several terms of office as treasurer of state, Mr. Brandt was his deputy treasurer of state, only, and that it is owing in a great measure to the fact that he was deputy treasurer of the state that the State has not suffered serious loss, and the accounts between the college and state treasurer have not become inextricably confused and embarrassed.

As to who was the cause, or what were the inducements, and who received the benefits of the money thus abstracted, the committee have but one opinion. We are not unmindful of the high character that Major Rankin has hitherto sustained both at home and abroad. We do not forget his gallant services as a soldier and an officer in the war of the rebellion. Nor can we fail to remember the confidence that the people of the state of Iowa have reposed in him by electing him three times in succession to the most responsible trust within their gift, and the confidence and trust reposed in him by the trustees of the agricultural college, who unanimously

elected him five times the custodian of the college funds, and who permitted him to act in that capacity for at least three years without bonds. We have no facts upon which to base a theory as to the causes which prompted Major Rankin to thus falsify his record and betray a sacred trust, other than those which are known to the world outside of any testimony within our reach. Without that honesty of purpose that he was credited with, he also appears to have lacked a proper judgment of men and things; and without that independence and decision of character which would enable him to resist temptation, he was by others easily duped and led into investments and speculations that proved unprofitable. We have been unable to obtain any evidence that would point to any one as an accomplice with Major Rankin in these transactions: and hence must conclude that it was an abnormal desire on his part to grow rich by speculation, that first prompted him to unlawfully use public funds; and once having commenced, the final result was but a question of time.

It may be a matter of interest to many persons to know what has become of the money taken by Major Rankin from the college treasury. All such we would refer to the testimony of Hon. Isaac Brandt, herewith submitted, for information. Mr. Brandt's testimony is full and complete, and his opportunities for information on this subject were far superior to any man other than Major Rankin himself, and in his conclusions the committee mainly concur.

No testimony is before the committee indicating that any person or corporation has been the recipient of state or college moneys from Major Rankin by loan or deposit; nor can we trace these funds outside the State. During the years 1869 and 1870, he purchased real estate largely, including the interest of Hon. John A. Elliott, at that time auditor of state, in the school desk factory in Des Moines, and also through Mr. Elliott, the 1600 acres of Lyon county lands. It was during this same period that the greater portion of college moneys was taken. That some went for the Lyon county land, and much more went for and into the desk factory we have no doubt. The balance went for miscellaneous purposes, and to various persons who were dealing with him in good faith, and who had no knowledge, or opportunities of knowledge, or suspicion that the money they received was public funds.

As to the second branch of our inquiries, *viz*, The "official acts of the board of trustees of the agricultural college," our information is not so complete nor so full as could be desired; yet a careful examination of the testimony will scarcely fail to convince any one that the laws for the organization and government of that institution ought to be materially amended and revised, in order that the purposes for which the munificent grant of land which was made by the general government and accepted by this state may not be misapplied, and finally wasted and frittered away.

The testimony taken by the committee will further show that the

laws that are and have been in force for the organization of the college and disposition of the various funds, have been but partially observed, and that in many instances they have been in some material parts directly violated.

The execution of these laws is committed to a board of trustees consisting of one member from each judicial district, and the governor, and president of the college, who are *ex-officio* members of said board. It is to this board of trustees alone that the people are to look for the faithful execution of the laws, and preservation of that portion of the fund which is permanent, and the proper disposition of those portions which are in their nature temporary.

In the discharge of these duties, it is apparent that the board of trustees has, in many instances, "done those things which it ought not to have done, and it has left undone things which it ought to have done." As instances wherein the board of trustees has stepped outside and gone beyond the law, the committee cites the expenditure by it of large sums of the interest fund in the purchase of improved and unimproved lands; in building a residence for the president of the college, at a cost to that fund of \$12,000, and the expenditure of large sums in repairing the heating apparatus of the college building, and for other purposes, not only in violation of the spirit, but in many cases in violation of the letter of the law. The total amount of the *interest* fund thus expended, the committee, for want of time, and for want of access to all the books of the institution, have been unable to ascertain with exactness; but they think that the sums thus misappropriated in violation of law, and in violation of sworn duty, will approximate \$30,000, and perhaps exceed that sum. These misappropriations have been going on, more or less, every year from 1868 down to the present time, and unless the general assembly shall interfere in some effective way, the whole interest fund may be ultimately diverted from its legal and legitimate purposes. It will not do for these gentlemen to say that they were driven to this course from necessity. No necessity will justify the violation of the letter and spirit of the law, in a state where law is supposed to be supreme, and where officers take a solemn oath to support the laws and live up to their requirements.

As an instance where the board of trustees has left undone those things which it should have done, we may cite the facts connected with the several elections of Major Rankin as treasurer of the institution. The law in force at the time, and ever since his first election, provides in substance, that the board of trustees shall elect a treasurer, who shall give bond to be approved by the board, and who shall hold his office one year. As before stated, the board, at its January session, 1868, elected Major Rankin treasurer, and fixed his bond at \$75,000. The bond was drawn up, reciting the fact that the Major had been elected for two years, and in this shape was presented to the board and approved. Upon the approval of

this bond, Major Rankin assumed the duties of the office, and continued to act in that capacity for two years without an additional bond when in January, 1870, he was re-elected, but failed to give a new bond, and still with the consent of the board continued to act as treasurer until May, 1870, when a new bond, in the penal sum of one hundred thousand dollars, was filed by him, and approved by the board of trustees. This was the last bond executed by Major Rankin, and it appears to have been entirely lost sight of by the officers and trustees of the college, and was only discovered and brought to light by the exertions of this committee, assisted by Mr. Roberts, secretary of the board of trustees, when the committee was about ready to submit to you this report.

Major Rankin was again elected treasurer of the institution at the December meeting of the board of trustees, 1871, but no bond was required of, or tendered by him. Thus it will be seen, that during the whole of the year 1869, he was, by the criminal neglect of the board of trustees, handling large sums of money without bonds, and without the authority of law. It was during this period that Major Rankin commenced, in the language of ex-Gov. Merrill, to "spread out;" and it was during this year that he commenced that series of drafts on the "college box" which led to the final catastrophe—his bankruptcy, exposure, and ruin. It is only fair to presume that had the board of trustees done its duty by requiring from him a sufficient bond, and the usual oath of office, he would have hesitated long, and perhaps never have yielded to the temptation to which he was exposed by their negligence. His bond, signed by friends, his oath of office, would each have been a warning and a check upon him. But no such guards were placed around him, and when the voice of the tempter whispered in his ear, "You have given no bonds, you have taken no oath of office," he yielded and fell; and once having yielded, his speculations were only limited by the amount of college funds which came into his hands.

Again, in 1871, was Major Rankin unanimously re-elected treasurer by the board; yet that same ignorance, stupidity or negligence seemed to have pervaded the counsels and to have influenced the acts of the board as theretofore; no bond was required or given, no oath of office was administered, the great interests of the college were neglected, and he was criminally allowed to control tens of thousands of dollars belonging to the state for educational purposes, without a particle of security for its safety.

From all the facts developed in this investigation, the committee feel compelled, however unpleasant the duty may be, to say that in their opinion, while Major Rankin has made himself, probably, criminally liable for an infraction of the law, yet the several boards of trustees who were entrusted by the people to execute the laws in regard to the college, are in a great measure morally responsible for the losses sustained, and should be so regarded by the people. While each and every member of the board of trustees in office at

the time, and every officer of the college should be held to some extent liable at the bar of public opinion, for the embarrassment caused and losses sustained by the defalcation of the late treasurer, yet we are constrained to say that some of them should be held to a more rigid accountability than others. About mid-summer, 1869, the then chief executive officer of the state, who was also *ex-officio* member of the board of trustees, had his suspicions aroused, and opened a correspondence with the president of the college and secretary of the board, in regard to the official bonds of the officers. In this correspondence he received information which should have led him, as Governor of the state, and a member of the board of trustees, to act promptly and energetically; but he let the matter drop, and we hear no more of him in this connection until some time in December, 1872, when, at a meeting between a committee of the college board and Major Rankin, he very innocently told them that the responsibility was theirs, and that they must "shoulder it." (See ex-Governor Merrill's testimony.) The president of the college, although chief executive officer of the institution and its laws, seems to have paid little or no attention to the warnings he had received from Governor Merrill.

The college then had plenty of money, all drafts were duly honored, and the president seems to have thought it no part of his duty to see to the safety of the fund from whence his supplies were derived. The then secretary of the board, the Hon. H. M. Thomson, was also, in the opinion of the committee, derelict in his duty. He was the proper custodian of the treasurer's bond, his attention was expressly called to the fact that the bond then on file was for "last year"—1868—and not for 1869; yet he does not appear to have moved in the matter. He neither reported to the board of trustees, to the president of the college, executive committee, or any member of the board, the information that he had, but allowed the treasurer to take care of himself. In laying the chief responsibility for Major Rankin's failure to give bonds in 1869 and 1871, as college treasurer, on the ex-Governor, the president of the college and Hon. Hugh M. Thomson, we do not mean to exonerate from blame the trustees in office at that time. They each were sworn officers, each had a duty to perform besides that of receiving regularly their mileage, and each one should be held accountable for an ignorant or willful neglect of duty.

The position of a trustee of the agricultural college is designed and intended to be honorary in its character, and the committee is of the opinion that the "office should seek the man, and not the man the office." Men should be chosen for that position who have a peculiar fitness for the place, and not to satisfy local pride or political predilections. Hence, we recommend that the law providing that one trustee be elected from each judicial district be repealed, and that hereafter they be selected from those best fitted, wherever found within the state. The State has now invested in

the institution the sum of *two hundred and sixty-nine thousand and five hundred dollars*, besides the two hundred and forty thousand acres of land donated to the state, and by it held in trust for the promotion and dissemination of agricultural education, and cognate branches of learning. This land is worth, at a low estimate, *one million of dollars*. All of this vast sum of more than a *million and a quarter* of dollars is entrusted to the management of a board of trustees, who have generally been chosen on account of locality, and by reason of some local political influence or importance. They come together two or three times a year, spend a day or two, ratify the acts of the executive committee or president, draw their mileage and go home, without really knowing, or caring to know, much of the inner workings of the concern. It is, however, proper to say, that when the astonishment and consternation created among the members of the present board of trustees, by the first announcement of the defalcation of Major Rankin had passed away, it acted with commendable promptness and energy. A special committee consisting of Hon. H. D. Noble, Hon. O. H. P. Buchanan and Hon. C. Close, was at once appointed and invested with plenary power to proceed to Des Moines and secure the fund. In performing this delicate and responsible duty they did all that could be done; they settled with Rankin, took his obligation for the amount of the deficit, and an assignment of all his real and personal property, except household furniture. This was done under the advice of the governor and attorney-general—as we understand—and the manner and form may be presumed to be correct. The following is a copy of the obligation taken by them at this settlement:

DECEMBER 14th, 1872.

\$38,301.46.

Due on settlement to the trustees of the Iowa State Agricultural College and Farm the sum of thirty-eight thousand three hundred and one and 46-100 dollars, with interest thereon at the rate of seven per cent. per annum from date until paid. The above amount being the balance in my possession as treasurer of said institution at my settlement made with said trustees this day. Payable at Des Moines, Iowa.

SAMUEL E. RANKIN.

To the members of the board of trustees who were elected by the Fourteenth General Assembly we do not attach any blame for Major Rankin's defalcation, or for the misappropriation of the funds of the college. But we do think that they should be, in common with the rest of the trustees, held responsible for the haste they made in settling with Major Rankin, and taking property of uncertain value to make up the deficit, before they made a thorough search for any and all bonds executed by the Major as security

for the fund. Whether this settlement will *estop* the college or state from prosecuting and recovering on the bond of 1870 is purely a legal question which we leave the courts to decide. From all the information in our possession, we feel assured that neither the state or college will ever realize more than *fifty* per cent. of Major Rankin's defalcation out of the property turned over by him to the college, and that unless the balance can be made from the bond of 1870, or from his bond as treasurer of state, it will be lost to the people forever.

In conclusion, we may be permitted to say that we heartily concur with the president of the college and Prof. Jones in their opinion as to the necessity of a complete revision of the law organizing and controlling the institution and its property, and the committee would recommend the same to the General Assembly. That something should be done to preserve this vast fund, and to cause it to be administered in accordance with the design of congress and laws of this state, we have no doubt; but what shall be done, when done, and how done, we leave to the wisdom of the General Assembly without recommendation.

All of which is respectfully submitted.

JOHN SHANE,
J. L. McCORMACK,
On the part of the Senate.

JAS. L. WILLIAMS,
WM. C. EVANS,
FRED O'DONNELL,
On the part of the House.

Ordered passed on file.

REPORT OF COMMITTEE.

Senator Hurley, from the committee on judiciary, submitted the following report:

MR. PRESIDENT—Your committee on judiciary, to whom was referred S. F. No. 21, title 22, A bill for an act to revise, amend and codify the statutes in relation to evidence, 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 bill be amended by striking out section 8, of chapter 1, thereof.

Amend section 91, of same chapter, by inserting after the word "consul" in the 3d line, "or consular agent" and so amended that the bill do pass.

JAMES S. HURLEY, *Chairman.*

Ordered passed on file.

Senator Smith presented a petition asking for a more stringent law for the prevention of thefts of timber.

Referred to committee on judiciary.

Senator Bemis, Chambers, Young, and McNutt presented petitions from citizens of Iowa asking for legislation in regard to railroad tariffs.

The petitions were referred to the committee on railroads.

The consideration of title 12 was resumed.

The question being on the adoption of Senator McCormack's motion to amend section 50, by striking out all after the word "in" in the 3d line, and inserting "his compensation shall not exceed \$500 per year."

On this question, the yeas and nays were demanded, and

The yeas were—

Senators Crary, Fitch, Hurley, Kinne, Larrabee, Maxwell, McCoid, McNutt, Murray, Smith, Willett, Wonn, and Young—13.

The nays were—

Senators Beardsley, Bemis, Boomer, Burke, Chambers, Clausen, Converse, Dysart, Howland, Kephart, Leavitt, Lovell, Lowry, Miles, Read, Richards, Rumble, Shane, Stuart, Vale, and West—21.

Absent or not voting—

Senators Allen, Atkins, Campbell, Dague, Dashiell, Fairall, Gault, Havens, Ireland, McCormack, McCulloch, McIntyre, Merrill, Russell, Stone, and Taylor—16.

So the Senate refused to adopt the amendment.

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:

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

S. F. No. 16, title 16, A bill for an act to revise, amend, and codify the statutes in relation to estates of decedents.

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

Also, the House has passed H. F. No. 6, title 6, A bill for an act to revise, amend and codify the statutes in relation to revenue, in which the concurrence of the Senate is asked.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The consideration of title 12, chapter 2, was resumed.

Senator McNutt moved to strike out section 40 to 50, inclusive. 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 following bill, with amendments: S. F. No. 19, title 18.

1st. Amend section 3, chapter 1; strike out of 12th line, the words "has been fraudulently contracted," and insert "is due for property obtained under false pretense."

2d. Section 8, chapter 1, strike out of 8th line, "has been fraudulently contracted," and insert "was contracted for property obtained under false pretense."

3d. Add to section 50, chapter 1, "or was exempt from seizure under such attachment."

4th. Add to section 37, chapter 2, "*Provided*, That the provisions of this chapter in relation to stay of execution shall not apply to existing contracts, but such contracts shall be governed by the laws in force at the time they were made, which were as follows:

SEC. 3293. When judgment has been rendered against any one for the recovery of money, he may, by procuring one or more sufficient freehold securities to enter into a recognizance acknowledging themselves security for the defendant for the payment of the judgment, together with the interest and costs accrued and to accrue, have a stay of the execution from the time of rendering judgment, as follows:

If the sum for which judgment was rendered, exclusive of costs, does not exceed five dollars, one month.

If such sum and costs exceed five, but not twenty dollars, two months.

If such sum and costs exceed twenty, but not forty dollars, three months.

If such sum and costs exceed forty, but not sixty dollars, four months.

If such sum and costs exceed sixty, but not one hundred dollars, six months.

If such sum and costs exceed one hundred, but not one hundred and fifty dollars, nine months.

If such sum and costs exceed one hundred and fifty dollars, twelve month.

And *provided further*, that all judgments shall bear interest at the rate of ten per cent. per annum, on which a stay is taken.

5th. Insert in chapter 2, section 37½, as follows: "Officers approving stay bonds, shall require the affidavit of the signers of such bond, that they own real estate not exempt from execution, and aside from incumbrance, to the value of twice the amount of the judgment.

6th. Section 47, chapter 2, insert in 4th line after "rifle," the words "and shot gun," and after the word "pictures" in same line the words, "musical instruments." In the 6th line of same section strike out "one cow," and insert "two cows."

In the 7th line of same section insert after the word "thereon," the words, "six stands of bees." In 8th line of same section strike out "sixty days," and insert "six months."

H. A. COPELAND, *Second Ass't. Clerk.*

Also the following:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has adopted the reports of the conference committee to title 4 and title 13.

Also has concurred in the resolution of the Senate, directing the secretary of state to have printed 600 copies of the report of the joint committee on the various state institutions.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Kepthart moved to amend section 50, by adding thereto the following:

"Appointed by the state superintendent; *Provided*, that before any person shall be qualified as county superintendent, he shall pass a satisfactory examination, and give satisfactory evidence to the state board of examiners of his competency to fill said office.

The amendment was not adopted.

Senator Willett, from the conference committee of H. F. No. 13, title 13, submitted the following report:

MR. PRESIDENT—Your committee of conference appointed to arrange the disagreement between the two houses on H. F. No. 13, title 13, beg leave to report that after a full conference, they have unanimously agreed on the following substitute for section 29, chapter 6:

All instruments containing a power to convey or in any manner to affect real estate, shall be held to be instruments affecting real estate, and no such instrument, when certified and recorded as above prescribed, can be revoked as to the parties, by any act of the parties by whom it was executed, until the instrument containing such revocation is acknowledged and filed for record in the same office in which the instrument conferring such powers is recorded.

And on the following substitute for section 14, chapter 5.

No vendor's lien for unpaid purchase money shall be recognized or enforced in any court of law or equity, after a conveyance by the vendee, unless such lien is reserved by conveyance, mortgage or other instrument, duly acknowledged and recorded, or unless such conveyance by the vendee is made after suit brought by the vendor, his executor or assigns, to enforce such lien. But nothing

herein shall be construed to deprive a vendor of any remedy now existing against conveyances procured through the fraud or collusion of the vendees therein, or persons purchasing of such vendees with notice of such fraud.

All of which is respectfully submitted.

G. R. WILLETT,
B. B. RICHARDS,
SAMUEL McNUTT,
On behalf of the Senate.

B. J. HALL,
H. O. PRATT,
N. A. MERRILL,
On behalf of the House.

The question being on the adoption of the report,

The yeas were—

Senators Beardsley, Bemis, Boomer, Chambers, Claussen, Converse, Crary, Dysart, Howland, Kinne, Kephart, Larrabec, Leavitt, Lovell, Lowry, McCoid, McNutt, Miles, Murray, Read, Shane, Smith, Stone, Stuart, Vale, West, Willett, Wonn, and Young—29.

The nays were none.

Absent or not voting—

Senators Allen, Atkins, Burke, Campbell, Dague, Dashiell, Fairall, Fitch, Gault, Havens, Hurley, Ireland, Maxwell, McCormack, McCulloch, McIntyre, Merrill, Richards, Rumble, Russell, and Taylor—21.

So the Senate adopted the report.

Senator Larrabee moved to amend section 51, 8th line, after the word "purpose" insert the words "subject to the provisions of section 54 of this chapter."

The amendment was agreed to.

Senator McNutt moved to amend section 50, by striking out "5" and inserting "12" before the word "hundred," in the 4th line.

The amendment was adopted.

Senator Fitch moved to amend section 50, by striking out "four" and inserting "three," in the second line.

Which was agreed to.

Senator Maxwell moved to amend section 50, third line, by striking out the word "sixty" and inserting "fifty."

The amendment was adopted.

Senator Beardsley moved to amend section 52, by adding thereto the following:

"All school houses erected or repaired at a cost exceeding \$300, shall be so erected or repaired by contract, and no such contract for labor or material shall be let until proposals for the same shall have been invited by advertisement for four weeks in some newspaper

published in the county where the work is to be done, if there be one published therein; if not, the nearest newspaper in an adjoining county, and such contract shall be let to the lowest responsible bidder, and bonds, with sufficient sureties for the faithful performance of the contract, shall be required."

The amendment was adopted.

Senator Fitch moved to strike out section 52.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Burke, Converse, Crary, Fitch, Howland, Hurley, Larrabee, Maxwell, Miles, Murray, Stone, West, Willett, and Wonn—14.

The nays were—

Senators Beardsley, Bemis, Boomer, Chambers, Claussen, Dysart, Kephart, Lovell, Lowry, McCoid, McNutt, Read, Richards, Rumple, Shane, Smith, Stuart, Vale, and Young—19.

Absent or not voting—

Senators Allen, Atkins, Campbell, Dague, Dashiell, Fairall, Gault, Havens, Ireland, Kinne, Leavitt, McCormack, McCulloch, McIntyre, Merrill, Russell, and Taylor—17.

So the motion did not prevail.

Senator Maxwell moved to amend section 2, as follows:

After the word "board," in the 3d line, insert, "if they deem it to the best interest;" and after the word "authority," "to direct such house to be built and."

The amendment did not prevail.

Senator West moved to amend the 3d line of section 53, by striking out "2½" and inserting "4."

Which was disagreed to.

On motion of Senator Young, "2½" was stricken out and "3" inserted, in the 3d line of section 53.

Senator Larrabee moved to amend section 54, by striking out all after the word "fund" in the 3d line, and inserting the following: "but in no case shall the amount so levied for teachers' and contingent fund exceed 20 mills on the dollar on the assessed value of the property of the district, nor shall it exceed \$20 per pupil."

Senator Converse moved to postpone the further consideration of the bill, and take up House messages.

The motion was agreed to.

S. F. No. 19, title 18, A bill for an act to revise, amend and codify the statutes in relation to attachments, executions and supplementary proceedings.

The House amendments were taken up and considered.

Senator Claussen moved to refer the bill and amendments to the committee on judiciary.

Carried.

H. F. No. 29, A bill for an act to provide for the payment of the postage of the 14th General Assembly, adjourned session, was taken up.

Read first and second time, and referred to committee on ways and means.

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

Read first and second time, and referred to committee on ways and means.

Joint resolution authorizing the Governor to appoint a commission to visit and report upon the condition of the penitentiaries, was taken up.

Read first and second time.

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

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Burke, Claussen, Converse, Crary, Fitch, Hurley, Larrabee, Murray, Richards, Rumble, Smith, Stone, Vale, West, Willett, Wonn, and Young—19.

The nays were—

Senators Bemis, Boomer, Dysart, Howland, Kephart, Kinne, Leavitt, Lovell, Lowry, Maxwell, McCoid, McNutt, Miles, Read, Shane, and Stuart—16.

Absent or not voting—

Senators Atkins, Campbell, Chambers, Dague, Dashiell, Fairall, Gault, Havens, Ireland, McCormack, McCulloch, McIntyre, Merrill, Russell, and Taylor—15.

So the joint resolution having failed to receive a constitutional majority was lost.

Senator Hurley, from the joint committee appointed to prepare a bill for the publication and distribution of the code, introduced S. F. No. 24, A bill for an act to provide for the publication, indexing, and distribution of the code, passed at the adjourned session of the 14th General Assembly.

Read first and second time and passed on file.

Senator Converse, 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, to-wit:

S. F. No. 16, title 16, A bill for an act to revise, amend, and codify the statutes in relation to the estates of decedents.

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

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

A. CONVERSE, *Chairman.*

The consideration of chapter 9, title 12, was resumed, the question being on the adoption of Senator Larrabee's amendment.

Senator Fitch moved to amend the amendment, by striking out "20" and inserting "30."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Chambers, Claussen, Converse, Crary, Fitch, Howland, Kephart, McNutt, Murray, Read, and Rumble—11.

The nays were—

Senators Beardsley, Boomer, Burke, Dysart, Kinne, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, Miles, Richards, Shane, Smith, Stuart, Vale, West, Willett, and Young—20.

Absent or not voting—

Senators Allen, Atkins, Bemis, Campbell, Dagne, Dashiell, Fairall, Gault, Havens, Hurley, Ireland, McCormack, McCulloch, McIntyre, Merrill, Russell, Stone, Taylor, and Wonn—19.

So the amendment to the amendment was defeated.

Senator Larrabee's amendment was then adopted.

Senator Beardsley moved to strike out all of section 55 after the word "preceding" in the 6th line, and insert section 56 of chapter 172, of the acts of the 14th General Assembly.

Which was disagreed to.

Senator Beardsley moved to strike out sections 57 to 63 inclusive, and insert sections 59 and 60 of chapter 1 of the school laws of Iowa.

The amendment was adopted.

Senator Kephart moved that when the Senate adjourn it be until 9 o'clock A. M. Monday next.

The motion was agreed to.

On motion of Senator Beardsley, the morning session was prolonged thirty minutes.

Senator Beardsley moved to amend section 67, by adding thereto the following :

"Any school director, or director elect, is authorized to administer to any school director elect the official oath required by law, and said official oath may be taken on or before the third Monday in March following the election of directors."

The Senate adopted the amendment.

On motion of Senator West, the 2d line of section 67 was amended by inserting after the word "districts" the words "having a population of three hundred and upward."

Senator Larrabee moved to amend chapter 9, by inserting after section 75, the first six sections of chapter 72 of the public acts of the 14th general assembly.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Burke, Converse, Crary, Hurley, Kinne, Larrabee, Leavitt, Lovell, Maxwell, McCoid, McNutt, Richards, and West—13.

The nays were—

Senators Beardsley, Boomer, Chambers, Claussen, Dysart, Fitch, Howland, Kephart, Lowry, Miles, Read, Rumple, Shane, Smith, Stuart, Vale, Willett, and Young—18.

Absent or not voting—

Senators Allen, Atkins, Bemis, Campbell, Dague, Dashiell, Fairall, Gault, Havens, Ireland, McCormack, McCulloch, McIntyre, Merrill, Murray, Russell, Stone, Taylor, and Wonn—19.

So the Senate refused to adopt the sections.

Senator Maxwell moved to strike out of the first line of section 76, the words "which before the 4th day of July, 1872."

Also, to strike out the word "three," in the second line, and insert "two."

The amendment was lost.

Senator Lowry moved to amend section 78, as follows :

Insert after the word "lot," in the fifth line, the words: "When a separate school district constitutes the whole or a part of a city or incorporated town, in which there are as many wards as directors, one director at least shall reside within each ward."

On the adoption of the amendment the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Burke, Converse, Dysart, Kephart, Kinne, Leavitt, Lovell, Lowry, Maxwell, McNutt, and Vale—13.

The nays were—

Senators Claussen, Howland, Larrabee, McCoid, Miles, Murray, Read, Richards, Rumple, Shane, Stuart, West, Willett, Wonn, and Young—15.

Absent or not voting—

Senators Allen, Atkins, Bemis, Campbell, Chambers, Crary, Dague, Dashiell, Fairall, Fitch, Gault, Havens, Hurley, Ireland, McCormack, McCulloch, McIntyre, Merrill, Russell, Smith, Stone, and Taylor—22.

So the amendment was lost.

Senator West moved to amend section 78, by inserting after the word "elected," in the 8th line, the following: "who shall organize by electing a president and secretary from their own number, and a treasurer, who may or may not be a member of the board."

The amendment was adopted.

Senator Maxwell moved to amend section 87, by striking out of the 1st, 3d and 9th lines, the word "independent."

Pending the consideration of which, at 12:30 o'clock, the Senate adjourned until 9 o'clock A. M. Monday next.

SENATE CHAMBER,
Des Moines, February 10, 1873. }

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

Prayer by Rev. Mr. Telleen.

The reading of the journal was proceeded with, when, on motion of Senator Beardsley, the further reading was dispensed with.

The President submitted the following communication from the Governor :

STATE OF IOWA, EXECUTIVE DEPARTMENT, }
DES MOINES, IOWA, February 10, 1873. }

Gentlemen of the Senate and House of Representatives:

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

C. C. CARPENTER.

On motion of Senator Beardsley, the communication was laid on the table for the present.

Senator Miles presented a petition from citizens of Washington county asking for legislation in regard to railroad tariffs.

Referred to committee on railroads.

Senator McNutt presented a similar petition from citizens of Iowa.

Same reference.

Senator West presented similar petitions from citizens of Henry and Union counties.

Same reference.

Senator Bemis presented a petition from the city council of Independence, asking for a change in the law for the equalization of taxes, by the board of township trustees."

Referred to the committee on ways and means.

Senator McCoid offered the following resolution:

Resolved, That hereafter no amendments or new bills be entertained by the Senate other than those which incorporate the laws

now in force, or such as make verbal, grammatical or other amendments, which carry out the sense and substance of the present law, or recommendations of the commissioners, except the appropriation bill for this General Assembly.

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

The consideration of title 12, chapter 9, was resumed.

The question being on the adoption of Senator Maxwell's amendment to section 87, to strike out the word "independent" in the 1st, 3d and 9th lines, it was lost.

Senator Maxwell moved to amend section 87, by inserting after the word "independent," in the 1st, 3d, and 9th lines, the words "or territory heretofore constituting one or more sub."

The Senate refused to adopt the amendment.

Senator McCoid moved to amend chapter 10, by adding the following as section 87½:

Sec. 87½. Where under the school laws of the state heretofore in force for the convenience and accommodation of the people, school districts were formed of portions of two counties of territory lying contiguous to each other, at the written request of five legal voters residing in portions of said territory in each county, the board of directors of the district township to which such territory belongs, having a majority of the legal voters, shall fix the boundaries of an independent school district composed of such sections of land or portions thereof, as may be described in the petition therefor; and shall give at least two days' notice of the submission of the question of the formation of said independent district, at a special election for said purpose, specifying the boundaries of the district, the time and place of the meeting of the electors for such election; at which meeting the electors in the contemplated district shall vote by ballot for or against the separate organization. Should a majority of the votes be cast in favor of such separate organization the said board of directors shall proceed by ballot to elect officers in the manner prescribed by law, and organize such independent district.

The section was adopted.

Senator Larrabee moved to amend section 88, by adding thereto the following:

"And failure to comply with the provisions of this section shall make each director liable to a penalty of ten dollars."

Which was agreed to.

Senator Beardsley moved to amend section 92, by striking out of the first line the word "ten" and inserting "lawful."

The Senate refused to adopt the amendment.

Senator Beardsley moved to amend by adding after section 71 the following:

Sec. 72. Any person having under his control a child, between the ages of six and fourteen years, shall annually, during such con-

trol, send such child to school at least sixteen weeks, eight weeks of which time shall be consecutive; and for every neglect of such duty the party offending shall forfeit to the use of the school fund a sum not exceeding twenty dollars; but if it shall appear upon inquiry of school officers of any district, or upon trial of any prosecution, that the party so neglecting was not able by reason of poverty to send such child to school, or that the child has been otherwise furnished with the means of education for a like period of time, or has already acquired the the ordinary branches of learning taught in the public schools, or has been prevented from attending school by bad health or other satisfactory cause, the penalty shall not be incurred.

Sec. 73. The board of directors of each independent district shall, and of each township district may, at their annual meeting in March, appoint, of their own number or otherwise, one or more suitable persons to be known as truant officers, whose duty it shall be, under the direction of the board of directors, to notify, by personal visitation where necessary, all families in the district of the opening of any term of school, at least one week in advance of such opening; to inquire into all cases of persistent truancy and habitual neglect of the means of education; and to do such general and special work by personal visitation, persuasion, and other suitable means, as will, in the judgment of the directors, add to the efficiency and usefulness of the public schools.

Sec. 74. It shall be the duty of truant officers to keep an accurate record of the name and number of all families visited by them, and also the names and number of children between the ages of eight and fourteen years whose education is habitually neglected, and report them, with such other facts as the board may direct, to the secretary of the district, who shall embody a summary of the same in his report to the county superintendent.

Sec. 75. The board of directors shall make all needful rules and regulations for the prevention of truancy; and it shall be their duty to see that the provisions of the three preceeding sections are enforced.

On the adoption of this amendment the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Claussen, Converse, Crary, Dysart, Howland, Hurley, Larrabee, Lovell, Lowry, Maxwell, McNutt, Murray, Read, Rumble, Shane, and West—20.

The nays were—

Senators Atkins, Campbell, Fairall, Fitch, Havens, Kinne, Leavitt, McCoid, Miles, Richards, Smith, Stuart, Vale, Willett, Wonn, and Young—16.

Absent or not voting—

Senators Allen, Chambers, Dague, Dashiell, Gault, Ireland,

McCulloch, Kephart, McCormack, McIntyre, Merrill, Russell, Stone, and Taylor—14.

So the amendment was adopted.

Senator Larrabee moved to amend section 22, chapter 9, by adding thereto the following:

And, there shall not be paid to the officers of any school district for their services in any one year an amount greater than a sum equal to five per cent of the money appropriated to the district from the permanent school funds of each year.

The amendment was lost.

Senator Smith moved to amend section 6, chapter 9, by adding thereto the following proviso:

Provided, That in district townships containing a population not exceeding 300 there shall be four directors elected.

Carried.

Senator Vale moved to amend the first line of section 2, chapter 10, by striking out "20" and inserting "40."

The amendment was agreed to.

Senator Stuart moved to strike out "public" and insert "regularly established," in the first line of section 2.

Which was not agreed to.

Senator Beardsley moved to amend title 12, by adding thereto a new chapter, to be numbered 12, and consisting of sections 138 to to 142, inclusive, of the school laws of Iowa.

The amendment was adopted.

Senator Beardsley moved to amend section 3, of chapter 11, by striking out the words "whose duty," in the 2d line, and inserting after the word "he" the words "the duty of the state auditor."

Also, after the word "of" the words "and steadily loaned in."

Also, to strike out all of section 3 after the word "counties," in the third line.

The amendments were adopted.

On motion of Senator Shane, chapter 13 was adopted.

On motion of Senator Dysart, chapter 14 was agreed to.

Senator Larrabee moved to amend section 8, chapter 15, by striking out "80," and inserting "20."

The amendment was adopted.

Senator Rumble moved to amend section 4, chapter 10, by adding thereto the following proviso: *Provided*, That during the time said site is used for school purposes, the owner of the fee shall not injure or remove the timber standing and growing thereon."

The amendment was agreed to.

Senator McNutt moved to amend the first line of section 4, by striking out the words "sell or."

The Senate adopted the amendment.

On motion of Senator Larrabee, the substitute offered by the committee was considered as an amendment to chapter 3.

Senator Larabee moved to strike out all after the word "filled" in the 7th line, down to and including the word "board," in the 8th line as section 1, and insert "by appointment by the Governor."

The amendment was agreed to.

On motion of Senator Larrabee, section 1, 7th line, was amended by striking out "6" and inserting "5." Also, striking out all after the word "trustees" in the 7th line, down to and including the word "and" in the 8th line.

The committee amendment to section 3 was adopted.

Senator Willett moved to amend section 3, by striking out the words "two-thirds," and inserting "majority."

The Senate agreed to the amendment.

Senator Shane moved to strike out section 5, and insert as follows:

Sec. 5. The trustees shall receive as their compensation five dollars a day for each and every day actually employed in the discharge of their duties, and five cents per mile for each and every mile actually traveled on such business; *provided*, that no member shall receive compensation for more than thirty days in each year.

The amendment was agreed to.

Senator Shane moved to amend section 7, 4th line, by striking out "4" and inserting "2." Also, amend the 5th line by striking out "2" and inserting "1."

The amendments were adopted.

Senator Maxwell moved to reconsider the vote by which "4" was stricken out and "2" inserted before the word "thousand" in section 7.

The motion prevailed.

The question recurring on the motion to strike out "4" and insert "2," it was withdrawn.

Senator Maxwell moved to strike out "4" and insert "3."

The amendment was adopted.

On motion of Senator Fairall, "contracts" was inserted after the word "indebtedness" in the 1st line of section 11.

Senator Lowry moved to amend section 11, by inserting after the word "annually" in the 10th line, the words "and give a bond every year, double the highest amount of money likely to be in his hands at any one time."

The amendment was adopted.

Senator Willett moved to strike out of the 10th line of section 11, the words "give such bonds and," to which amendment the Senate agreed.

On motion of Senator Larrabee, the words "and treasurer" were stricken out of the first line of section 12.

Senator McNutt moved to amend the first line of section 13, by striking out the words "sell or."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Boomer, Burke, Claussen, Converse, Crary, Dysart, Fairall, Havens, Kinne, Leavitt, Lovell, Lowry, McNutt, Miles, Read, Richards, Rumple, Smith, Stuart, Vale, and Willett—23.

The nays were—

Senators Bemis, Fitch, Howland, Hurley, Larrabee, Maxwell, McCoid, Shane, and Young—9.

Absent or not voting—

Senators Allen, Campbell, Chambers, Dague, Dashiell, Gault, Ireland, Kephart, McCormack, McCulloch McIntyre, Merrill, Murray, Russell, Stone, Taylor, West, and Wonn—18.

So the amendment was adopted.

Senator Converse moved to strike out all after the word “named” in the second line of section 13, down to and including the word “leased” in the first line of section 14.

The amendment was adopted.

Senator Converse moved to strike all after “1865,” in the 4th line of section 14, down to and including the word “price” in the 5th line.

Which was agreed to.

Senator Fairall moved to strike out of section 19, the words “records and,” and insert after the word “documents” the words, “and record of the proceedings.”

The amendment was adopted.

Senator Fairall moved to amend the second line of section 19, by inserting after the word “correspondence” the following:

“All acts of the board of trustees as to the management, disposition or use of the lands, funds or other property of the institution shall be entered in the record of proceedings, and said record shall show how each member voted on each proposition.”

The Senate adopted the amendment.

Senator Fairall moved to add the following as section 20:

Sec. 20. No money shall be diverted from the fund to which it belongs, or used for any purpose other than is provided by law, and any trustee, officer or employe of said institution who may by vote, direction or act, violate the provisions of this section, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the penitentiary or county jail not less than six months.

The section was agreed to.

Senator Burke moved to strike out all after the word “council” in the 8th line of section 1 of the substitute.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Bemis, Claussen, Converse, Fairall, Leavitt, Lowry, Read, and Shane—8.

The nays were—

Senator Atkins, Beardsley, Boomer, Burke, Campbell, Crary,

Dysart, Fitch, Havens, Hurley, Kinne, Larrabee, Lovell, Maxwell, McCoid, Miles, Murray, Richards, Rumple, Stuart, Vale, West, Willett, and Young—24.

Absent or not voting—

Senators Allen, Chambers, Dague, Dashiell, Gault, Howland, Ireland, Kephart, McCormack, McCulloch, McIntyre, McNutt, Merrill, Russell, Smith, Stone, Taylor, and Wonn—18.

So the amendment was lost.

Senator Larrabee moved that Senator Stone be granted leave of absence from the remainder of this session of the General Assembly.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Burke, Claussen, Fairall, Havens, Howland, Hurley, Kinne, Larrabee, Leavitt, Lowry, Maxwell, McCoid, Murray, Richards, Smith, Willett, Wonn, and Young—20.

The nays were—

Senators Beardsley, Bemis, Boomer, Converse, Crary, Dysart, Fitch, Lovell, McNutt, Miles, Read, Rumple, Shane, Stuart, Vale, and West—16.

Absent or not voting—

Senators Campbell, Chambers, Dague, Dashiell, Gault, Ireland, Kephart, McCormack, McCulloch, McIntyre, Merrill, Russell, Stone, and Taylor—14.

So the motion prevailed.

At 12 m. the President declared the Senate adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

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

Senator Hurley reported back the House amendments to S. F. No. 19, title 18, with the recommendation that the Senate concur.

On the question "Shall the Senate concur in the House amendments?"

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Burke, Campbell, Claussen, Converse, Crary, Dashiell, Dysart, Fairall, Fitch, Havens, Howland, Hurley, Kinne, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McNutt, Miles, Murray, Richards, Rumple, Shane, Smith, Stuart, Vale, West, Willett, Wonn, and Young—36.

The nays were none.

Absent or not voting—

Senators Allen, Chambers, Dague, Gault, Ireland, Kephart, McCormack, McCulloch, McIntyre, Merrill, Read, Russell, Stone, and Taylor—14.

So the Senate concurred in the amendment.

Senator Hurley, from the committee on judiciary, submitted the following report:

MR. PRESIDENT—Your committee on judiciary, to whom was referred H. F. No. 17, a bill for an act to revise, amend and codify the statutes in relation to courts of original jurisdiction, 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 following amendments, and with the adoption of the amendments that the same do pass.

Amend chapter 1 as follows:

Insert after "at" in the 1st line of section 13, "or before."

Amend chapter 2 as follows:

Strike out after "lost" in the 3d line, "or for negligence."

And strike out all of clause 5 after "years" in the 14th line.

Amend section 12, by adding after "barred" in the 3d line, "and the same was not barred at the time the claim sued on originated, but no judgment thereon except for costs can be rendered in favor of the party so pleading the same."

Amend chapter 3, section 14, as follows:

Insert after the last word in the 1st line: "to the same extent as if she were unmarried." And strike out all after the word "woman" in the 3d line.

Amend section 27, by striking out all after the word "thereof" in the 4th line.

Strike out all of section 33 except the first line.

Amend chapter 4 as follows:

Strike out the words "in any form" in the 3d and 4th lines of section 1.

Amend section 3, by striking out "whenever" in the 1st line, and insert "wherever."

Amend section 4, by inserting after "terms" in the 1st line "or written."

Amend section 5, by striking out of 2d line "Pullman or other."

Amend section 13 by adding the following:

"And if the sum so awarded and costs are not paid to the clerk by a time to be fixed by the court, or if the papers in such case are not filed by the plaintiff in the court to which the change is ordered ten days before the first day of the next term thereof, or if ten days do not intervene between the making of said order and the first day of the next term of said court, ten days preceding the first day of the next succeeding term thereof. In either event the action shall be deemed discontinued."

Chapter 5, amend as follows:

Amend section 1, by inserting "place of" before the word "trial" in 15th line.

Amend 2d section, by inserting "place of" before the word "trial" in 12th line; and strike out "to appear" in same line.

Chapter 6, amend as follows :

Amend section 16, by striking out " but no copy of the notice need be delivered to such owner."

Chapter 8, amend as follows :

Strike out of section 77, " by reason of unnecessary allegations in the pleading."

Amend section 78, by inserting after " instrument " in 5th line, " be not negotiable and."

Chapter 9, amend as follows :

Strike out section 4 and insert : " Issues of fact in an action in an ordinary proceeding must be tried by a jury, unless the same is waived. All other issues shall be tried by the court, unless a reference thereof is made."

Strike out sections 5, 6, and 7, and insert sections 2999, 3000, 3001, 3002, and 3003, of the Revision of 1860.

Equitable issues may be tried according to two distinct methods, called first and second methods of equitable trials, and these methods shall differ one from the other in the following particulars, and none others :

1. As to the form of evidence. In all cases tried according to the first method, all the evidence shall be in writing, while in those cases tried by the second method, the evidence shall be as in ordinary actions.

2. As to who may determine the facts therein. In a trial by the first method, the issues shall be tried by the court, who may, however, to inform his conscience, order the whole issue, or any part thereof, or any specific question of fact involved therein, to be tried by a jury, or may refer the same, and may in either case accept or reject the finding of the jury or referee, and may, with or without a statement of any finding of facts, render such judgment as he considers equitable. While in a trial by the second method, either party shall be entitled to have the whole issue or any part thereof, or any specific question of fact involved therein, tried by a jury, under the instructions of the court, as in a case by ordinary proceedings, or to have the same tried by the court acting as a jury, and finding in writing the facts, which finding of facts in either case shall be of ultimate facts and not of evidence of such facts, and shall be stated on the record as a special verdict, and the judgment of the court shall be the legal conclusions based upon and supported by the facts so found as herein contemplated.

3. As to what is triable on appeal. In an appeal taken on a case tried in the first method, all the evidence shall go to the supreme court, which shall try the case on both the law and facts as apparent of record. While in cases tried by the second method, no evidence shall, on appeal, go to the supreme court, except such as may be necessary to explain and apply any bill of exceptions, and such court shall try only the legal errors thereof, duly presented, as in a case by ordinary proceedings, including the sufficiency of the facts

stated on the record, as the basis of the judgment to warrant the same.

The first method shall obtain in all cases except—

1. In divorce cases; cases for annulling marriages.
2. In foreclosure of tax-title cases, and of mortgages.
3. In default cases.
4. In cases where all the parties thereto consent to try by the second method, in which cases the second method shall obtain.

The consent in the last section contemplated, must be expressed in open court, and entered of record, or must be in writing, and signed by the parties or the attorney of the parties, and filed in the cause.

The plaintiff in his petition, or the defendant in his answer, may state his consent to try the case by the second method, and if the other party within ten days thereafter, file his consent thereto in the clerk's office, the cause shall be so tried.

Or if all the parties at any time before trial enter into such consent, the cause shall be so tried.

Amend section 64 by striking out all after the word party in second line.

JAS. S. HURLEY, *Chairman.*

Ordered passed on file.

Also the following:

MR. PRESIDENT—Your committee on judiciary, to whom was referred H. F. No. 25, A bill for an act to revise, amend and codify the statutes in relation to criminal procedure, 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 following amendments, and when so amended that the bill do pass.

Amend chapter 10 as follows:

Strike out section 1 and insert: "When complaint is made before a magistrate of the commission of some designated public offense, triable on indictment in the county in which such magistrate has local jurisdiction and charging some person with the commission thereof, he shall issue a warrant for the arrest of such person.

Amend chapter 13 as follows:

Strike out section 4, and insert, "A defendant, held to answer for a public offense, may challenge the panel of the grand jury, and the state or defendant may challenge any individual juror.

Insert the following for section 5 thereof, "A challenge to the panel can be interposed only for the reason that they were not appointed, drawn, or summoned as prescribed by law.

Strike out section 7, and insert the following in lieu thereof: "Challenges to to panel or to an individual juror must be decided by the court.

Insert the following as section 7½ thereof: "If a challenge to the panel be allowed, the grand jury is prohibited from inquiring into

the charge against the defendant by whom it was interposed. If the jury does so and finds an indictment the court must set it aside.

Strike out section 10, and insert therefor the following :

When several persons are held to answer for one and the same offense no challenge to the panel can be made unless they all join in such challenge, nor can any objection be interposed by a defendant to the grand jury, or to an individual juror, for any cause of challenge after they are sworn.

Amend chapter 17 as follows :

Strike out "employee," in 6th line, and insert "officer or agent."

Amend chapter 19 as follows :

Add to section 1 the following : "That the grand jury were not selected, drawn, summoned, impaneled or sworn as prescribed by law.

Insert the following for section two of said chapter :

A motion to set aside the indictment on the ground that the names of all the witnesses examined before the grand jury are not indorsed thereon; or that the name of any other witness than those so examined is indorsed thereon as prescribed in the second subdivision of section 1 hereof, shall not be sustained if the indorsement is corrected by the insertion or striking out of such names or name by the district attorney, or the clerk of the court, under the direction of the court, so as to correspond with the minutes required to be kept by the clerk of the grand jury, and returned and presented with the indictment to the court.

And the following to be known as section three thereof :

The ground of the motion to set aside the indictment mentioned in the subdivision of section 1 hereof, is not allowed to a defendant who has been held to answer before indictment.

Amend chapter 23 as follows :

Strike out the fourth plea to indictment in section 1.

Also that part of section 2, prescribing the form of a plea in insanity.

Amend section 5, by striking out the two last words of the section.

Amend chapter 24, section 3, as follows :

Insert after "persons" in the second line, "residents of the county from which the change is sought."

Amend chapter 26 as follows :

Strike out in cause 11, in section 8, "unqualified." And strike out of section 8, the following: part of the 13th cause, "or complainant or private prosecutor against the defendant, or any other person for a similar offense.

Add to cause 14, same section, "and when the defendant is indicted for a like offense."

Amend chapter 27 as follows :

Add to end of section 26, "shall be paid by the proper county, and shall be taxed as costs."

Amend chapter 28, by reinstating section 2, of printed bill.

Amend chapter 29, as follows:

Strike out last clause of section 9.

Amend chapter 33 as follows:

Insert after "cases" in 17th section, first line, "except murder in the first degree."

JAMES S. HURLEY, *Chairman*.

Ordered passed on file.

Senator Young moved to reconsider the vote by which Senator Lowry's amendment to section 78, chapter 9, title 17, was lost on Saturday.

The motion to reconsider prevailed.

The question recurring on the adoption of the amendment, Senator Richards moved to amend the amendment by adding the following thereto:

Provided, It shall not apply to any city having a population of 15,000 inhabitants.

On the adoption of this amendment the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Bemis, Boomer, Burke, Dashiell, Dysart, Fairall, Howland, Hurley, Larrabee, Leavitt, Lovell, McNutt, Richards, Rumble, Shane, Stuart, West, Willett, and Wonn—20.

The nays were—

Senators Beardsley, Campbell, Claussen, Fitch, Havens, Kinne, Lowry, Maxwell, McCoid, Miles, Murray, Read, Smith, Vale, and Young—15.

Absent or not voting—

Senators Allen, Chambers, Converse, Crary, Dague, Gault, Ireland, Kephart, McCormack, McCulloch, McIntyre, Merrill, Russell, Stone, and Taylor—15.

So the amendment to the amendment was adopted.

On the adoption of the amendment as amended, the yeas and nays were demanded, and

The yeas were—

Senators Burke, Dashiell, Fitch, Hurley, Leavitt, Maxwell, Smith, and Young—8.

The nays were—

Senators Atkins, Beardsley, Bemis, Boomer, Campbell, Claussen, Dysart, Fairall, Havens, Howland, Kinne, Larrabee, Lovell, Lowry, McCoid, McNutt, Miles, Murray, Read, Richards, Rumble, Shane, Stuart, Vale, West, Willett, and Wonn—27.

Absent or not voting—

Senators Allen, Chambers, Converse, Crary, Dague, Gault, Ireland, Kephart, McCormack, McCulloch, McIntyre, Merrill, Russell, Stone, and Taylor—15.

So the amendment was defeated.

Senator Beardsley moved to amend the fifth line of section 15, by striking from the word "state" down to and including the word "state," in the 6th line.

The amendment was adopted.

Senator Dysart moved to reconsider the vote by which the words "and treasurer" were stricken out of section 12 of the amendment reported by the committee to chapter 3.

The motion to reconsider did not prevail.

Senator Beardsley moved to amend section 12, by adding after the word "they," in the 2d line, the words "with the treasurer."

The amendment was agreed to.

The substitute as reported by the committee, and amended by the Senate, was then adopted.

On motion of Senator Beardsley, the rule was suspended and the bill read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Claussen, Converse, Dashiell, Dysart, Howland, Hurley, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McNutt, Miles, Murray, Rumple, Shane, Smith, Stuart, Vale, West, Willett, and Young—28.

The nays were—

Senators Atkins, Crary, Fairall, Fitch, Havens, Kinne, Read, Richards, and Wonn—9.

Absent or not voting—

Senators Allen, Chambers, Dague, Gault, Ireland, Kephart, McCormack, McCulloch, McIntyre, Merrill, Russell, Stone, and Taylor—13.

So the bill passed and the title was agreed to.

Senator Hurley, from the committee on judiciary, introduced S. F. No. 25, A bill for an act to revise, amend and codify the statutes in relation to crimes and punishments.

Read first and second time, and on motion of Senator Hurley, the bill was considered now.

Senator McCoid moved to strike out the first section and insert section 4188 of the Revision of 1860.

During the remarks of Senator Willett, Senator Beardsley raised the point of order that his (Willett's) remarks were not germane to the subject under consideration.

The President decided that the point of order was not well taken.

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:

Notifying the Senate that the House had completed the work assigned under the joint rules of both houses.

Also,

Memorial and joint resolution of the Legislature of Iowa, asking Congress to pass a law granting 160 acres of land to honorably discharged soldiers and sailors of the war of the rebellion.

H. A. COPELAND, *Second Ass't Clerk*.

The Senate resumed the consideration of Senator McCoid's amendment.

Senator Shane moved a call of the Senate.

The Senate seconded the call.

Senators Dague, McCormack, Taylor, Gault, and Kephart were excused.

Senator Larrabee moved to excuse Senator Allen.

The motion did not prevail.

The roll was called with the following result: Absent without excuse, Senators Allen Chambers, McIntyre, Russell, West, and Wonn.

On motion of Senator Campbell, further proceedings under the call were dispensed with.

On the adoption of Senator McCoid's amendment the yeas and nays were demanded, and

The yeas were—

Senators Burke, Crary, Fairall, Havens, Kinne, Larrabee, Leavitt, Lowry, Maxwell, McCoid, McNutt, Richards, and Wonn—13.

The nays were—

Senators Atkins, Beardsley, Bemis, Boomer, Campbell, Claussen, Dashiell, Dysart, Fitch, Howland, Hurley, Lovell, Miles, Murray, Read, Rumples, Shane, Smith, Stuart, Vale, Willett, and Young—22.

Absent or not voting—

Senators Allen, Chambers, Converse, Dague, Gault, Ireland, Kephart, McCormack, McCulloch, McIntyre, Merrill, Russell, Stone, Taylor, and West—15.

So the amendment was lost.

Senator Beardsley moved to amend section 1, by adding thereto the following: "Treason is not aailable offense."

On the adoption of the amendment the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Campbell, Claussen, Dashiell, Dysart, Fitch, Havens, Howland, Hurley, Lovell, Leavitt, Maxwell, McNutt, Miles, Murray, Read, Rumples, Shane, Smith, Stuart, Vale, West, Willett, and Young—27.

The nays were—

Senators Burke, Crary, Fairall, Kinne, Larrabee, Lowry, McCoid, Richards, and Wonn—9.

Absent or not voting—

Senators Allen, Chambers, Converse, Dague, Gault, Ireland, Kephart, McCormack, McCulloch, McIntyre, Merrill, Russell, Stone, and Taylor—14.

So the amendment was adopted.

Senator Beardsley moved to amend section 1, chapter 2, by adding thereto the following: "Murder in the first degree is not a bailable offense."

The amendment was adopted.

Senator McCoid moved to strike out sections 1, 2, and 3, and insert sections 4191, 4192, and 4193, of the revision of 1860.

Senator Fairall was granted leave of absence.

On the adoption of Senator McCoid's motion, the yeas and nays were demanded, and

The yeas were—

Senators Burke, Converse, Crary, Fairall, Havens, Kinne, Larabee, Leavitt, Lowry, McCoid, McNutt, Richards, and Wonn—13.

The nays were—

Senators Atkins, Beardsley, Bemis, Boomer, Campbell, Claussen, Dashiell, Dysart, Fitch, Howland, Hurley, Lovell, Maxwell, Miles, Murray, Read, Rumble, Shane, Smith, Stuart, Vale, West, Willett, and Young—24.

Absent or not voting—

Senators Allen, Chambers, Dague, Gault, Ireland, Kephart, McCormack, McCulloch, McIntyre, Merrill, Russell, Stone, and Taylor—13.

So the motion to strike out and insert did not prevail.

Senator Hurley moved to amend section 30, chapter 2, by striking out all after the word "dollars" in the 3d line.

Also, to strike out "death or" in the 1st and 2d lines of section 16, chapter 6.

The amendments were adopted.

The committee amendments to strike out the word "capital" before the word "felony," in the 2d line of section 18; Also, to insert "any other" before the word "felony," and to strike out after the word "felony" the words "other than capital," were adopted.

Senator Claussen moved to amend section 18 by inserting after the word "felony" the words "punishable by imprisonment for life."

Which was agreed to.

The committee's amendment to section 15, to insert after the word "imprisonment" the words "in the state prison," was adopted.

Senator Rumble moved to refer sections 16, 17, 18 and 19 to a select committee, of which Senator Gault shall be chairman.

The motion prevailed, and Senators Gault, Lovell, and Rumble were appointed said committee.

Senator Hurley moved to strike out all after the word "committed" in the sixth line, and all of the seventh line of section 7, chapter 12.

The amendment was lost.

Senator Claussen moved to strike out section 7, which motion was disagreed to.

Senator Claussen moved to insert after "those" in the eighth line "who do not believe the Bible to be the Word of God," to which motion the Senate refused to agree.

On motion of Senator Hurley, H. F. No. 21, A bill for an act to revise, amend, and codify the statutes in relation to justices of the peace and their courts, with the report of the committee, was taken up and considered.

Senator West moved to strike out of the first line of section 3 the words "plaintiff or."

The motion was lost.

Senator West moved to reconsider the vote by which his amendment to the first line of section 3 was lost.

Senator McCoid moved to lay the motion on the table, to which the Senate agreed.

Senator Young moved to amend section 74 by inserting after "appeal" in the third line, "the necessary fees in the case."

The amendment did not prevail.

On motion of Senator McCoid, the rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Burke, Campbell, Claussen, Converse, Crary, Dashiell, Dysart, Fitch, Havens, Howland, Hurley, Kinne, Larrabee, Leavitt, Lowry, Maxwell, McCoid, Miles, Murray, Richards, Shane, Stuart, Vale, Willett, Wonn, and Young—30.

The nays were—

Senators McNutt, Read, and West—3.

Absent or not voting—

Senators Allen, Chambers, Dagne, Fairall, Gault, Ireland, Kephart, Lovell, McCormack, McCulloch, McIntyre, Merrill, Rumble, Russell, Smith, Stone, and Taylor—17.

So the bill passed and the title was agreed to.

Senator Dysart moved to reconsider the vote by which the joint resolution in relation to authorizing the governor to appoint a committee to visit and report upon the condition of the penitentiaries of the state was lost.

Senator Beardsley moved to postpone the consideration of the motion until Wednesday next at 10 A. M.

The motion to postpone was agreed to.

On motion of Senator Hurley, H. F. No. 19, A bill for an act to revise, amend, and codify the statutes in relation to proceedings

to reverse, vacate, or modify judgments or proceedings of boards or individuals acting judicially," together with the report of the committee, was taken up and considered.

The committee amendment to section 7 was adopted.

On motion of Senator Campbell, the hour of adjournment was postponed 20 minutes.

The committee amendment to section 18, of chapter 2, was agreed to.

Senator Burke moved to amend the 2d line of section 18, chapter 2, by inserting after "and" the words "copy of."

The amendment was agreed to.

The committee amendment to section 9, chapter 3, was adopted.

On motion of Senator Maxwell, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Bemis, Boomer, Burke, Campbell, Claussen, Converse, Crary, Dashiell, Dysart, Havens, Hurley, Kinne, Larrabee, Leavitt, Maxwell, McCoid, McNutt, Miles, Murray, Richards, Shane, Stuart, Vale, West, Willett, Wonn, and Young—27.

The nays were—

Senators Atkins, Fitch, and Read—3.

Absent or not voting—

Senators Allen, Beardsley, Chambers, Dagne, Fairall, Gault, Howland, Ireland, Kephart, Lovell, Lowry, McCormack, McCulloch, McIntyre, Merrill, Rumple, Russell, Smith, Stone, and Taylor—20.

So the bill passed and the title was agreed to.

On motion of Senator McCoid, title 24 was taken up.

Senator McCoid moved to amend section 16, chapter 2, by inserting after the word "resistance" in the 3d line as follows: "or have such carnal knowledge of an idiot or female naturally of such imbecility of mind or weakness of body as to prevent effectual resistance."

The amendment was adopted.

Senator Gault, from the special committee appointed to report upon sections 16, 17, 18, and 19, of chapter 11, title 24, made a report, submitting sundry amendments.

All of which were adopted.

Senator Campbell moved to amend section 22, by striking out all after the word "action" in the 5th line, and inserting as follows:

"And an action may be maintained for services rendered by or with any such threshing machine for the benefit of the school fund."

The amendment was adopted.

Senator West moved to amend section 6, chapter 11, by striking out of the 4th line "quail."

Which was agreed to.

Also to strike out "between the 15th day of December and the 12th day of September."

The amendment did not prevail.

Senator Larrabee moved to amend section 7, chapter 11, by inserting in the 3d line after "prohibited:" "or if any person or company export from this state, or offer for exportation, any prairie hen or chicken, or quail, after the taking effect of this code."

The amendment was agreed to.

Senator Read moved to reconsider the vote by which Senator West's amendment to section 6, chapter 11, was lost.

The motion to reconsider prevailed.

At 5:20 the President declared the Senate adjourned.

SENATE CHAMBER,
DES MOINES, February 11, 1878. }

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

Prayer by Rev. Mr. Walters.

On motion of Senator Shane, the reading of the journal was dispensed with.

The consideration of title 24 was resumed.

The question being on the adoption of Senator West's motion to amend section 6 by striking out "15th day of December and 12th day of September," the motion was agreed to.

On motion of Senator Maxwell, the rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Boomer, Campbell, Chambers, Clausen, Converse, Crary, Dysart, Gault, Howland, Hurley, Kephart, Larrabee, Leavitt, Lowry, Maxwell, Merrill, Miles, Murray, Rumble, Shane, Taylor, Vale, West, and Willett.—27.

The nays were—

Senators Fairall, Havens, McCoid, McNutt, Richards, Russell, and Wonn.—7.

Absent or not voting—

Senators Allen, Bemis, Burke, Dagne, Dashiell, Fitch, Ireland, Kinne, McCormack, McCulloch, McIntyre, Read, Smith, Stone, Stuart, and Young.—16.

So the bill passed, and the title was agreed to.

Senator West moved to take up House messages. Carried.

MESSAGE FROM THE HOUSE.

Resolution from House, relating to work on the code, was passed on file.

On motion of Senator Hurley, H. F. No. 25, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments, was taken up and considered.

Senator McCoid offered the following resolution :

WHEREAS, The Senate has passed all the titles that were assigned to it, and now awaits the action of the House therein; therefore, be it

Resolved, That the House be requested to hasten its action, that the session may be speedily brought to a close.

Senator McNutt offered the following as a substitute:

WHEREAS, The honorable House has announced to us that it has completed the consideration of the code under the joint resolution, and

WHEREAS, It necessarily follows that the honorable House has nothing to do; and

WHEREAS, Additional clerical force is needed to enroll the bills already passed; therefore,

Resolved, That the members of the House be requested to make themselves useful in assisting the enrolling clerks, and hasten the speedy adjournment of the General Assembly.

Senator Converse moved to lay the resolution on the table.

Lost.

Question being on the adoption of the substitute, Senator Larabee moved to postpone action on the resolution until to-morrow morning.

The motion did not prevail.

The substituted was then adopted.

The consideration of H. F. No. 25 was resumed.

Senator Claussen moved to amend Sec. 10, Chap. 5, by striking out the "proviso."

Carried.

On motion of Senator Claussen, the words "or raft," were inserted before the word "vessel" in the 2d and 3d lines of Sec. 7, Chap. 7.

The Committee amendment to section 1, chapter 10, was adopted.

Senator Converse moved to strike out all the written part of section 3, chapter 12, added by the House.

Which was disagreed to.

Senator Claussen moved to amend section 12, chapter 12, by striking out of the first line, the words "In a preliminary examination."

On this question the yeas and nays were demanded and

The yeas were—

Senators Allen, Beardsley, Bemis, Boomer, Chambers, Claussen,

Converse, Crary, Dysart, Gault, Kephart, Kinne, Lowry, McCormack, Merrill, Miles, Murray, Read, Shane, Smith, Stuart, Taylor, West and Young—24.

The nays were—

Senators Burke, Campbell, Dashiell, Fairall, Howland, Hurley, Larrabee, Leavitt, Lovell, Maxwell, McCoid, McNutt, Richards, Rumple, Russell, Vale, Willett, and Wonn.—18.

Absent or not voting—

Senators Atkins, Dague, Fitch, Havens, Ireland, McCulloch, McIntyre and Stone.—8.

So the amendment was adopted.

Senator Claussen moved to amend section 28, chapter 12, by striking out the word "not" in fourth line after the word "have."

The motion did not prevail.

Committee amendments to sections 4, 5 and 7, chapter 13, were adopted.

New section 7½ to chapter 13, recommended by the committee was adopted.

Committee amendment to section 10 of chapter 13, was adopted.

Senator Claussen moved to strike out 3d subdivision of section 5, chapter 13, and insert as follows, "having formed or expressed an opinion as to the guilt or innocence of the prisoner, as would prevent him from rendering a true verdict from the evidence submitted on the trial."

The motion prevailed.

Senator Vale moved to strike out of 3d line section 6, chapter 13, the word "ninth," and insert the word "fifth."

Adopted.

Senator Claussen moved to strike out section "five," chapter "fifteen."

Carried.

Committee amendment to section 9, chapter 17, was adopted.

Committee amendments to sections 1, 2 and 3, chapter 19, were adopted.

Committee amendments to sections 1, 2 and 3, chapter 23, were adopted.

Committee amendment to sections 1, 2 and 3, chapter 24, was adopted.

Senator McCoid moved to strike out of first line of section 4, chapter 24, the word "may," and insert the word "must."

Lost.

Committee amendments to section 8, chapter 26, also to section 26, chapter 27; also to section 2, chapter 28, and to section 5, chapter 29, were adopted.

Senator Campbell moved to amend the committee amendment to section 9, chapter 29, by striking out all that part relating to the investigation of the sanity of a prisoner by the court, which was disagreed to, and the committee amendment was adopted.

Senator Burke moved to strike out all the written part of section 5, chapter 29.

Adopted.

Committee amendment to section 17, chapter 33, was adopted.

Senator Claussen moved to strike out section 15, chapter 33, and insert section 488 of the Revision of 1860.

On this motion, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Claussen, Crary, Dysart, Fairall, Gault, Kephart, Lovell, Lowry, Maxwell, McCormack, McNutt, Merrill, Miles, Shane, Smith, West, Willett, and Woun—21.

The nays were—

Senators Burke, Chambers, Converse, Dashiell, Fitch, Havens, Hurley, Kinne, Larrabee, Leavitt, McCoid, Read, Richards, Russell, Taylor, and Vale—16.

Absent or not voting—

Senators Allen, Atkins, Campbell, Dague, Howland, Ireland, McCulloch, McIntyre, Murray, Rample, Stone, Stuart, and Young.—16.

So the motion prevailed.

Senator Claussen moved to strike out all the written part of section 1, chapter 37, and insert section 12, chapter 12, of this title.

Pending which, at 12 o'clock M., the Senate stood adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment, the President in the chair, subject under consideration being Senator Claussen's amendment to section 1, chapter 37.

The following message was received from the House:

MESSAGE 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:

H. F. No, 13, title 13. A bill for an act to revise, amend and codify the statutes in relation to the rights of property.

Also, Joint resolution, asking Congress to pass a law granting one hundred and sixty acres of land to honorably discharged soldiers and sailors.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

On the adoption of Senator Claussen's amendment the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Claussen, Converse, Kephart, McCormack, Miles, Murray, Read, Shane, Smith, Stuart, and West—12.

The nays were—

Senators Boomer, Burke, Campbell, Chambers, Crary, Dashiell, Dysart, Fairall, Gault, Havens, Howland, Hurley, Kinne, Larrabee, Leavitt, Lowry, Maxwell, McCoid, McIntyre, McNutt, Richards, Rumple, Russell, Taylor, Vale, Willett, Wonn, and Young—28.

Absent or not voting—

Senators Allen, Atkins, Bemis, Dague, Fitch, Ireland, Lovell, McCulloch, Merrill, and Stone—10.

So the motion did not prevail.

Senator Beardsley moved to amend section 1, chapter 38, by striking out all after the word "except," down to and including the word "state," and inserting the words "in cases of treason, and murder in the first degree."

Senator Converse moved a call of the Senate. Call was seconded.

In the call of the roll, the following members were found absent without leave: Senators Allen, Bemis, Lowry, Merrill, and Murray.

Senator Leavitt moved that further proceedings under the call, be dispensed with. Lost.

The Sergeant-at-arms presented Senator Lowry at the bar of the Senate, who was excused on motion of Senator Beardsley.

Senator Larrabee moved that further proceedings under the call be dispensed with. Carried.

On the adoption of Senator Beardsley's amendment, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Campbell, Chambers, Claussen, Dashiell, Dysart, Lovell, McNutt, Murray, Read, Rumple, Shane, Smith, Stuart, Taylor, Vale, and West—18.

The nays were—

Senators Boomer, Burke, Converse, Crary, Fairall, Gault, Havens, Hurley, Kephart, Kinne, Larrabee, Leavitt, Lowry, Maxwell, McCoid, McCormack, McIntyre, Miles, Richards, Russell, Willett, and Wonn—22.

Absent or not voting—

Senators Allen, Bemis, Dague, Fitch, Howland, Ireland, McCulloch, Merrill, Stone, and Young—10.

So the amendment did not prevail.

Senator Converse moved to strike out that part of section 1, chapter 38, inserted by the House.

Which was agreed to.

Senator Willett moved to strike the following out of section 1,

chapter 20: "All defendants are bailable both before and after conviction, by sufficient security, except for offense heretofore punishable with death under the laws of this state, when the proof is evident and the presumption great," and to make it section 1, chapter 1.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Boomer, Chambers, Claussen, Converse, Dashiell, Howland, Hurley, Lovell, Larrabee, Lowry, Maxwell, McCormack, McIntyre, McNutt, Read, Russell, Smith, Taylor, Vale, West, Willett, and Young—23.

The nays were—

Senators Beardsley, Burke, Campbell, Crary, Dysart, Fairall, Gault, Havens, Kinne, McCoid, Richards, Rumple, Shane, and Stuart—14.

Absent or not voting—

Senators Allen, Bemis, Dague, Fitch, Ireland, Kephart, Leavitt, McCulloch, Merrill, Miles, Murray, Stone, and Wonn—13.

So the motion prevailed.

Senator Shane moved to strike out the written part of section 12, chapter 52.

The motion prevailed.

Senator Willett moved to amend section 1, chapter 55, as follows:

"After conviction for murder in the first degree, no pardon shall be granted by the governor, until he shall have presented the matter to and obtained the advise of the General Assembly thereon. Before presenting the matter to the General Assembly for their action, he shall cause a notice, containing the reasons assigned for granting the pardon, to be published in two newspapers of general circulation, one of which shall be published at the capital, and the other in the county where the conviction was had, and if there be no such paper in such county, then in some adjoining county, for four successive weeks, the last publication to be at least twenty days prior to the commencement of the session of the General Assembly, to which the matter shall be presented.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Boomer, Campbell, Chambers, Claussen, Dashiell, Dysart, Howland, Hurley, Kephart, Lovell, Maxwell, McCormack, McNutt, Miles, Murray, Shane Smith, Stuart, Vale, West, and Willett—23.

The nays were—

Senators Burke, Converse, Crary, Fairall, Gault, Havens, Kinne, Larrabee, Leavitt, Lowry, McCoid, McIntyre, Merrill, Read, Richards, Rumple, Russell, Taylor, Wonn, and Young—20.

Absent or not voting—

Senators Allen, Bemis, Dague, Fitch, Ireland, McCulloch, and Stone—7.

So the amendment prevailed.

Senator Vale moved to strike out section 8, chapter 56, which motion did not prevail.

Senator Merrill moved to strike out all of section 6, chapter 10, after the word "state," in the second line. Carried.

On motion of Senator Maxwell, the 11th rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Clausen, Converse, Crary, Dashiell, Dysart, Howland, Hurley, Kephart, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McIntyre, Merrill, Miles, Murray, Rumble, Shane, Smith, Stuart, Taylor, Vale, West, Willett, and Young—30.

The nays were—

Senators Atkins, Burke, Fairall, Gault, Havens, Kinne, McCoid, Richards, Russell, and Wonn—10.

Absent or not voting—

Senators Allen, Bemis, Dague, Fitch, Ireland, McCormack, McCulloch, McNutt, Read, and Stone—10.

So the bill passed and the title was agreed to.

Senator McCoid obtained leave to have the following protest against the passage of the bill, spread upon the journal.

Dissent to the passage of title 24, abolishing capital punishment and refusing bail to certain criminals.

Believing that in a faithful adherence to the ground-truths of the Bible, lies the only basis of popular progress or permanent prosperity and security, and that placing ourselves in opposition to the immutable laws of God, is to entail countless evils on our common wealth, and take backward steps, which fearful results will drive our successors to retrace.

I have no better argument against the abolishing of capital punishment than that plain statement of nature's laws divinely sanctioned and enforced with a divine reason in Gen. IX, 6, "Whoso sheddeth man's blood, by man shall his blood be shed; for in the image of God made he man." Does the reason yet still exist? Then that which Divinity founded upon that reason still exists. This law was not given to one nation, or one age, but to Noah, the representative father of the world, and is universal in its application, and perpetual in its duration.

These statements are conclusive for me, that the man who violates the sacredness of God's image in his fellow man, forfeits it in himself, and that we should preserve the sanctity of human life by the death of its destroyer. A law is void if it conflicts with the constitution of the State, but here is a much higher obligation upon us all, with which this conflicts.

Again, the amendments as to bail and pardon which are saddled on as riders to give character to the radical change in our land, are

in violation of the constitution of our State, article 1, section 12.

Besides these, there are strong reasons of policy and expediency that demand the former severe penalties which have weight. But believing it to be a fundamental law of nature, and as such laws are as a matter of course formed in the reason and necessity of things, then of course are included in those already given, and for these reasons I would respectfully protest against the abolishment of capital punishment.

M. A. McCOID.

Senator Richards obtained leave to record his vote "no," upon title 24, passed this morning.

Senator Converse presented the following report of committee on enrolled bills:

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

H. F. No. 13, title 13, A bill for an act to revise, amend and codify the statutes in relation to the rights of property.

Also, Joint resolution, asking Congress to pass a law granting 160 acres of land to honorably discharged soldiers and sailors of the rebellion.

A. CONVERSE, *Chairman.*

S. F. No. 21, title 22, was taken up, with the report of the committee recommending amendments, and considered.

First committee amendment to chapter 1 was adopted.

Committee amendment to section 91, chapter 1, was carried.

On motion of Senator Beardsley, the 11th rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dashiell, Dysart, Fairall, Gault, Havens, Howland, Hurley, Kephart, Kinne, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McIntyre, McNutt, Merrill, Miles, Murray, Richards, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—41.

The nays were—

Senator Read—1.

Absent or not voting—

Senators Allen, Bemis, Dague, Fitch, Ireland, Leavitt, McCulloch and Stone—8.

So the bill passed and the title was agreed to.

On motion of Senator Larabee, title No. 11, H. F. No. 11 was taken up and considered.

Senator Larabee moved to strike out of section 34, chapter 1, the words "and the board of supervisors," and also the words "or county."

Which motion did not prevail.

Senator Shane moved to strike out the written part of section 34.

Adopted.

Senator Shane moved to strike out of 5th line, section 1, chapter 2, all after the word "treasurer" down to, and including the word "business" in the 6th line.

Carried.

Senator Beardsley moved to strike out "seven" and insert "five" also strike out "four" and insert "three" in fourth line section one.

The amendments were agreed to.

Senator Shane moved to strike out "six" in seventh line of section 1, and insert "four."

Which was agreed to.

Senator Shane moved to strike out the words "their actual and necessary expenses" in first line, and insert "five cents per mile for each mile traveled," and to strike out of first line, section 2, chapter 2, the word "three" and insert "five."

The motion prevailed.

Senator Dysart moved to strike out of second line, section 8, chapter 2, the words "as the boards of trustees shall approve," and insert "as the executive council shall require;" also in fourth line, insert after the word "hand" the words "and shall be filed with the secretary of state."

Carried.

Senator Shane moved to amend section 1, chapter 2, by inserting "no trustee shall receive pay for more than thirty days in one year."

Which was agreed to.

Senator Beardsley moved to insert in section 1, after the word "trustees," the words "two of whom shall be women."

Senator Campbell moved to amend the amendment by striking out the word "shall" and insert "may."

Carried.

On the adoption of the amendment as amended, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Beardsley, Bemis, Burke, Campbell, Chambers, Claussen, Crary, Dashiell, Dysart, Fitch, Havens, Howland, Kephart, Larrabee, Maxwell, McCoid, McCormack, McIntyre, McNatt, Murray, Read, Rumble, Shane and Vale.—26.

The nays were—

Senators Boomer, Converse, Gault, Kinne, Leavitt, Lovell, Lowry, Merrill, Miles, Richards, Russell, Smith, Stuart, Taylor, West, Willett, Wonn, and Young—18.

Absent or not voting—

Senators Dague, Fairall, Hurley, Ireland, McCulloch, and Stone.—6.

So the amendment as amended was adopted.

Senator Larrabee moved to strike out sections 52 to 58, inclusive, of chapter 2.

Senator Beardsley moved to amend first line of section 52 by inserting the words, "one of whom shall be a woman."

Carried.

Senator West moved to strike out of the written part all after the word "visit."

Lost.

Senator Willett moved to strike out the word "shall," and insert the word "may" in the written part of section 2.

Senator Murray moved that the Senate do now adjourn.

On this motion the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Burke, Claussen, Havens, Kinne, Lowry, Murray, Read, Russell, Smith, and Wonn—13.

The nays were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Converse, Crary, Dashiell, Dysart, Fitch, Gault, Howland, Kephart, Larrabee, Leavitt, Lovell, Maxwell, McCoid, McCormack, McIntyre, McNutt, Merrill, Miles, Richards, Rumple, Shane, Taylor, Vale, West, and Young—31.

Absent or not voting—

Senators Dague, Fairall, Hurley, Ireland, McCulloch, and Stone—6.

So the motion to adjourn was lost.

Senator Converse moved that when the Senate adjourn, it be until 7 o'clock P M.

Senator Murray moved to strike out 7, and insert 5½.

Lost.

Senator Converse's motion did not prevail.

Senator Willett's motion was agreed to.

Senator Russell moved to amend Senator Larrabee's amendment by striking out sections 52 to 54.

Lost.

On the adoption of Senator Larrabee's motion, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Crary, Gault, Kinne, Larrabee, McCoid, Merrill, Richards, Russell, Vale, West, Wonn, and Young—13.

The nays were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Claussen, Dashiell, Dysart, Fitch, Havens, Howland, Kephart, Leavitt, Lovell, Lowry, Maxwell, McCormack, McIntyre, McNutt, Miles, Murray, Read, Rumple, Shane, Smith, Stuart, Taylor, and Willett.—29.

Absent or not voting—

Senators Allen, Bemis, Dague, Fairall, Hurley, Ireland, McCulloch, and Stone—8.

So the motion did not prevail.

At 4.40 P. M., on motion of Senator Murray, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, IOWA, Feb. 12, 1873. }

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

Prayer by the Rev. Mr. Walters.

On motion of Senator Beardsley, the reading of the journal was dispensed with.

Senators McNutt, Taylor, Burke, Shane, Chambers and Howland, presented petitions from citizens of Iowa, asking legislation in regard to railroad tariffs.

Referred to committee on railroads.

The Senate resumed the consideration of title 11, chapter 2.

Senator West moved to strike out of section 9, the words "with the consent of the trustees."

The motion prevailed.

Senator Willett moved to add to section 1, the following: "But no vacancy shall be filled until the number of the trustees is reduced to the number provided in this section."

To which motion the Senate agreed.

On motion of Senator Beardsley, section 45 was amended by striking out "20" in 2d line, and inserting "75."

Senator Fitch moved to amend section 35, chapter 1, by striking out of the 2d line "so long as they remain a county charge," and add to end of section, "until provided for by the board of Supervisors."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Dashiell, Dysart, Fairall, Gault, Howland, Hurley, Kephart, Lowry, Maxwell, McCoid, McCormack, McCulloch, McNutt Merrill, Miles, Richards, Rumble, Shane, Stuart, Taylor, Vale, West, Willett, and Wonn—32.

The nays were—

Senator Crary—1.

Absent or not voting—

Senators Allen, Atkins, Dague, Fitch, Havens, Ireland, Kinne, Larrabee, Leavitt, Lovell, McIntyre, Murray, Read, Russell, Smith, Stone, and Young—17.

So the amendment was adopted.

Senator Boomer moved to amend section 33, chapter 1, by striking out of 1st line, "or other persons in families," and all of the section after the word "poor house."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Boomer, Campbell, Chambers, Crary, Dysart, Fairall, Fitch, Gault, McCulloch, McNutt, Vale, and West—13.

The nays were—

Senators Allen, Beardsley, Bemis, Claussen, Converse, Dashiell, Havens, Howland, Hurley, Kephart, Kinne, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McIntyre, Merrill, Miles, Murray, Read, Richards, Rumble, Russell, Shane, Smith, Taylor, Willett, Wonn, and Young—30.

Absent or not voting—

Senators Burke, Dague, Ireland, McCoid, McCormack, Stone, and Stuart—7.

So the amendment did not prevail.

Senator Lowry moved to amend the second line of section 8, chapter 2, by inserting after the word "in" the words, "double the highest amount of money likely to be in his hands at any one time," and to strike out of second line, "such a sum."

The hour for the special order having arrived, it being the joint resolution authorizing the Governor to appoint a commission to investigate and report upon the condition of the state penitentiary, it was taken up.

The question being to lay the motion to reconsider the vote by which the joint resolution was lost on the table, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Boomer, Chambers, Dysart, Lovell, Kinne, Lowry, McNutt, Merrill, and Stuart—11.

The nays were—

Senators Beardsley, Burke, Campbell, Claussen, Converse, Crary, Dashiell, Fairall, Fitch, Gault, Havens, Howland, Hurley, Kephart, Leavitt, Maxwell, McCoid, McCormack, McCulloch, McIntyre, Miles, Murray, Read, Richards, Rumble, Russell, Shane, Smith, Taylor, Vale, West, Willett, Wonn, and Young—34.

Absent or not voting—

Senator Bemis, Dague, Ireland, Larrabee, and Stone—5.

So the motion to lay the motion to reconsider on the table did not prevail.

The question recurring on the motion to reconsider the vote by which the motion was lost, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Burke, Campbell, Claussen, Converse, Crary, Dashiell, Fairall, Fitch, Gault, Havens, Howland, Hurley, Kephart, Leavitt, Lovell, McCoid, McCormack, McCulloch, McIntyre, Miles, Murray, Read, Richards, Rumble, Russell,

Shane, Smith, Taylor, Vale, West, Willett, Wonn and Young—35.

The nays were—

Senators Boomer, Chambers, Dysart, Kinne, Larrabee, Lowry, Maxwell, McNutt, Merrill, and Stuart—10.

Absent or not voting—

Senators Allen, Bemis, Dague, Ireland and Stone—5.

So the motion to reconsider prevailed.

The question being on the adoption of the joint resolution.

The yeas were—

Senators Atkins, Beardsley, Burke, Campbell, Claussen, Converse, Crary, Dashiell, Fairall, Fitch, Gault, Havens, Howland, Hurley, Kephart, Leavitt, Lowry, McCoid, McCormack, McCulloch, McIntyre, Miles, Murray, Read, Richards, Rumble, Russell, Shane, Smith, Taylor, Vale, West, Willett, Wonn, and Young—35.

The nays were—

Senators Boomer, Chambers, Dysart, Kinne, Larrabee, Maxwell, McNutt, Merrill and Stuart—9.

Absent or not voting—

Senators Allen, Bemis, Dague, Ireland, Lovell and Stone—6.

So the joint resolution passed and the title was agreed to.

Senator Allen rose and said :

MR. PRESIDENT—I arise to a question of privilege. I find in a newspaper published in this city, an article which, so far as it refers to me, I desire read by the secretary.

The secretary read as follows :

“ Will the *Register* tell us how much money its “ Dad ” paid for lobbyist and otherwise, to defeat the tariff bill of the people a year ago? Did he not hold and disburse a fund of \$68,000 contributed by the various railroads for the defeat of the tariff bill of last winter, in the Senate? Come now, speak out. Don’t be afraid of your “ Dad,” and be honest.”

Senator Allen then continued :

I have made it a rule to pay no attention to the attacks upon me by the press, even when the author was known, and to treat with silent contempt the bayings of anonymous curs who are permitted by cowardly editors and proprietors to prostitute the freedom of the press by assailing private character.

This paper having disowned any responsibility for the communication, I would be content to let the matter drop then, but for the fact that the honor of this General Assembly has been impugned. I now state that the charge is *wickedly false*—that neither I nor any railroad company or companies, or other person, so far as I know, disbursed or used \$68,000, or any sum whatever, to influence legislation, or for any purpose whatever connected therewith.

On motion of Senator McNutt, the remarks of Senator Allen were ordered spread upon the journal.

The consideration of title 11, chapter 3, was resumed.

Senator Stuart moved to strike out section 1, and insert the following:

SECTION 1. Every owner of swine or sheep, and of any stallion, jack, bull, boar or buck, shall restrain the same from running at large, and in the event of a failure so to do, shall be liable for any damage done by said animals, or any of them, to be assessed by the fence-viewers, and collected as provided in the next section, or to be recovered in an action by the party injured against any person owning said animals, or having them under his custody and control; and all damages and costs recovered under this section shall be a lien upon all animals committing such damages.

Senator Willett moved to strike out the section.

Senator Fitch moved to refer chapter 3 to the committee on agriculture, with instructions to report at 2 P. M. this day.

The motion to refer was agreed to.

Senator West moved to amend section 20, chapter 4, by inserting "alike" after the word "be."

Adopted.

Senator Willett moved to amend the fourth line of section 19, by inserting "including wire fence," after the word "fence."

Adopted.

Senator Stuart moved to reconsider the bill.

The motion did not prevail.

Senator Fitch moved to amend section 19, by inserting after "board" in the second line, "or five wires, the top one four and one-half feet from the ground, the bottom one not more than sixteen inches from the ground, and the posts shall not exceed thirty feet apart."

Senator Maxwell moved to amend the amendment by striking out "five" and inserting "four."

Which was disagreed to.

The amendment of Senator Fitch was lost.

Senator Richards moved to strike out all of the written part of the 4th line of section 19.

Carried.

Senator Fairall moved to reconsider the vote by which the words including "wire fences," were inserted in section 19.

The motion was agreed to.

On the inserting of the words "including wire fence," the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Boomer, Chambers, Converse, Crary, Dashiell, Fitch, Hurley, Kephart, Lovell, Lowry, Maxwell, McIntyre, McNutt, Taylor, and Willett—17.

The nays were—

Senators Campbell, Claussen, Dysart, Fairall, Gault, Havens, Howland, Kinne, Leavitt, McCormack, McCulloch, Merrill, Miles, Murray, Richards, Russell, Stuart, Vale, West, Wonn, and Young—21.

Absent or not voting—

Senators Allen, Bemis, Burke, Dague, Ireland, Larrabee, McCoid, Read, Rumple, Shane, Smith, and Stone—12.

So the motion to insert did not prevail.

Senator Maxwell moved to strike out section 20, and insert the section as reported by the code commissioners.

The motion did not prevail.

Senator Fitch moved to strike out of the second line of section 8, the words, "in severalty," and insert "separately."

The amendment was adopted.

On motion of Senator Miles, the words "clerk of the district court," were stricken out of the 10th and 12th lines of section 1, and "county auditor" inserted.

The same amendment was made in the 6th section and 10th line.

At 12 M., the president declared the Senate adjourned until 2 P. M.

AFTERNOON SESSION.

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

Senator Converse presented a "joint resolution in relation to final adjournment of the 14th General Assembly."

Read first and second time, and on motion of Senator Converse the rule was suspended and the joint resolution was read the third time.

On the question "Shall the joint resolution pass?"

The yeas were—

Senator Atkins, Bemis, Burke, Campbell, Chambers, Clanssen, Converse, Dashiell, Dysart, Fairall, Fitch, Gault, Havens, Howland, Kephart, Kinne, Lovell, Lowry, Maxwell, McCoid, McCulloch, McNutt, Miles, Murray, Read, Rumple, Russell, Smith, Stuart, Taylor, Vale, West, Willett, Wonn and Young—35.

The nays were—

Senators Boomer, Larrabee and Merrill—3.

Absent or not voting—

Senators Allen, Beardsley, Crary, Dague, Hurley, Ireland, Leavitt, McCormack, McIntyre, Richards, Shane and Stone—12.

So the joint resolution was passed and the title was agreed to.

Senator Smith presented a petition from citizens of Iowa, asking for legislation on railroad tariffs.

Referred to committee on railroads.

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 a joint resolution of the Senate, appointing a trustee for the Iowa hospital for the insane, at Independence.

Also the House has concurred in the Senate amendment to House file 19, title 19, in relation to judgments, &c.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

On motion of Senator Vale, the 4th line of section 19, chapter 5, was amended by inserting "kind of," before "fence."

Senator Miles moved to amend chapter 11, title 11, as follows:

In section 4, fourteenth and fifteenth lines, strike out "clerk of the district court," and insert "auditor."

Section 5, sixth line, strike out "clerk of the district court," and insert "county auditor."

Section 7, seventh and fourteenth lines, strike out "clerk of district court," and insert "county auditor" in each.

Section 12, sixth line, strike out "clerk of district court" and insert "county auditor."

The amendments were adopted.

Senator Claussen moved a call of the Senate.

The call was seconded by the Senate.

Senator Larrabee moved that further proceedings under the call be dispensed with.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Campbell, Chambers, Dashiell, Dy-sart, Fitch, Howland, Larrabee, Leavitt, Lovell, Maxwell, McCoid, Miles, Russell, and Shane—16.

The nays were—

Senators Boomer, Burke, Claussen, Converse, Crary, Fairall, Gault, Hurley, Kephart, Kinne, Lowry, McCormack, McCulloch, McNutt, Merrill, Murray, Read, Rumble, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—26.

Absent or not voting—

Senators Allen, Atkins, Dague, Havens, Ireland, McIntyre Richards, and Stone—8.

So the motion did not prevail.

Senator Vale moved to excuse Senator McIntyre.

Lost.

Senator Chambors moved to suspend further proceedings under the call.

The motion did not prevail.

The sergeant-at-arms presented Senator McIntyre at the bar of the Senate, and on motion of Senator Larrabee, he was excused.

On motion of Senator Maxwell, further proceedings under the call were dispensed with.

Senator Russell moved to amend the first line of section 5, chapter 6, by striking out the word "majority" and inserting "one-tenth."

Senator Campbell moved to amend the amendment by striking out "one-tenth," and inserting "one-fourth."

The amendment to the amendment, and the amendment were lost.

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:

S. F. No. 25, title 24, A bill for an act to revise, amend and codify the statutes in relation to crimes and punishments, with amendments, in which the concurrence of the Senate is asked:

1st. Strike out of chapter 2, section 2, the words, "murder in the first degree is not a bailable offense."

2d. Strike out "county jail" in the third and fourth lines of section 31, chapter 2, and insert "state prison."

3d. In chapter 3, section 22, after the word "purposes" in second line, insert, "or any other product of petroleum."

4th. In first line of section 7, chapter 4, insert after the word "school," the word "or."

5th. After the word "municipal," first line, section 7, insert the words, "officer, or officer of any state institution."

6th. Strike out the words, "fifteenth day of August" in the third line of section 6, chapter 11, and insert "September first."

7th. Strike out from the word "thereof" in the seventh line to the word "premises," inclusive, in the 10th line, same section, and insert, "or if any person elsewhere than on his own premises, net, ensnare, or entrap any quail at any time of the year, or shoot or otherwise kill any quail not on his own premises at any other time of the year than between the 12th day of September and the 15th day of December, or so shoot or otherwise kill any quail not on his own premises, without the consent of the owner or occupant or agent thereof."

8th. In section 10, chapter 11, strike out the words, "of this State" in the second line, and insert, "over which this State has exclusive jurisdiction," and in the third line of same section, after the word "snare," insert the word "gun."

9th. Strike out the words, "three thousand," and insert "one thousand," in the third line of section 16, chapter 11.

10th. Add an additional section to chapter 12:

SEC. 6½. Any person who shall be guilty of racing horses, or driving upon the highway in a manner to endanger the persons or lives of others, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days.

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

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Converse moved to postpone the further consideration of title 11, and take up and consider title 24.

The motion was agreed to, and

S. F. No. 25, title 24, was then taken up and considered.

Senator Claussen moved to refer the bill to the committee on judiciary, to which motion the Senate refused to agree.

Senator West moved to non-concur in the 6th and 7th House amendments.

Senator Taylor demanded a division, and the Senate refused to concur in the 6th House amendment.

On the question of non-concurring in the 7th House amendment, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dashiell, Dysart, Fitch, Gault, Havens, Howland, Kephart, Lovell, Leavitt, Lowry, Maxwell, McCoid, McCulloch, McIntyre, McNutt, Murray, Shane, Stuart, Taylor, West, Willett, and Young—31.

The nays were—

Senators Atkins, Fairall, Kinne, McCormack, Miles, Read, Richards, Rumble, Russell, Smith, Vale, and Wonn—12.

Absent or not voting—

Senators Allen, Dague, Hurley, Ireland, Larrabee, Merrill, and Stone—7.

So the Senate refused to concur in the 7th House amendment to title 24.

The Senate resumed the consideration of H. F. No. 11, title 11.

Senator Chambers moved to amend by adding the following as a new section after section 37:

Sec. 38. It shall be unlawful for any one to sell or give away any intoxicating liquor, including wine and beer, within three miles of any public institution supported wholly by the state.

On the adoption of this section the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Converse, Dashiell, Dysart, Fitch, Howland, Kephart, McCoid, McNutt, Miles, Murray, Read, Shane, Vale, West, and Wonn—20.

The nays were—

Senators Allen, Atkins, Burke, Claussen, Crary, Fairall, Gault, Havens, Hurley, Kinne, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCormack, McCulloch, McIntyre, Merrill, Richards, Rumble, Russell, Stuart, Taylor, Willett, and Young—26.

Absent or not voting—

Senators Dague, Ireland, Smith, and Stone—4.

So the amendment was lost.

Senator Russell moved to strike out sections 15 and 16.

Senator Young moved to amend the amendment by striking out "33" and inserting "10" in section 15.

So the amendmendment to the amendment was adopted.

Senator Murray moved to amend the amendment of Senator Russell, by striking out all of chapter 6.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Claussen, Fairall, Havens, Kinne, Larrabee, Richards, Stuart and Wonn—8.

The nays were—

Senators Allen, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Converse, Crary, Dashiell, Dysart, Fitch, Gault, Hurley, Kephart, Leavitt, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Read, Rumples, Russell Shane, Smith, Taylor, Vale, West, Willett, and Young—37.

Absent or not voting—

Senators Atkins, Dague, Howland, Ireland and Stone—5.

The amendment to the amendment was lost.

On Senator Russell's amendment to strike out sections 15 and 16, the yeas and nays were demanded, and

The yeas were—

Senators Claussen, Fairall, Havens, Hurley, Kinnie, Larrabee, Leavitt, Lovell, Lowry, McIntyre, Merrill, Miles, Murray, Richards, Russell, Stuart, Willett, Wonn, and Young—19.

The nays were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Converse, Dashiell, Dysart, Fitch, Gault, Kephart, Maxwell, McCoid, McCormack, McCulloch, McNutt, Read, Rumples, Shane, Smith, Taylor, Vale, and West—24.

Absent or not voting—

Senators Allen, Atkins, Crary, Dague, Howland, Ireland, and Stone—7.

So the amendment did not prevail.

Senator Larrabee moved to amend section 17, chapter 6, first line, by striking out; "having such a permit to knowingly," and inserting the word "to;" also, after "sell," insert "give away;" also, in 2d line, insert after liquors, "wine or beer."

The Senate agreed to the amendment.

Senator Burke moved to amend same lines, section and chapter, by inseting, "including," before "wine and beer."

The armendment was adopted.

Senator McCoid moved to amend section 34, 1st line, by striking

out "contrary to the provisions of this chapter," and inserting "wine and beer."

Also, strike out "manufacturer or," and insert "sale or gift."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Converse, Dashiell, Dysart, Fitch, Gault, Havens, Howland, Hurley, Kephart, Larrabee, Leavitt, Lovell, Maxwell, McCoid, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Read, Rumble, Russell, Shane, Smith, Taylor, Vale, West, Willett, Wonn, and Young—38.

The nays were—

Senators Claussen, Fairall, Kinne, Lowry, McCormack, and Richards—6.

Absent or not voting—

Senators Atkins, Crary, Dague, Ireland, Stone, and Stuart—6.

So the amendments were adopted.

Senator McCoid moved to amend section 35, by inserting after the word "liquor," the words "wine or beer."

Also, to amend section 36, by striking out "contrary to the provisions of this chapter.

Which were agreed to.

Senator Larrabee moved to amend section 17, as follows:

Insert after the word "action" in 6th line, the words "against him, or against his sureties," and after the word "bond" in same line, insert the words, "if one be given."

The amendment was agreed to.

Senator Boomer moved to amend section 34, 4th line, by inserting "in whole or in part."

Carried.

Senator Claussen moved to amend section 28, by striking out all down to and including the word "thirty."

The motion did not prevail.

Senator Russell moved to amend section 28, 5th line, by striking out "on," and inserting "without."

The amendment was lost.

Senator Claussen moved to amend section 20, by striking out all after the word "month," in the 10th line.

Lost.

Senator Murray, moved to amend chapter 6, by adding thereto the following :

Section 38. Before any one shall be allowed or permitted to sell wine or beer in this state, under the provisions of this chapter, he shall first give a bond in the penal sum of one thousand dollars, to be approved by the clerk of the district court of the county in which he proposes to sell, conditioned that he will faithfully comply with the provisions of the law, and that he will pay all dam-

ages that any one may sustain, as provided in sections 17, 34 and 35, of this chapter. Any one so selling or giving away wine or beer, or offering to sell or give away such wine or beer, without first giving such bond, shall be deemed guilty of a nuisance and punished accordingly.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Converse, Dashiell, Dysart, Fitch, Gault, Howland, Hurley, Kephart, Larrabee, Leavitt, Lovell, Maxwell, McCoid, McCulloch, McNutt, Merrill, Miles, Murray, Rumble, Russell, Shane, Smith, Taylor, Vale, West, Willett, and Young—34.

The nays were—

Senators Claussen, Fairall, Havens, Kinne, Lowry, McCormack, Read, Richards, and Stuart—9.

Absent or not voting—

Senators Allen, Crary, Dague, Ireland, McIntyre, Stone, and Wonn—7.

So the amendment was adopted.

At 4:55, on motion of Senator Lowry, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, February 13, 1873. }

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

Prayer by Rev. Mr. Miles.

On motion of Senator Crary, the reading of the journal was dispensed with.

Senator Converse, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT—The committee on enrolled bills respectfully report that they have examined title 21, "An act to revise, amend and codify the statutes in relation to justices of the peace and their courts, and find the same correctly enrolled.

A. CONVERSE, *Chairman.*

Also the following:

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

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

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

S. F. No. 19, title 18, A bill for an act to revise, amend and codify the statutes in relation to attachments, executions and supplementary proceedings.

Also, Joint resolution appointing a trustee for the Iowa Hospital for the Insane at Independence.

And Joint resolution directing the Governor to appoint a committee to examine the penitentiaries of the State.

A. CONVERSE, *Chairman.*

Senator Chambers, 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 H. F. No. 23, A bill for an act in relation to compensation of public officers, beg leave to report that they 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, and thus amended that the bill do pass:

Chapter 1, section 7, strike out "one," and insert "two."

Section 13, line 1, strike out "three," and insert "four."

Chapter 2, section 8, line 4, insert "or" between "order" and "notice." Strike out "or warrant," and add to the fifth line, "and for each warrant \$2 mileage, and all necessary expenses as sworn to by the sheriff."

Line 11, strike out the words, "not in regular term in his county."

Line 13, strike out, "when made by him."

Line 16, strike out, "including mileage."

Line 17, strike out "eight dollars," and insert 75 cents for each juror served, and mileage allowed by law."

Line 39, strike out "a," and insert "each."

Strike out lines 42 and 43.

Line 44, strike out "last two items," and insert "the same."

Chapter 2, section 9, strike out all after "salary" in second line, and add the following: "In each county with a population of ten thousand inhabitants, not less than \$50; in each county with a population of 15,000, not less than \$150; in each county with a population of 20,000 or over, not less than \$200."

Section 10, strike out written part.

Section 11, strike out "\$1.50," and insert "\$2.50."

Section 24, after "suit" in line 22½ insert "five per cent to be paid by owner of claim."

To line 23 add "to be paid by debtor."

Section 26, line 1, strike out "may" and insert "shall,"

Chapter 3, section 1, strike out in line 8, "calendar."

Section 4, strike out line six.

Sections 13 or 14, line 3, strike out "three" and insert "four."

Section 18, line 3, strike out "\$25," and insert "such fees as the court may fix. Line 4, strike out "ten dollars," and insert "such fee as the court may fix."

Section 23, line 1, strike out "not exceeding ten," and insert "twenty."

Section 24, line 1, strike out "of eight hours."

J. C. CHAMBERS, *Chairman*.

Ordered passed on file.

Senator Taylor presented a petition from citizens of Iowa, asking for legislation in relation to railroad tariffs.

Referred to committee on railroads.

Senator Fairall presented the following concurrent resolution:

Resolved by the Senate, the House concurring: That from the report of the Rankin investigating committee, the following parts be stricken out, to-wit:

1st. The words "by others duped," on the eight page.

2d. The words "of Hon. John A. Elliott, at that time auditor of state," in the last two lines of said page.

3d. The words "also through Mr. Elliott," from the first line of the ninth page.

4th. From the twelfth page the portions commencing with the words "mid-summer" and ending with the words "see Ex-Governor Merrill's testimony."

5th. The word "chief" in the thirty-fifth line of page 12.

6th. That this resolution, with the action of the General Assembly thereon, be printed and circulated with and as a part of said report.

Senator Claussen moved to indefinitely postpone the resolution.

Senator Beardsley moved to refer to a special committee consisting of Senators Larrabee, Fairall and Dysart.

Senator Campbell moved to amend the motion to refer to a special committee, by referring it back to the Rankin investigating committee.

Senator McNutt moved to postpone the further consideration of the whole subject until Tuesday next at 10 A. M.

Which motion 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 concurred in Senate amendment to House file No. 25, title 25, in relation to criminal procedure; except the following:

1st. Strike out section 1, of chapter 10, and insert "when complaint is made before a magistrate of the commission of some designated public offense, triable on indictment in the county in which such magistrate has local jurisdiction, and charging some person with the commission thereof, he shall issue a warrant for the arrest of such person."

2d. "Amend section 1, of chapter 23, by striking out the 4th plea to an indictment, also that part of section 2, which prescribes the form of a plea in insanity."

3d. "Amend section 5 thereof, by striking out the words 'or insanity.'"

4th. And strike out of section 8, 13th subdivision, the words "or complaint or private prosecution against the defendant or any other person for a similar offense."

5th. Amend chapter 29, by striking out all the written part of section 5, also all the written part of section 9.

6th. Strike out section 15, of chapter 33, and insert section 4881 of the Revision of 1860.

7th. Strike out all the written part of section 12, of chapter 52.

8th. Amend chapter 55, by inserting the following as section 1. "Section 1. After conviction for murder in the first degree, no pardon shall be granted by the Governor until he shall have presented the matter to, and obtained the advice of the General Assembly thereon. Before presenting the matter to the General Assembly for their action, he shall cause a notice containing the reasons assigned for granting the pardon, to be published in two newspapers of general circulation, one of which shall be published at the capital, and the other in the county where the conviction was had, and if there be no such paper in such county, then in some adjoining county, for four successive weeks, the last publication to be at least twenty days prior to the commencement of the session of the General Assembly, to which the matter shall be presented."

Also, the House has passed joint resolution of the Senate, relative to final adjournment of the 14th General Assembly.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The consideration of title 11 was resumed.

Senator Russell moved to amend section 21, chapter 6, by striking out of the 10th line "deemed sufficient as presumptive," and inserting "conclusive."

The amendment was lost.

On motion of Senator Converse, the further consideration of title 11 was postponed and House amendments taken up.

H. F. No. 25, title 25, together with the House message relating thereto, was taken up and considered.

Senator Burke moved that the Senate insist on its amendments

to title 25, and to appoint a committee of conference on disagreeing votes of the two Houses.

The motion prevailed, and the president appointed Senators Burke, Claussen and Fairall, as such committee on the part of the Senate.

Title 24, was considered.

Senator McCoid moved to strike out chapter 8.

The motion did not prevail.

Senator Richards moved to amend section 1, of chapter 9, 1st line, by striking out "April and October," and inserting "January and July."

The amendment was lost.

Senator Leavitt moved to amend the 17th line of section 1, chapter 9, by striking out "specie paying."

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 and joint resolutions, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

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

Title No. 18, A bill for an act relating to attachments, executions and supplementary proceedings.

Title No. 19, A bill for an act relating to proceeding to reverse, vacate or modify judgments in the courts in which rendered.

Title No. 21, A bill for an act relating to justices of the peace and their courts.

Joint resolution appointing a trustee for the Iowa hospital for the insane, at Independence.

Joint resolution authorizing the Governor to appoint a committee to examine and report upon the penitentiaries.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The Senate resumed the consideration of title 11.

Senator Burke moved to strike out sections 2 and 3 of chapter 9, and restore the sections as reported by the code commissioners.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Burke, Dashiell, Fitch, Larrabec, Leavitt, Lovell, McCormack, McCulloch, McIntyre, Merrill, Miles, Richards, Smith, Stuart, Willett, and Wonn—16.

The nays were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dysart, Fairall, Gault, Hurley, Kephart,

Kinne, Lowry, Maxwell, McCoid, McNutt, Murray, Read, Rumple, Russell, Shane, Taylor, Vale, West, and Young—26.

Absent or not voting—

Senators Allen, Atkins, Dague, Havens, Howland, Ireland, and Stone—7.

So the motion did not prevail.

The following message was received from the House :

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives insists on its amendment to S. F. No. 25, title 24, an act relating to crimes and punishments, and has appointed Messrs. Gear, Paul and Leahy a committee of conference on part of the House, and ask a like committee on part of the Senate.

Also the House has appointed Messrs. Hall, Irish and Clark of Benton, committee of conference on H. F. No. 25, title 25, an act in relation to criminal prosecution, to confer with like committee of the Senate.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Converse, 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, and joint resolutions to-wit:

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

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

S. F. No. 19, title 18, A bill for an act to revise, amend and codify the statutes in relation to attachments, securities, and supplementary proceedings.

H. F. No. 4, title 4, A bill for an act to revise, amend and codify the statutes in relation to justices of the peace, and their courts.

Also, joint resolution appointing a trustee for the Iowa hospital for the insane, at Independence, and joint resolution directing the Governor to appoint a committee to examine the penitentiaries of the state.

A. CONVERSE, *Chairman.*

The Senate resumed the consideration of title 11.

Senator Richards moved to amend section 4, chapter 9, by inserting before "failure" the word "willful;" also to amend section 5, by inserting before "neglect," the word "willful," in 2d line; also to amend section 6, by striking out "is now," and inserting "was at the time of making such statement." Also. to amend section 6,

by adding thereto the following: "In no case shall more than four statements be required in one year."

All of which amendments were adopted.

Senator Vale moved to reconsider the vote by which the Senate refused to strike out section 20, chapter 4.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Campbell, Chambers, Claussen, Converse, Orary, Dashiell, Dysart, Fairall, Fitch, Gault, Hurley, Kinne, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Read, Richards, Rumples, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn and Young—41.

The nays were—

Senators Howland, and McCoid—2.

Absent or not voting—

Senators Allen, Burke, Dague, Havens, Ireland, Kephart, and Stone—7.

So the motion to reconsider prevailed.

The question recurring on the motion to strike out section 20, and restore the section as reported by the code commissioners, it was agreed to by the Senate.

On motion of Senator Vale, the written part of section 9, chapter 4, was stricken out.

On motion of Senator Fitch, the word "township" was inserted after "counties" in section 20, chapter 4.

Senator Converse moved to take up the House message in relation to title 24, and appoint a committee of conference on the part of the Senate.

The motion prevailed, and the President appointed Senators Hurley, Willett and Shane, as such conference committee.

Senator West, from the committee on agriculture, submitted the following report:

MR. PRESIDENT—Your committee on agriculture, to whom was referred chapter 3, House file No. 11, a bill for an act to revise, amend and codify the statutes, in relation to the police of the 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 be amended as follows:

Add to the end of section 2, chapter 3, "provided that nothing in the provisions of this section shall prevent any person injured from recovering from the owner of such animal, the full amount of damage he may sustain in an action for damage against such owner." Also, in section 23, strike out in 1st and 2d line the words "clerk of the district court," and insert "county auditor." Also, in section 25, 3d line, strike out the word "clerk," and insert "audi-

tor." Also in section 3, strike out the word "clerk," and insert the word "auditor," and when so amended that it do pass.

J. P. WEST, *Chairman.*

On motion of Senator West, the chapter and the report of the committee were taken up and considered.

Senator Stuart withdrew his amendment to section 1, chapter 3.

The committee amendment to section 2, was adopted.

Senator Vale moved to strike out of the 12th line of section 2, the words "by the fence viewers."

The motion was agreed to.

Senator McCoid moved to strike out all the written part of section 3.

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 following bill, with certain amendments, in which the concurrence of the Senate is asked:

Senate File No. 9, title 10, A bill for an act to revise, amend and codify the statutes in relation to internal improvements.

1st. Strike out in chapter 1, section 10, second line, the words "by the first method," and insert the words, "on written testimony."

2d. Add an additional section to the chapter as section 19, of chapter 1, as follows:

Section 19. Any person owning and using a water power for the purpose of propelling machinery, shall have the right to acquire, maintain and utilize the fall below such power for the purpose of improving the same, in like manner and to the same extent as is provided in this chapter for the erection or hightening of mill-dams. After such right has been acquired, the fall shall be considered part and parcel of said water power or privilege, and the deepening or excavating of the stream or tail race, as herein contemplated, shall in no way effect any rights relating to such water power acquired by the owner thereof prior thereto.

3d. Add to section 15, chapter 2, the following: "Except in cases where the public health require such drainage, in which case it shall be done at the public expense."

4th. Add to section 5, chapter 3, the following additional proviso: "And provided further, That the rights, powers, and privileges conferred by this chapter shall be at all times subject to legislative control."

5th. Amend section 5, chapter 4, by inserting in the fourth

line after the word "writing," the words, "specifying therein the day and hour when such commissioners will view the premises."

6th. Add the following as an additional section to chapter 4:

Section 33. Cities and incorporated towns may exercise the powers herein conferred, for the purpose of taking private property for streets, alleys and market house sites.

7th. Amend section 16, of chapter 5, by inserting after the word "crossings," in the third line, the words, "and cattle guards."

8th. Add the following proviso to section 17, chapter 5:

Provided, That no law of this state, nor any local or police regulations of any county, township, city or town, regulating the restraint of domestic animals, or in relation to the fences of farmers or land owners, shall be applicable to railroad tracks, unless so specifically stated in the law or regulation; but the company or person operating the railroad shall construct and maintain a close and substantial fence fifty-four inches in high, or be deemed guilty of a negligence under this section; and,

The operating of trains upon depot grounds necessarily used by the company and public, where no such fence is built, at a greater rate of speed than eight miles per hour, shall be deemed negligence and render the company liable under this section.

9th. *And provided further*, That any corporation operating a railway shall be liable for all damages by fire that is set out, or caused by operating of any such railway, and such damage may be recovered by the party damaged in the same manner as set forth in this section in regard to stock.

10th. Add the following as an additional section to chapter 5, section 19½:

Section 19½. All railroads connecting with each other in this state, are common carriers of freights and cars as to each other, and it shall be, and is hereby made the duty of either company so connecting, when required, to transport over their road to its destination within this state on their road, any freight offered within this state, in the cars in which it is so offered; and they shall also receive within this state, each other's empty cars, when so offered, and transport the same to such station within this state, upon their said road as directed to be by them there loaded, with any freight, as may be awaiting within this state such cars, and to return said cars with such freight as directed to any point within this state without delay. But said companies shall not be insurers of each other's cars so running upon each other's roads, and shall be liable for loss of or injury to the same, only in case of ordinary negligence or carelessness. And nothing in this section shall be construed to require any company to move upon its road any cars which do not conform in proper breadth of gauge, and in other respects to its own cars, nor any cars that are not substantially built and in good repair, nor to use its machinery in moving the cars of

another company, to the neglect or suspension of its own usual or regular business. But when at any time any company is thus unable to transmit such cars, they shall nevertheless permit them to be transmitted over their road, if the company offering them, shall also offer the proper machinery and motive power for that purpose.

11th. Amend section 20, chapter 5, by striking out of the first line the word "such," and inserting the word, "railway."

12th. Amend section 21, chapter 5, by adding the following proviso:

That section 21, of chapter 5, be amended by adding thereto the following:

Provided, That the rates so fixed by the said commission for freights offered or transported in the cars of the company offering the same, shall in no case exceed the local rates per mile as set forth in the carrying company's freight tariff, prepared and made public in accordance with the laws of this state."

Add the following as an additional section:

Section 23½. It shall be unlawful for any railway company to make any contract, or enter into any stipulation with any other railway company running in the same general direction, by which either company shall directly or indirectly agree to divide in any manner or proportion the joint earnings upon the whole or any part of the freight transported over such roads, and any violation of this provision shall render the railway company violating the same liable to a penalty of five thousand dollars for each month for which such earnings are divided, to be recovered for the use of the permanent school fund in the name of the state.

12½ Amend section 39, of chapter 5, by adding thereto the following sections:

Section 29¼. No railroad corporation, operating any railroad or which shall hereafter operate any railroad in the state of Iowa, shall in any manner discriminate either in favor of or against any point or points on the line of its said road in the charges made and collected for the carriage of any goods, merchandise or other property transported over its said line of road. But such rates shall be uniform proportioned as near as may be to the distance for which transportation is furnished.

Nor shall any such corporation make any distinction or discrimination as to the person engaged in forwarding freight from the same point on its line of road in the rates charged and collected for similar quantities of freight of the same class for the same distance.

Section 29½. No railroad corporation shall charge or collect for the transportation of goods, merchandise, or property on its railroad for any distance, any greater amount as toll or compensation than is at the same time charged or collected for the transportation of similar quantities of the same class of goods, merchandise or

property over a greater distance upon the same road; nor shall railroad corporations charge different rates for receiving, handling or delivering freights at different points on its line of road, nor shall any railroad corporation charge or collect for the transportation of goods, merchandise or property over any portion of its road a greater amount as toll or compensation, than shall be charged or collected by it for the transportation of similar quantities of the same class of goods, merchandise or property, over any other portion of its road of equal distance, and all such rules, regulations, or by-laws of any such railroad corporation as fix, prescribe, or establish any greater toll or compensation than is heretofore prescribed are hereby declared to be void.

Section 29 $\frac{1}{2}$. Any railroad corporation violating any of the provisions of the two preceding sections, or which shall fix, demand, take or receive from any person or persons, any greater toll or compensation for the transportation, receipt, handling or delivery of goods, merchandise or property, in violation of the provisions of the two preceding sections, shall forfeit and pay to the party aggrieved for any such offense, not less than one hundred, nor more than one thousand dollars and costs of suit, including a reasonable attorney's fee, to be taxed by the court where the same is heard, to be recovered by the party aggrieved, in an action in any court having jurisdiction thereof.

And any officer, agent or employer of any such railroad corporation who shall knowingly and willfully violate the provisions of the two preceding sections, shall be liable to the penalties prescribed in this section.

13th. Add the following sections as an additional section.

Section 31 $\frac{1}{2}$. No railway company, lessee or agent shall make any charge for transportation, exceeding the rates specified in the following sections of this chapter.

Section 32. For the transportation of wheat, in quantities not less than a car load of ten tons, according to custom, the same to be loaded and unloaded at the expense of the shipper, ten dollars per car, for any distance under twenty miles; for any distance of twenty miles and under thirty miles, five cents per ton per mile; for any distance of thirty miles and under fifty miles, four cents per ton per mile; for any distance of fifty miles and under seventy-five miles, three cents per ton per mile; for any distance of seventy-five miles and under one hundred miles, two and three-quarter cents per ton per mile; for any distance of one hundred miles and under one hundred and fifty miles, two and one-half cents per ton per mile; for any distance of one hundred and fifty miles and under two hundred miles, two and one-quarter cents per ton per mile; for any distance of two hundred miles and under two hundred and seventy-five miles, two cents per ton per mile; and for any distance of two hundred and seventy-five miles and over, one and four-fifths cents per ton per mile.

For the transportation of all other grain in bulk and feed, ten per cent less per car and per ton per mile than is allowed for the transportation for wheat.

Section 33. For the transportation of cattle and hogs, and other live stock, except horses, mules, and sheep, in customary car loads of ten tons, the same price per car and per ton per mile for the different distances transported that is allowed and prescribed in section thirty-two of this chapter for the transportation of wheat.

Section 34. For the transportation of horses and mules per car load, ten per cent more may be charged than the price allowed for the transportation of cattle and hogs the same distance. And for the transportation of sheep by the usual car load, only eighty per cent of the price prescribed for cattle and hogs may be charged.

Section 35. For the transportation of wagons and other agricultural implements by the usual car load, the same price per car and per ton per mile that is allowed for the transportation of horses and mules, being ten per cent more than the price for wheat.

Section 36. For the transportation of flour by the usual car load of ten tons, allowing two hundred and twenty pounds to the barrel, and for the transportation of salt, allowing seventy barrels to the car load, the same price per car and per ton per mile, for different distances, that is herein prescribed and allowed in section thirty-two of this chapter for the transportation of wheat.

Section 37. For the transportation of coal, cord wood, and soft lumber, including lath and shingles, by the usual car-load of ten tons, loaded and unloaded at the expense of the shipper, one-fifth less per car and per ton per mile, for different distances, than is prescribed and allowed in section thirty-two of this chapter for the transportation of wheat—shingles being reckoned at one-tenth and lath one-sixth of the rate of lumber per thousand.

Section 38. For the transportation of different classes of merchandise, according to the usual classification in the northwest by railroad and steamboat companies, per hundred pounds, as follows: For fourth-class freight, double the price in section thirty-two prescribed for the transportation of wheat; for third class freight, fifteen per cent more than fourth class; for second class freight, thirty per cent more than for fourth class; for once and a half first class freight, fifty per cent more, and for double first class, one hundred per cent more than for first class freight—reference being had to the price per car load and per ton per mile, for different distances, in section thirty-two provided, and one hundred pounds being reckoned as one two-hundredth part of a car load. *Provided*, That any entire single shipment, however small, may be reckoned as one hundred pounds, and charge made accordingly.

Section 39. For the purpose of carrying out the provisions of this chapter, the classification of freights established by the different companies operating railroads within this State shall continue without change from the first day of January, A. D. 1873, and it is

hereby declared unlawful for any person, corporation, or company, owning or operating any railroad in this state, to alter or change the present classification of freight, with the purpose or intent of avoiding the provisions of this chapter.

Section 40. All connected railroads in this state, operated or controlled by the same person or company, under lease or otherwise, shall, for the purposes of this chapter, in computing distances and determining rates, be regarded as one road.

Section 41. Any officer, agent, or employe of any railroad company, person, or corporation operating a line of railroad within this state, who shall violate, or be a party to the violation of any of the provisions of this chapter, or instrumental therein, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished for every such offense by a fine not less than twenty dollars nor more than one hundred dollars, and by imprisonment not less than five nor more than thirty days; and any such person, corporation, or railroad company as aforesaid, who shall authorize, direct, cause, permit, or allow any violation of the provisions of this chapter by any officer, agent, or employe, such railroad company, person, or corporation shall forfeit and pay to the person injured five times the amount of compensation or charge illegally taken or demanded, or five times the amount of damage caused, as the case may be, to be recovered by such person in a civil action in any court, or before a justice of the peace, as the case may be, of this state; and for every such violation, such railroad company, person, or corporation shall forfeit and pay to the state of Iowa, for the use of the school fund, the sum of five hundred dollars, to be recovered in any civil action in the name of the state; and it is hereby made the duty of the attorney-general of the state and of the several district attorneys within their respective districts, to sue for and recover all sums forfeited as aforesaid.

Section 42. If, under the operation of this chapter, any station more distant from any point of shipment should be charged for any kind and quantity of freight less than a station nearer to the same point of shipment, for the same kind and quantity of freight, then the charges to that nearer station may continue the same to one or more stations beyond, until a station is reached at which, by the operation of this chapter, a larger charge is allowed to be made.

Section 43. Any railroad corporation which shall fix, demand, take, or receive from any person or persons any greater toll or compensation for the transportation, receipt, handling, or delivery of goods or merchandise in violation of the provisions of this chapter, shall forfeit and pay for any such offense any sum not exceeding one thousand dollars and cost of suit, including a reasonable attorney's fee, to be taxed by any court where the same is heard, by appeal or otherwise, to be recovered in an action of debt by the party aggrieved, in any court having jurisdiction thereof.

Section 44. The provisions of this chapter in relation to trans-

porting of passengers or freight, shall not apply to any railroad in this state until the gross earnings the preceding year (reckoning from the first day of January of each year) shall equal or exceed the sum of four thousand dollars per mile, average for all the miles of road operated during the whole of that preceding year.

Section 45. When any prosecution, or action for the violation of any of the provisions of this chapter in relation to the transportation of passengers or freight, shall be commenced, it shall be the duty of the Governor, when notified thereof, and requested by the person or persons commencing the prosecution, or action, to employ suitable counsel to conduct, or assist in conducting the same; and the sum of one thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the treasury, for compensation for such counsel, and to pay any incidental expenses necessary to carry on said prosecution or action. Such compensation and incidental expenses shall be audited and allowed by the auditor of state on the certificate of the Governor, that said services were actually performed, and such incidental expenses necessary, and that the sums in such certificates were reasonable for the services rendered. And when thus certified and allowed, it shall be paid by the treasurer of the state out of said appropriation.

14th. Add to section 40, chapter 5, the following:

"Except as provided in the proviso to section 15, ceapter 108, title 6."

15th. Add the following proviso to section 1, chapter 6:

Provided, That when any highway along which said line has been constructed shall be changed said person or company shall upon ninety days notice in writing remove said line to said highway as established, said notice contemplated herein may be served on any officer or operator in the employ of said person or company.

JNO. J. SAFELY, *Chief Clerk*.

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. 6, "A bill for an act in relation to revenue, beg leave to report that they have had the matter under consideration, and have instructed me to report the same back to the Senate with the recommendation that it be amended as follows, and that thus amended that the bill do pass. Strike out section 32½, chapter 1; in section 35, chapter 1, strike out the written part; in section 38, chapter 1, strike out the written part; in section 50, strike out the written part and restore the original print; in section 1, chapter 2, strike out the written part and restore the original print; in first line of section 21, chapter 2, strike out "ten" and insert "twenty."

WILLIAM LARRABEE, *Chairman*.

Ordered passed on file.

At 12:03 A. M., on motion of Senator Shane, the Senate adjourned.

AFTERNOON SESSION.

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

Senator Russell offered the following resolution :

WHEREAS, The Daily Republican of Des Moines, in its issue of the 10th inst., contained an article, a portion of which reads as follows:

“Will The Register tell us how much money its “Dad” paid for lobbyists and otherwise, to defeat the tariff bill of the people a year ago?

Did he not hold and disburse a fund of \$68,000 contributed by the various railroads for the defeat of the tariff bill last winter, in the Senate? Come, now, speak out. Don't be afraid of your “Dad,” and be honest. Let us turn up a little “sub-soil.” The next, Mr. Editor, with your consent, may touch upon the use of State funds.

ONE THAT KNOWS.”

AND WHEREAS, Said article, in effect, charges that one of the members of this body was guilty of offering, and others of accepting money to influence their votes upon a bill regulating tariffs upon railroads; therefore,

Resolved, That a committee of *three* be appointed, whose duty it shall be to ascertain and report to the Senate the name of the writer of said article, and also the facts upon which he based the charges therein made. That the chairman of said committee be a member who voted *for* the *tariff bill*. That said committee have power to send for papers, and, if necessary, to employ a clerk.

On the adoption of the resolution, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Beardsley, Boomer, Dashiell, Dysart, Fairall, Fitch, Gault, Howland, Hurley, Kephart, Kinne, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Read, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn and Young—38.

The nays were—

Senators Bemis, Campbell, Converse and Richards—4.

Absent or not voting—

Senators Burke, Chambers, Claassen, Crary, Dague, Havens, Ireland, and Stone—8.

So 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, with amendment, S. F. No. 21, title 22, an act in relation to evidence.

1st. By an additional section 4½, any person may have his own deposition, or that of any other person, read and used as evidence in all cases, where his evidence would be incompetent by the provisions of the preceeding section, by causing such deposition to be taken, either before or after suit brought, during the life time or sanity of the person against whom; his executor, heirs or other representative, the same is to be used: *Provided* such deposition shall have been taken and filed ten days prior to the death or insanity of such person. If after suit brought, such deposition may be taken in the usual manner, if before, then the same may be taken *de bene esse*, as provided by law.

2d. Strike out section 5, chapter 1.

3d. Strike out the word "prosecutions" in 3d line, section 6, chapter 1, and insert the word "cases." Insert after the word "all" in third line same section, the words "civil and."

4th. Insert in 7th line of section 91, after the word "consul" the words "or consular agent," in all of which the concurrence of the Senate is asked.

Also the House has passed the following bill and joint resolution, in which the concurrence of the Senate is asked:

H. F. No. 30, An act to repeal chapter 41, of the laws of the 14th General Assembly.

Joint resolution, requesting the Governor to report before the next meeting of the General Assembly, what legislation is necessary, and amount of money required, for the removal of dams in the Des Moines river, sufficient for the passage of flat boats.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

S. F. No. 21, title 22, together with the House message relating thereto, was taken up and considered.

The question being on the House amendment adding section 4½.

The yeas were—

Senators Boomer, Converse, Howland, Hurley, Kephart, Kinne, Larrabee, Leavitt, Lowry, Maxwell, McCoid McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, West, Willett, Wonn and Young—21.

The nays were—

Senators Bemis, Campbell, Chambers, Crary, Dysart, Fitch, Gault, Lovell, Murray, Read, Richards, Rumble, Russell, Shane, Smith, Stuart, Taylor and Vale—18.

Absent or not voting—

Senators Allen, Atkins, Beardsley, Burke, Claussen, Dague, Dashiell, Fairall, Havens, Ireland and Stone—11.

So the section having failed to receive a constitutional majority, the Senate refused to concur.

On agreeing to the House amendment to strike out section 5,

The yeas were—

Senators Converse, Howland, Leavitt, McCoid, Merrill, Miles, Murray, Read, Smith, Willett and Wonn—11.

The nays were—

Senators Atkins, Beardsley, Bemis, Boomer, Campbell, Chambers, Crary, Dashiell, Dysart, Gault, Hurley, Kephart, Kinne, Larrabee, Lovell, Lowry, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Richards, Rumble, Russell, Shane Taylor, Vale, West and Young—29.

Absent or not voting—

Senators Allen, Burke, Claussen, Dague, Fairall, Fitch, Havens, Ireland, Stone and Stuart—10.

So the Senate refused to agree to the amendment.

The question being on agreeing to the remaining House amendments,

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Campbell, Chambers, Converse, Crary, Dysart, Gault, Howland, Kephart, Kinne, Leavitt, Lowry, McCoid, McCormack, McCulloch, McIntyre, Merrill, Miles, Murray, Read, Shane, Smith, Stuart, Taylor, Vale, West, Wonn and Young—31.

The nays were—

Senators Dashiell, Hurley, Lovell, Maxwell, Richards, Rumble and Willett—7.

Absent or not voting—

Senators Allen, Burke, Claussen, Dague, Fairall, Fitch, Havens, Ireland, Larrabee, McNutt, Russell and Stone—12.

So the Senate agreed to the House amendments, except as noted above.

Senator Larrabee moved to reconsider the vote by which the Senate refused to agree to the House amendment striking out section 5.

The motion prevailed, and the question recurring on agreeing to the amendment.

The yeas were—

Senators Atkins, Boomer, Chambers, Converse, Crary, Dashiell, Fitch, Gault, Howland, Kephart, Kinne, Larrabee, Leavitt, Lowry, Maxwell, McCoid, McCulloch, McIntyre, McNutt, Merrill, Miles, Read, Russell, Smith, Stuart, West, Willett, and Wonn—28.

The nays were—

Senators Allen, Beardsley, Bemis, Burke, Campbell, Claussen, Dysart, Fairall, Lovell, McCormack, Murray, Richards, Rumble, Shane, Taylor, Vale, and Young—17.

Absent or not voting—

Senators Dague, Havens, Hurley, Ireland, and Stone—5.

So the Senate agreed to the amendment.

Senator McIntyre moved to reconsider the vote by which the Senate refused to agree to the House amendment inserting section 4½.

The motion prevailed, and the question recurring on agreeing to the House amendment, inserting section 4½,

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Dashiell, Dysart, Howland, Kephart, Kinne, Larrabee, Leavitt, Lowry, McCoid, McCormack, McIntyre, McNutt, Merrill, Miles, Murray, Russell, Smith, West, Willett, Wonn, and Young—26.

The nays were—

Senators Atkins, Bemis, Burke, Claussen, Fitch, Gault, Hurley, Lovell, Maxwell, McCulloch, Read, Richards, Rumble, Shane, Stuart, Taylor, and Vale—17.

Absent or not voting—

Senators Allen, Crary, Dague, Fairall, Havens, Ireland and Stone—7.

So the Senate agreed to the House amendment.

The consideration of chapter 3, title 11, was resumed.

Senator Shane moved to amend section 9, chapter 3, by inserting after the word "owner" the words, "or occupant cultivating."

The amendment was adopted.

On motion of Senator Fairall, section 10 was amended by striking out "5" and inserting "3."

Senator Fairall moved to amend section 10, by inserting after "damage" in 7th line, "notice of such appeal shall be given in the same time and manner as in appeals from a judgment of a justice of the peace."

This amendment was agreed to.

Senator Russell moved to strike out sections 13, 14, and 15.

Which was disagreed to.

Senator Fitch moved to strike out "six months" and insert "ninety days" in the 8th line of section 10.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Bemis, Chambers, Claussen, Converse, Crary, Dashiell, Dysart, Fitch, Gualt, Howland, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCulloch, McNutt, Read, Richards, Russell, Shane, Smith, Vale, West, Wonn, and Young—27.

The nays were—

Senators Beardsley, Boomer, Campbell, Fairall, Kinne, Leavitt, McCormack, McIntyre, Miles, Rumble, Stuart, Taylor, and Willett—13

Absent or not voting—

Senators Allen, Atkins, Burke, Dague, Havens, Hurley, Ireland, Merrill, Murray, and Stone—10.

So the amendment was adopted.

Senator Rumble moved to amend the first line of section 22 by striking out "summons" and inserting "notice." Also the 3d line strike out "summoned" and insert "notified."

The amendments were agreed to.

The committee amendment to section 23 was adopted.

On motion of Senator Miles, "clerk of the district court" was stricken out, and "county auditor" inserted.

Senator West moved to amend section 23 by striking out "once" in the third line and insert "three."

Which was agreed to.

The committee amendments to sections 26 and 27 were adopted.

Senator Read moved to amend the 3d line of section 42 by striking out "outside the enclosure of the owner."

Adopted.

Senator Fairall moved to reconsider the vote just taken.

The motion did not prevail.

On motion of Senator Shane the 5th line of section 43 was amended by inserting "with" after "five."

Senator Vale moved to amend the 3d line of section 29 by striking out "18" and inserting "26." Also to strike out "14" and insert "27."

Adopted.

Senator Larrabee moved to amend section 17, by striking out all after the word "tax" in the fourth line and inserting, "and any person violating the provisions of this section, shall forfeit and pay to the school fund the sum of one hundred dollars for each offense, to be collected by action against him; or by action against him and his sureties on his bond, if one has been given by any citizens in the county."

The amendment was adopted.

Senator Larrabee moved to amend section 8, chapter 2, by striking out all after the word "hospital" in the eighth line, and inserting the following: "but the amount of such requisition shall in no case exceed the sum of twenty dollars per month for each patient in the hospital; taking the number of patients on the 15th day of each month as the average number on which the estimate shall be made, the number in the hospital to be certified to the Auditor of State by the Superintendent and Steward, which certificate shall accompany the requisition." Also, strike out of the seventh line of same section, "from time to time," and insert, "each month." Also, at end of section add, "not exceeding the amount for each patient hereinbefore specified."

The amendments were adopted.

On motion of Senator Dysart, section 42, chapter 3, was amended by adding to the section, "except where the party is doing an unlawful act."

On motion of Senator McCoid, the rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Converse, Dashiell, Dysart, Fitch, Gault, Howland, Kephart, Larrabee, Leavitt, Lovell, Maxwell, McCoid, McCulloch, McIntyre, McNutt Merrill, Miles, Murray, Read, Rumble, Shane, Smith, Stuart, Taylor, Vale, West, and Young—34.

The nays were—

Senators Atkins, Claussen, Crary, Fairall, Kinne, Lowry, McCormack, Richards, Russell, Willett, and Wonn—11.

Absent or not voting—

Senators Dague, Havens, Hurley, Ireland, and Stone—5.

So the bill passed and the title was agreed to.

The President announced Senators Burke, McNutt, and Fairall, as the committee authorized by Senator Russell's resolution adopted this P. M.

Senator Hurley, from the conference committee on the disagreeing votes of the two houses on section 6, of chapter 11, of S. F. No. 24, submitted the following report:

MR. PRESIDENT—The committee of conference on the disagreement of the two houses on section 6, chapter 11, of S. F. No. 24, having considered the same, have agreed to report to their respective houses as follows:

Strike out in third line September 1st, and insert 22d day of August.

Strike out all after "thereof," in 7th line, to and including "premises," in the 10th line in the printed report, and including the written amendment made by the Senate, and insert "or if any person, anywhere, shoot, kill, net, ensnare or trap any quail at any time of the year; except that it shall be lawful for any one to shoot quail upon any premises with the consent of the owner or occupant thereof, between the first day of October and the first day of January of each year.

Add to the end of the section: "One-half of such fine to be paid to the person upon whose information the same is recovered."

JAMES S. HURLEY,
G. R. WILLETT,
JOHN SHANE,
On behalf of the Senate.

JOHN H. GEAR,
M. A. LEAHY,
GEO. PAUL,
On behalf of the House.

On the question, "Shall the Senate agree to the report of the conference committee?"

The yeas were—

Senators Allen, Beardsley, Bemis, Boomer, Burke, Chambers, Claussen, Converse, Crary, Dysart, Gault, Howland, Hurley, Kephart, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Richards, Rumpel, Russell, Shane, Smith, Stuart, Vale, West, Willett, Wonn, and Young—37.

The nays were—

Senators Campbell, Dashiell, Fairall, Kinne, McCormack, Read, and Taylor—7.

Absent or not voting—

Senators Atkins, Dague, Fitch, Havens, Ireland, and Stone—6.

So the Senate agreed to the report.

Senator Hurley moved to take up H. F. No. 17, title 17, "A bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction," with the report of the committee.

Senator West moved to amend by taking up S. F. No. 11.

The amendment was lost, and the original motion agreed to.

The first committee amendment was adopted.

On motion of Senator Converse, the Secretary was directed to call all printed sections by numbers only.

Senator Claussen moved to amend section 22, chapter 1, by adding thereto the following: "If from the legal nature of the case the cause of action can survive or continue."

The Senate adopted the amendment.

The second and third committee amendments were agreed to.

Senator Fairall moved to amend the first line of section 2, by inserting "or mistake." Also, to insert the same words in the second line, after the word "failure."

The amendments were adopted.

The 4th, 5th, 6th, 7th, 8th, 9th, and 10th committee amendments were adopted.

At 4:50, on motion of Senator Fairall, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, IOWA, Feb. 14, 1873. }

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

Prayer by the Rev. Mr. Hay.

On motion of Senator Vale, the reading of the journal was dispensed with.

On motion of Senator Richards, title 10 was taken up and the House amendments ordered printed.

Senator Burke, from the conference committee on title 25, submitted the following report :

MR. PRESIDENT—The committee appointed upon the disagreeing votes of the two Houses on House file No. 25, after full and free conference, have agreed to recommend, and do recommend the adoption of the following :

1st. Restore section 1, chapter 10, as reported by the commissioners, adding thereto the following :

“The complaint may be in form substantially the same as provided in section 4, of chapter 52.”

2d. Concur in Senate amendments to sections 1 and 2, of chapter 23.

3d. Concur in Senate amendment to section 5 of chapter 23.

4th. That Senate recede from disagreement to House amendment to 13th subdivision to section 8, of chapter 26.

5th. That House recede from disagreement to Senate amendment to section 5, of chapter 29.

6th. That House recede from disagreement to Senate amendment to section 9, of chapter 29.

7th. That House concur in Senate amendment to section 15, of chapter 33.

8th. That Senate recede from amendment to section 12, of chapter 52.

9th. That the following Senate amendment to chapter 55, be added to section 1, chapter 55, as reported by the commissioners :

“After conviction of murder in the first degree, no pardon shall be granted by the Governor until he shall have presented the matter to, and obtained the advice of, the General Assembly. Before presenting the matter to the General Assembly for their action, he shall cause a notice containing the reasons assigned for granting the pardon, to be published in two newspapers of general circulation, one of which shall be published at the capital, and the other in the county where the conviction was had, and if there be no such paper in such county, then in some adjoining county, for four successive weeks, the last publication to be at least twenty days prior to the commencement of the session of the General Assembly, to which the matter shall be referred.

JOHN E. BURKE,
SAM. H. FAIRALL,
H. R. CLAUSSEN,

Conferees on the part of the Senate.

B. J. HALL,
FRANK G. CLARKE,
JNO. P. IRISH.

Conferees on the part of the House.

On motion of Senator Burke, the report was considered.

On the question of agreeing to the report,

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dashiell, Dysart, Fitch, Howland, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCormack, McCulloch, McNutt, Merrill, Miles, Murray, Read, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—37.

The nays were—

Senator Richards—1.

Absent or not voting—

Senators Allen, Atkins, Dague, Fairall, Gault, Havens, Ireland, Kinne, Leavitt, McCoid, McIntyre, and Stone—12.

So the Senate agreed to the report.

Senator Campbell offered a joint resolution "in relation to the payment for certain service to Iowa soldiers and their heirs."

Read 1st and 2d time, and on motion of Senator Campbell, the rule was suspended and the joint resolution read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dashiell, Dysart, Fairall, Fitch, Gault, Howland, Hurley, Kephart, Kinne, Larrabee, Lovell, Lowry, Maxwell, McCormack, McCulloch, McNutt, Merrill, Miles, Murray, Read, Richards, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—41.

The nays were none.

Absent or not voting—

Senators Allen, Atkins, Dague, Havens, Ireland, Leavitt, McCoid, McIntyre, and Stone—9.

So the joint resolution passed and the title was agreed to.

Senator Lowry offered the following resolution:

Resolved by the Senate, the House concurring, That the 14th General Assembly will adjourn sine die on Wednesday next, Feb. 19, 1873, at 12 o'clock, noon.

Senator Fairall moved to postpone the consideration of the resolution until Monday morning.

On this question, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Claussen, Converse, Dashiell, Fairall, Howland, Hurley, Kinne, Maxwell, McCoid, McCormack, McCulloch, McNutt, Miles, Murray, Read, Richards, Rumble, Russell, Smith, Stuart, Vale, West, and Wonn—24.

The nays were—

Senators Boomer, Campbell, Chambers, Crary, Dysart, Fitch, Gault, Kephart, Larrabee, Lovell, Lowry, Merrill, Shane, Taylor, Willett, and Young—16.

Absent or not voting—

Senators Allen, Atkins, Bemis, Burke, Dague, Havens Ireland, Leavitt, McIntyre and Stone—10.

So the motion to postpone was agreed to.

House messages were then taken up and considered.

H. F. No. 30, "A bill for an act to repeal chapter 41, of the general laws of the 14th General Assembly," was taken up, read first, and second times, and, on motion of Senator Maxwell, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Burke, Campbell, Chambers, Crary, Dashiell, Fairall, Fitch, Howland, Hurley, Kephart, Kinne, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McNutt, Miles, Murray, Read, Richards, Russell, Shane, Smith, Stuart, Vale, West, and Wonn—30.

The nays were—

Senators Bemis, Boomer, Claussen, Converse, Dysart, Gault, McCulloch, Merrill, Rumble, Taylor, Willett, and Young—12.

Absent or not voting—

Senators Allen, Atkins, Dague, Havens, Ireland, Leavitt, McIntyre and Stone—8.

So the bill passed, and the title was agreed to.

The House joint resolution, in relation to removing dams in the Des Moines river, was taken up, read first and second time, and, on motion of Senator McCormack, 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 Beardsley, Claussen, Converse, Dashiell, Dysart, Fairall, Fitch, Kephart, Kinne, Larrabee, Lowry, Maxwell, McCormack, Merrill, Miles, Murray, Read, Richards, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett and Young—28.

The nays were—

Senators Campbell, Chambers, Crary, Gault, Howland, Hurley, Lovell, McCulloch and Wonn—9.

Absent or not voting—

Senators Allen, Atkins, Bemis, Boomer, Burke, Dague, Havens, Ireland, Leavitt, McCoid, McIntyre, McNutt and Stone—13.

So the joint resolution passed and the title was agreed to.

Senator Read offered the following resolution :

Resolved by the Senate, the House concurring, That the postmaster is hereby instructed to remain one week after the adjournment of the General Assembly to forward any mail that may come into his hands belonging to the members of the Fourteenth General Assembly, and that he be allowed his regular per diem therefor.

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

The consideration of H. F. No. 17, Title 17, "A bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction," was resumed.

The committee amendment to section 13 was adopted.

Senator Willett moved to reconsider the vote by which all of section 27, chapter 3, after "thereof," was stricken out.

The motion to reconsider prevailed.

The question recurring on the motion to strike out as above voted, it was lost.

The committee amendments to sections 1 and 2, chapter 5, were adopted.

Senator McCoid moved to amend section 5, chapter 5, first line, by striking out "and" after "vacation" and inserting after "same" the words "must be."

The amendment was agreed to.

On motion of Senator Rumble, the tenth line of section 5, chapter 5, was amended by striking out "venue" and inserting "place of trial."

On motion of Senator McCoid, the third line of section 11, chapter 6, was amended by striking out "him" and inserting "person."

The committee amendment to section 16, chapter 6, was agreed to. Also, those to sections 77 and 78, chapter 8, were adopted.

The committee appointed to investigate the alleged bribery of the members of the Fourteenth General Assembly, was granted leave of absence.

On motion of Senator McCoid section 81, chapter 8, 3d line, was amended by striking out "may be to come."

The committee amendments to sections 4, 5, 6, and 7, chapter 9, were adopted.

Senator Hurley moved to strike out all after the word "others" in section 2999, of the Revision of 1860, which was reported by the committee as an amendment to section 5 of chapter 9, and insert as follows:

First. In all cases tried according to the first method the evidence shall be in writing, while those tried by the second method it shall be as in ordinary actions.

Second. In a trial by the first method, the issues shall be tried by the court, who may, however, order the whole issue, or any part thereof, or any specific question of fact involved therein, to be tried by a jury; or may refer the same, and may in either case accept or reject the finding, and may, with or without a statement of any finding of facts, render such judgment as is equitable. In a trial by the second method, either party shall be entitled to have the whole issue, or any part thereof, or any question of fact involved therein, tried by a jury, as in ordinary proceedings.

Third. On appeal taken in a case tried by the first method, all the evidence shall go to the supreme court, which shall try the case

on both the law and fact, as apparent of record. Cases tried by the second method, on appeal to the supreme court, shall be tried on errors of law only, as in ordinary actions, and the record shall be prepared in the same manner.

On this amendment the yeas and nays were demanded, and

The yeas were—

Senators Converse, Crary, Howland, Hurley, Kephart, Lovell, McCoid, Read, Willett, and Young—10.

The nays were—

Senators Allen, Atkins, Beardsley, Bemis, Boomer, Campbell, Chambers, Claussen, Dashiell, Dysart, Fitch, Gault, Kinne, Larrabee, Lowry, McCormack, McCulloch, McIntyre, Merrill, Murray, Richards, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, and Wonn,—30.

Absent or not voting—

Senators Burke, Dague, Fairall, Havens, Ireland, Leavitt, Maxwell, McNutt, Miles, and Stone—10.

So the amendment did not prevail.

The question recurring on the adoption of the amendment reported by the committee, the yeas and nays were demanded, and

The yeas were—

Senators Converse, Howland, Hurley, Kephart, Lovell, McCoid, Read, and Willett—8.

The nays were—

Senators Allen, Atkins, Beardsley, Bemis, Boomer, Campbell, Chambers, Claussen, Crary, Dysart, Fitch, Gault, Kinne, Larrabee, Lowry, McCormack, McCulloch, McIntyre, Merrill, Miles, Murray, Richards, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Wonn, and Young—31.

Absent or not voting—

Senators Burke, Dague, Dashiell, Fairall, Havens, Ireland, Leavitt, Maxwell, McNutt, Rumble, and Stone—11.

So the Senate refused to adopt the amendment of the committee.

The committee amendment to section 64, chapter 9, was agreed to.

Senator Hurley moved to add the following to section 15, chapter 9:

“In all cases under this code, where by leave it is permitted, or required that judicial or other sales and conveyances of land, may or shall be confirmed or approved by court, it shall be lawful for the judge of the court in vacation to confirm or approve the same, and to cause the proper entries thereof to be made as required by law and the rules of such court.

The amendment was adopted.

On motion of Senator Murray, section 8, chapter 9, was amended by inserting after “of” in the 5th line the words “printed.”

Senator Richards moved to amend section 6, chapter 9, 4th line, by striking out all after “court” down to and including “or.”

Senator Shane moved to amend the amendment by inserting after "all" in the 4th line, the words "or a part of."

The amendment to the amendment was lost.

The question recurring on Senator Richards' amendment, the yeas and nays were demanded, and

The yeas were—

Senators Bemis, Boomer, Dysart, Gault, Murray, Richards, Smith, and Stuart—8.

The nays were—

Senators Atkins, Beardsley, Campbell, Claussen, Converse, Crary, Dashiell, Fitch, Howland, Hurley, Kephart, Kinne, Larrabee, Lovell, Lowry, McCoid, McCormack, McCulloch, McIntyre, McNutt, Read, Rumble, Russell, Shane, Taylor, Vale, West, Willett, and Wonn—29.

Absent or not voting—

Senators Allen, Burke, Chambers, Dague, Fairall, Havens, Ireland, Leavitt, Maxwell, Merrill, Miles, Stone, and Young—13.

So the amendment was lost

Senator McCoid moved to reconsider the vote by which the following words were added to section 22, chapter 1: "If from the legal nature of the case, the cause can survive or continue."

The motion prevailed.

The question recurring on the motion to insert the words above quoted, it was disagreed to.

On motion of Senator McIntyre, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dashiell, Dysart, Fitch, Gault, Howland, Kephart, Kinne, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Read, Richards, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—41.

The nays were—

Senator Hurley—1.

Absent or not voting—

Senators Allen, Burke, Dague, Fairall, Havens, Ireland, Leavitt, and Stone—8.

So the bill passed and the title was agreed to.

On motion of Senator Larrabee, title 6, H. F. No. 6, A bill for an act to revise, amend and codify the statutes in relation to revenue, together with the report of the committee, was taken up and considered.

On the adoption of the committee amendment to section 1, chapter 1, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Bemis, Campbell, Chambers, Claus-

sen, Converse, Crary, Dashiell, Howland, Kinne, Larrabee, Lovell, Maxwell, McCoid, McCormack, McIntyre, McNutt, Merrill, Miles, Murray, Richards, Ruple, Russell, Smith, Stuart, Vale, West, Wonn and Young—30.

The nays were—

Senators Boomer, Dysart, Fitch, Gault, Hurley, Kephart, Lowry, McCulloch, Read, Shane, Taylor, and Willett—12.

Absent or not voting—

Senators Allen, Burke, Dague, Fairall, Havens, Ireland, Leavitt, and Stone—8.

So the Senate agreed to the amendment.

Senator West moved to amend section 2, chapter 1, by striking out "three" and inserting "five" in the 29th line.

Senator Murray moved to amend the amendment, by striking out "thousand" in the 20th line, and inserting "hundred;" also, in the 29th line strike out "five" and insert "two."

The Senate rejected the amendment to the amendment, and also the amendment.

Senator Read moved to amend the 19th and 20th lines of section 1, by striking out "literary," after the word "private;" also, strike out "thousand," and insert "three hundred."

The amendment was adopted.

Senator Burke, from the special committee appointed to investigate and report upon the "sixty-eight thousand dollars" charge, submitted the following report:

To the Senate:

The committee appointed to ascertain and report the name of the writer of a certain article published in the Daily Republican of Des Moines, on the 10th inst., and signed, "One That Knows," and also to ascertain and report the facts upon which the charges in said article were based, report that G. W. Edwards, one of the editors of said Daily Republican, being sworn as a witness before said committee, testified that he did not know who wrote the article in question, but that he did know who handed it to him for publication. The following interrogatory was then put to the witness:

"Please state the name of the person who handed the article to you for publication." This question the witness refused to answer, and gave as a reason for such refusal that he did not think that the committee or the legislature had a right to demand an answer to the question.

The refusal of the witness to answer the question is submitted for the action of the Senate thereon.

JOHN E. BURKE,
SAMUEL McNUTT,
SAM. H. FAIRALL.

On motion of Senator Russell, the consideration of the report was postponed until this P. M.

At 12 o'clock the President declared the Senate adjourned until 2 P. M.

AFTERNOON SESSION.

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

The report of the investigating committee on the "\$68,000 charge" was taken up and considered.

Senator Russell offered the following resolution:

WHEREAS, As appears from the report of the committee of this Senate, appointed to ascertain and report the name of the writer of an article in the Daily Republican, of Des Moines, and also the facts upon which he based the charges therein, G. W. Edwards, a witness before said committee, after having been duly sworn as a witness, has refused to answer the following interrogatory to him propounded by said committee, to-wit:

"Please state the name of the person who handed the article to you for publication," and,

WHEREAS, Said interrogatory was, and is, pertinent to inquiry submitted to and before said committee, therefore be it,

Resolved by the Senate, That said G. W. Edwards, is adjudged to be guilty of contempt to this Senate.

2. That he be, and hereby is, ordered into the custody of the sergeant-at-arms of this body, and be brought before the bar thereof to be dealt with according to law.

Senator McNutt offered the following substitute, directing that Mr. Edwards be brought to the bar of the Senate, and interrogated as this House shall think proper, regarding the direct or implied charges contained in the alleged libelous article.

Senator West moved to refer the resolution and the substitute to the committee, to investigate the "\$68,000 charge," with instructions.

Senator Richards moved to lay the whole subject on the table.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Bemis, Boomer, Chambers, Converse, Dysart, Gault, Lovell, McCulloch, and Richards—9.

The nays were—

Senators Allen, Atkins, Beardsley, Burke, Claussen, Crary, Dashiell, Fairall, Fitch, Howland, Hurley, Kephart, Kinne, Larra-

bee, Lowry, Maxwell, McCoid, McCormack, McIntyre, McNutt, Merrill, Miles, Murray, Read, Rumple, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—35.

Absent or not voting—

Senators Campbell, Dague, Havens, Ireland, Leavitt, and Stone—6

So the motion to lay the subject on the table did not prevail.

Senator Young moved the previous question, which was seconded by the Senate, and the main question was ordered.

Senator West moved to reconsider the vote by which the call for the previous question was made, and the main question ordered.

The motion did not prevail.

The question being on the adoption of the substitute offered by Senator McNutt, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Chambers, Converse, Crary, Dashiell, Dysart, McCormack, McNutt, Miles, Richards, Rumple, Vale, and West—14.

The nays were

Senators Allen, Atkins, Bemis, Burke, Claussen, Dague, Fairall, Fitch, Gault, Howland, Hurley, Kephart, Kinne, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCulloch, McIntyre, Merrill, Murray, Read, Russell, Shane, Smith, Stuart Taylor, Willett, Wonn, and Young—30.

Absent or not voting—

Senators Campbell, Havens, Ireland, Leavitt, and Stone—5.

So the substitute was not adopted.

The question being on the adoption of Senator Russell's resolution, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Boomer, Burke, Claussen, Crary, Dysart, Fairall, Fitch, Howland, Hurley, Kephart, Kinne, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Read, Rumple, Russell, Smith, Stuart Taylor, Vale, Willett, Wonn, and Young—35.

The nays were—

Senators Beardsley, Bemis, Campbell, Chambers, Converse, Dashiell, Gault, Richards, Shane, and West—10.

Absent or not voting—

Senators Dague, Havens, Ireland, Leavitt, and Stone—5.

So the resolution was adopted.

The Sergeant-at-arms presented Mr. G. W. Edwards at the bar of the Senate, and Senator Burke, chairman of the investigating committee, through the President of the Senate, propounded to the said G. W. Edwards, the following interrogatory:

"Please state the name of the person who handed the article to you for publication?"

The said G. W. Edwards refused to answer the said interrogatory.

Senator Beardsley moved that the prisoner at the bar of the Senate, be allowed to make a statement in his own defense.

Senator Fairall raised the point of order that the prisoner being in contempt of the Senate, could not make any statements.

The President decided the point of order well taken.

Senator McCoid offered the following resolution:

Resolved, That the prisoner be ordered into confinement in the county jail of Polk county, until he answers the interrogatory of the committee, or until further action of this Senate. That this commitment be by virtue of an order of the President, entered on the journal of the Senate, stating the grounds therefor.

Senator Read offered the following amendment:

Resolved, That the testimony given before the committee, by the prisoner, be read, and that he be permitted to make a statement.

Senator Read moved the previous question, which the Senate refused to second.

Senator McIntyre moved to postpone the further consideration of the whole subject until to-morrow morning at 10 A. M.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Beardsley, Burke, Claussen, Converse, Crary, Dashiell, Dysart, Fairall, Fitch, Gault, Howland, Hurley, Kephart, Kinne, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulluch, McIntyre, McNutt, Merrill, Miles, Murray, Read, Richards, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—41.

The nays were—

Senators Bemis, and Boomer—2.

Absent or not voting—

Senators Campbell, Chambers, Dague, Havens, Ireland, Leavitt, and Stone—7.

So the motion to postpone prevailed.

Senator Converse, from the committee on enrolled bills, submitted the following report:

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

H. F. No. 30, A bill for an act to repeal chapter 41 of general laws of the Fourteenth General Assembly.

Also, joint resolution directing the Governor to ascertain in regard to cost of surveying the dams in the Des Moines river.

Joint resolution in relation to adjournment of the Fourteenth General Assembly.

A. CONVERSE, *Chairman*.

At 4:45, on motion of Senator Fairall, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, February 15, 1873. }

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

Prayer by Rev. Mr. Miles.

On motion of Senator Larrabee, the reading of the journal was dispensed with.

Senator West moved to take up S. F. No. 9, title 10, which motion prevailed, and consideration of it was postponed until Tuesday morning next at 10 o'clock.

Senators Campbell and West presented petitions asking for passage of a bill regulating railroad tariffs, which were referred to committee on railroads.

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 resolution in relation to expediency of delaying the payment of undrawn appropriations, etc., beg leave to report that they have had the same under consideration, and in response to the above, have instructed me to report the enclosed bill to the Senate with the recommendation that it do pass.

WILLIAM LARRABEE, *Chairman.*

The bill was numbered S. F. No. 26.

On motion of Senator Larrabee, S. F. No. 26, A bill for an act to repeal sections 4 and 5, chapter 4, title 2, of the code of 1873, and to provide a substitute therefor, and to repeal sections 86 and 87, Rev. 1860, and chapter 9, acts of the 10th General Assembly, and enact in lieu thereof, with the report of the committee recommending its passage, was taken up, and the bill

Read first and second time.

On motion of Senator Larrabee, the 11th rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Crary, Dashiell, Dysart, Fairall, Fitch, Howland, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Read, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—40.

The nays were—

Senator Converse—1.

Absent or not voting—

Senators Dague, Gault, Havens, Ireland, Kinne, Leavitt, McCormack, Richards, and Stone—9.

So the bill passed and the title was agreed to.

Senators Kephart and Rumble were granted leave of absence until Tuesday morning next.

The President submitted a communication from Anton Sontag.

Senator Lowry moved to refer it to the committee on federal relations.

Senator Fitch moved to amend by referring to Senator Lowry's investigating committee. Lost.

Senator Lowry's motion prevailed.

Senator McNutt asked to be relieved from further duty on the \$68,000 investigating committee.

On this question, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Bemis Campbell, Chambers, Converse, Dashiell, Dysart, Kephart, Larrabee, McCoid, McIntyre, Miles, Rumble, Shane, Taylor, Vale, West, and Young—18.

The nays were—

Senators Atkins, Beardsley, Boomer, Burke, Claussen, Crary, Fairall, Fitch, Havens, Howland, Hurley, Lovell, Lowry, Maxwell, McCulloch, Merrill, Murray, Read, Russell, Smith, Stuart, Willett, and Wonn—23.

Absent or not voting—

Senators Dague, Gault, Ireland, Kinne, Leavitt, McCormack, McNutt, Richards, and Stone—9.

So the Senator was not relieved.

Senator Fairall offered the following resolution:

"Resolved, That the Senate suspend its judgement upon G. W. Edwards for the present; that he be allowed to go upon his parole until ordered to appear again before the Senate, for judgment, and that the committee be instructed to proceed with a full and complete investigation of the subject under consideration."

Senator Campbell moved to amend the resolution by striking out all that part relating to parole, and that G. W. Edwards be discharged from custody,

On this question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Converse, Dashiell, Dysart, Havens, Lowry, McCormack, McCulloch, Miles, Rumble, Shane, Taylor, Vale, and West—18.

The nays were—

Senators Allen, Atkins, Burke, Claussen, Crary, Fairall, Fitch, Howland, Hurley, Kephart, Larrabee, Lovell, Maxwell, McCoid, McIntyre, Merrill, Murray, Read, Russell, Smith, Stuart, Willett, Wonn, and Young—24.

Absent or not voting—

Senators Dague, Gault, Ireland, Kinnie, Leavitt, McNutt, Richards, and Stone—8.

So the amendment was lost.

The question being on Senator Fairall's resolution, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Burke, Claussen, Crary, Dashiell, Fairall, Fitch, Havens, Howland, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McIntyre, McNutt, Merrill, Murray, Rumple, Russell, Shane, Smith, Stuart, Taylor, Vale, Willett, Wonn, and Young—32.

The nays were—

Senators Beardsley,* Bemis, Boomer, Campbell, Chambers, Converse, Dysart, McCulloch, Miles, Read, and West—11.

Absent or not voting—

Senators Dague, Gault, Ireland, Kinne, Leavitt, Richards, and Stone—7.

So the resolution was adopted.

Mr. Edwards refused to give his parole as contemplated by the resolution.

Senator Willett moved that Mr. Edwards remain in the custody of the sergeant-at-arms until further orders of the Senate, or until he gave his parole.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Burke, Claussen, Crary, Fairall, Fitch, Havens, Howland, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McIntyre, McNutt, Merrill, Murray, Read, Russell, Smith, Stuart Taylor, Willett, Wonn, and Young—29.

The nays were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Converse, Dashiell, Dysart, McCulloch, Miles, Rumple, Shane, Vale, and West—14.

Absent or not voting—

Senators Dague, Gault, Ireland, Kinne, Leavitt, Richards, and Stone—7.

So the motion prevailed.

Consideration of title 6, was resumed.

Senator Fitch moved to strike out "8" and insert "12" in 2d line of section 3, chapter 1.

Senator Murray moved to amend by striking out section 3.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Bemis, Campbell, Dashiell, Havens, Hurley, McCoid, McCormack, Murray, Smith, and Wonn—10.

The nays were—

Senators Allen, Atkins, Boomer, Chambers, Claussen, Converse,

Crory, Dysart, Fitch, Howland, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCulloch, McIntyre, McNutt, Merrill, Miles, Read, Rumble, Russell, Shane, Stuart, Vale, West, Willett, and Young—29.

Absent or not voting—

Senators Beardsley, Burke, Dague, Fairall, Gault, Ireland, Kinne, Leavitt, Richards, Stone, and Taylor—11.

So the amendment was lost.

Senator Fitch's motion prevailed.

Senator Young moved to amend section 3, third line, by striking out "1" and inserting "1," and inserting "1" after the word "each." Carried.

The following message was received from the House:

MR. PRESIDENT—I herewith present for your signature the following joint resolutions, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

A joint resolution requesting the Governor to report to the next meeting of the General Assembly what legislation is necessary for the removal of dams in the Des Moines river.

A joint resolution relating to the final adjournment of the Fourteenth General Assembly.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Vale moved to amend the eighth line of section 4, by inserting "nursery" before "trees." Carried.

On motion of Senator Lowry, assistant secretary Gardner was excused.

Senator Campbell moved to amend the third line of section 5, by inserting the words, "or if" before "said." Carried. Also, to insert, "this includes lands and town lots." Lost.

Senator Read moved to strike out "literary" in seventh line, chapter 1, before "libraries." Carried. Also, to strike out "one thousand" in chapter 1, eighth line and insert "three hundred," which was agreed to.

Senator Vale moved to strike out "portable" before "threshing" in eighth line. Carried.

Senator McIntyre moved to amend, by adding after the word "insurance" in the first line, the word "fire." Lost.

Senator Larrabee moved to strike out the proviso to section 15. Senator McNutt offered the following substitute:

Provided, That the provisions of this section shall not apply to portions of railroads now in process of construction or which may be hereafter constructed, until three years after the track on such portions of railroads now in process of construction, or which may be hereafter constructed and in operation. *Provided*, further, that the provisions of this section shall not release any railroad liable to

taxation under existing laws at the time of the taking effect of this act."

Senator Murray moved that when the Senate adjourn, it be until 9 A. M., Monday.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Dashiell, Havens, Kephart, Lowry, McCormack, Murray, Read, Rumble, and Russell—11.

The nays were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Clausen, Converse, Crary, Dysart, Fairall, Fitch, Howland, Hurley, Larrabee, Lovell, Maxwell, McCoid, McCulloch, McIntyre, McNutt, Merrill, Miles, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—31.

Absent or not voting—

Senators Chambers, Dague, Gault, Ireland, Kinne, Leavitt, Richards, and Stone—8.

So the motion did not prevail.

Senators Russell and Rumble were granted leave of absence.

Senator Beardsley moved that the Senate adjourn.

The motion prevailed, and the Senate adjourned until 2, P. M.

AFTERNOON SESSION.

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

Consideration of chapter 1, title 6, was resumed.

The question being on the proviso offered by Senator McNutt, he withdrew it and offered the following in lieu thereof:

Provided, That each mile of new railroad shall be exempt from taxation as completed, for three years from date of the laying of its track, after the taking effect of this code.

Senator Read moved to postpone further consideration of this title until Monday next, at 2 o'clock, P. M.

Lost.

Senator McNutt's proviso was disagreed to.

The question being on Senator Larrabee's motion to strike out proviso to section 15, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bemis, Boomer, Chambers, Clausen, Crary, Dysart, Hurley, Larrabee, Lowry, McCoid, Merrill, Murray, Shane, Stuart, Vale, West, Willett, Wonn, and Young—20.

The nays were—

Senators Campbell, Converse, Fitch, Havens, Howland, Lovell, Maxwell, Miles, Read, Smith, and Taylor—11.

Absent or not voting—

Senators Allen, Atkins, Burke, Dague, Dashiell, Fairall, Gault, Ireland, Kephart, Kinne, Leavitt, McCormack, McCulloch, McIntyre, McNutt, Richards, Rumble, Russell, and Stone—19.

So the motion to strike out 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 bill, in which the concurrence of the Senate is asked:

H. F. No. 31. A bill for an act authorizing incorporated cities and towns to lay out and establish market grounds, and to take private property for such purposes.

Also, the House has adopted joint resolution of the Senate, in relation to certain claims of Iowa officers and soldiers.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Converse moved to take up House messages.

The motion did not prevail.

The consideration of title 6, was resumed.

Senator Larrabee moved to amend section 16, by inserting after "personal" in 1st line "including their franchises."

Carried.

Senator Murray moved to strike out section 19, chapter 1.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Boomer, Chambers, Converse, Dysart, Fitch, Havens, Murray, Shane, Stuart, Vale, and West—12.

The nays were—

Senators Beardsley, Bemis, Campbell, Claussen, Crary, Howland, Larrabee, Lovell, Maxwell, McCoid, McCulloch, McIntyre, Merrill, Read, Smith, Taylor, Willett, Wonn, and Young—19.

Absent or not voting—

Senators Allen, Burke, Dague, Dashiell, Fairall, Gault, Hurley, Ireland, Kephart, Kinne, Leavitt, Lowry, McCormack, McNutt, Miles, Richards, Rumble, Russell, and Stone—19.

So the motion was lost.

Senator Converse moved to insert in the first line, section 19, chapter 1, before the word "money" the words "personal property."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Boomer, Chambers, Converse, Dysart, Fitch, Havens, Maxwell, McCulloch, Miles, Murray, Read, Shane, Smith, Stuart, Vale, and West—17.

The nays were—

Senators Beardsley, Bemis, Campbell, Claussen, Crary, Howland, Larrabee, Lovell, McCoid, McIntyre, Merrill, Taylor, Willett, Wonn, and Young—15.

Absent or not voting—

Senators Allen, Burke, Dague, Dashiell, Fairall, Gault, Hurley, Ireland, Kephart, Kinne, Leavett, Lowry, McCormack, McNutt, Richards, Rumble, Russell, and Stone—18.

So the motion prevailed.

Senator Larrabee moved to insert after the word "manufacturing" in chapter 1, section 21, line 2, the words "packing of meats."

Carried.

Sheator Larrabee moved to strike out section 30.

The motion prevailed.

Committee recommendation to strike out section 32½ was disagreed to.

Senator Shane moved to add to section 33, the following:

Provided, That such board shall keep a record of their proceedings.

Carried.

Senator Shane moved to amend section 34, 2d line, by inserting "shall continue from day to day until completed."

Carried.

The committee recommendation to strike out the written part of section 35 was agreed to.

Senator Young moved to amend 1st line of section 37, by striking out "first day of July" and inserting "first Monday of June."

Carried.

Senator Young moved to amend 2d line section 38, by striking out the words "first Monday of August," and inserting "first Monday of July."

The motion prevailed.

The committee amendment to section 38, was adopted.

Senator Young moved to amend section 40, by striking out "3d" in 2d line, and inserting "1st."

Carried.

Senator Fitch moved to amend section 50, by striking out the word "presumptive," and inserting "conclusive."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Boomer, Chambers, Claussen, Converse, Fitch, Maxwell, McIntyre, Merrill, Miles, Read, Smith, Stuart, and West—14.

The nays were—

Senators Beardsley, Bemis, Campbell, Crary, Dysart, Havens, Howland, Hurley, Larrabee, Lovell, McCoid, McCormack, Murray, Shane Taylor, Vale, Willett, Wonn, and Young—19.

Absent or not voting—

Senators Allen, Burke, Dague, Dashiell, Fairall, Gault, Ireland,

Kephart, Kinne, Leavitt, Lowry, McCulloch, McNutt, Richards, Rumple, Russell, and Stone—17.

So the motion was lost.

On the question, "Shall the committee amendment be adopted?" the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Campbell, Clausen, Crary, Dysart, Fitch, Havens, Howland, Hurley, Larrabee, Lovell, McCoid, McCormack, McCulloch, Merrill, Murray, Stuart, Taylor, Vale, Willett, Wonn, and Young—25.

The nays were—

Senators Chambers, Converse, Maxwell, McIntyre, Miles, Read, Shane, Smith, and West—9.

Absent or not voting—

Senators Allen, Burke, Dague, Dashiell, Fairall, Gault, Ireland, Kephart, Kinne, Leavitt, Lowry, McNutt, Richards, Rumple, Russell, and Stone—16.

So the amendment was adopted.

Senator Campbell moved to amend section 50, by striking out all after the word "list" in second line, down to and including the word "following," in fourth line.

The motion prevailed.

Senator Young moved to add to the end of 1st line, section 55, the words "or tax-payer."

Carried.

Senator McIntyre moved to strike out section 55.

Lost.

Senator McCulloch was granted leave of absence until Tuesday.

On motion of Senator McCulloch, H. F. No. 31, a bill for an act authorizing incorporated cities and towns, to lay out and establish market grounds, and to take private property for such purposes, was taken up, read first and second time, and referred to committee on judiciary.

Senate resumed consideration of chapter 2, title 6.

The committee recommendation to strike out the written part of section 1 and restore the section as reported by the code commissioners, was adopted.

Senator Young moved to amend the third line of section 6, by striking out "thirty" and inserting "sixty." Carried.

Senator Wonn moved to amend section 5, first line, by inserting after "goods" the words, "and the owner shall refuse to give a good and sufficient bond for the delivery of said goods on the day of sale." Carried.

Senator Converse moved to adjourn.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Chambers, Converse, Havens, Lowry, McCormack, Murray, Read, Shane, Smith, Taylor, and West—12.

The nays were—

Senators Beardsley, Bemis, Boomer, Campbell, Claussen, Crary, Dysart, Fitch, Howland, Hurley, Larrabee, Lovell, Maxwell, McCoid, McIntyre, Miles, Stuart, Vale, Willett, Wonn, and Young—21.

Absent or not voting—

Senators Allen, Burke, Dague, Dashiell, Fairall, Gault, Ireland, Kephart, Kinne, Leavitt, McColloch, McNutt, Merrill, Richards, Rumble, Russell, and Stone—17.

So the motion was lost.

Senators Leavitt, Kinne and Dashiell were granted leave of absence.

Senator Converse moved a call of the Senate.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Chambers, Converse, Havens, McCormack, Murray, Shane, Taylor, and West—9.

The nays were—

Senators Beardsley, Bemis, Campbell, Claussen, Crary, Dysart, Howland, Hurley, Larrabee, Lovell, Lowry, Maxwell, McCoid, McIntyre, Miles, Read, Smith, Stuart, Vale, Willett, Wonn, and Young—22.

Absent or not voting—

Senators Allen, Boomer, Burke, Dague, Dashiell, Fairall, Fitch, Gault, Ireland, Kephart, Kinne, Leavitt, McColloch, McNutt, Merrill, Richards, Rumble, Russell, and Stone—19.

One-fourth of the members voting in the affirmative, the motion prevailed.

Pending which, on motion of Senator McIntyre the Senate adjourned until Monday morning at nine o'clock.

SENATE CHAMBER,
DES MOINES, February 17, 1873. }

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

Prayer by the Rev. Mr. Miles.

On motion of Senator Shane, the reading of the journal was dispensed with.

INTRODUCTION OF BILLS.

By Senator Lowry: S. F. No. 27, A bill for an act to preserve the funds of the state institutions.

Read first and second times, ordered printed, and passed on file.
Senator Vale offered a "joint resolution in relation to the corner stone of the new capitol building."

Read first and second time, and, on motion of Senator Vale, the rule was suspended and the joint resolution read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Atkins, Beardsley, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dysart, Havens, Howland, Hurley, Lovell, Maxwell, McCormack, Merrill, Read, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—27.

The nays were—

Senators Bemis, Larrabee, Lowry, Miles, and Murray—4.

Absent or not voting—

Senators Allen, Burke, Dashiell, Fairall, Fitch, Gault, Ireland, Kephart, Kinne, Leavitt, McCoid, McCulloch, McIntyre, McNutt, Richards, Rumble, Russell, and Stone—18.

So the joint resolution passed and the title was agreed to.

Senator Converse, 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 and joint resolutions, to-wit:

House File No. 30, A bill for an act to repeal chapter forty-one of general laws of Fourteenth General Assembly.

Also, a joint resolution directing the Governor to ascertain in regard to the dams of the Des Moines river.

A joint resolution in relation to adjournment of the Fourteenth General Assembly.

Also, Senate File No. 25, Title 24, A bill for an act to revise, amend and codify the statutes in relation to crimes and punishments.

Senate File No. 21, Title 22, A bill for an act to revise, amend and codify the statutes, in relation to evidence.

A. CONVERSE, *Chairman*.

Senator McNutt offered the following resolution :

Resolved by the Senate, the House concurring, That the afternoon of Wednesday, from three o'clock, be devoted to the consideration and passage of local bills.

Senator Larrabee moved to amend, by adding thereto the following : *Provided*, That we adjourn that day *sine die*.

The amendment was lost.

On motion of Senator Howland, the whole subject was laid on the table.

Senator Campbell presented a petition from citizens of Jasper county, asking for legislation in relation to railroad tariffs.

Referred to committee on railroads.

Senator Larrabee offered the following resolution :

Resolved, That President Welch, of the agricultural college, be allowed the use of the Senate Chamber for one half hour, immediately after the adjournment of the afternoon session, to day, for the purpose of giving information in relation to matters in connection with said college.

The resolution was adopted.

The consideration of H. F. No. 6, title 6, "a bill for an act to revise, amend and codify the statutes in relation to revenue," was resumed.

Senator Young moved to amend section 14, chapter 2, 2d line, by inserting after "land" the words "and the assessed value of personal property.

Which was agreed to

Senator Fitch moved to amend section 20, chapter 2, 7th line, by striking out "residence in the county where the sale is made."

The amendment was agreed to.

The committee amendment to section 21 was adopted.

Senator Fitch moved to amend section 4, chapter 3, by striking out "one" and inserting "three" before the word "thousand" in the third line.

The amendment did not prevail.

Senator Read moved to amend section 20, chapter 2, by inserting in the third line the words "papers as the board of supervisors may select."

The amendment was lost.

Senator Larrabee moved to amend the first section, of chapter 4, by inserting after the word "two" the words "one half."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Bemis, Claussen, Fitch, Howland, Hurley, Larrabee, Lovell, Maxwell, McIntyre, Merrill, Miles, Murray, Vale, Willett, and Young—16.

The nays were—

Senators Atkins, Beardsley, Boomer, Campbell, Chambers, Converse, Crary, Dague, Dysart, Havens, Lowry, McCormack, Read, Shane, Smith, Taylor West, and Wonn—18.

Absent or not voting—

Senators Burke, Dashiell, Fairall, Gault, Ireland, Kephart Kinne, Leavitt, McCoid, McCulloch, McNutt, Richards, Rumple, Russell, Stone, and Shane—16.

So the amendment did not prevail.

On motion of Senator Shane, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bemis, Boomer, Campbell, Chambers,

Claussen, Converse, Dague, Dysart, Fitch, Havens, Howland, Hurley, Larrabee, Lovell, Maxwell, McCormack, McIntyre, Murray Read, Shane, Smith, Stuart, Vale, West, and Young—27.

The nays were—

Senators Beardsley, Crary, Lowry Merrill, Miles, Taylor, Willett, and Wonn—8.

Absent or not voting—

Senators Burke, Dashiell, Fairall, Gault, Ireland, Kephart, Kinne, Leavitt, McCoid, McCulloch, McNutt, Richards, Rumble, Russell, and Stone—15.

So the bill passed and the title was agreed to.

Senator West offered the following resolution: *Resolved*, That the committee appointed to ascertain and report to the Senate the name of the writer of an article appearing in the Des Moines Republican, of the 10th inst., be enlarged by adding to said committee the following Senators, viz, Senators Dysart and Boomer, and that said committee be instructed to admit testimony on any and all matters connected with the allegations of said article, whether connected with the thirteenth or fourteenth General Assembly, or any other General Assembly.

The resolution was adopted:

H. F. No. 23, title 23, "A bill for an act to revise, amend and codify the statutes, in relation to the compensation of public officers, with the report of the committee, was taken up and considered.

Senator McIntyre moved to amend the 1st line of section 2, chapter 1, by striking out "twenty-two," and inserting "twenty-five."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Fitch, McIntyre, Murray, Read, Taylor, Willett, and Young—7.

The nays were—

Senators Beardsley, Bemis, Campbell, Chambers, Claussen, Converse, Crary, Dague, Havens, Howland, Hurley, Lovell, Lowry, Maxwell, McCormack, Merrill, Miles, Shane, Smith, Stuart, Vale, and West—22.

Absent or not voting—

Senators Allen, Atkins, Boomer, Burke, Dashiell, Dysart, Fairall, Gault, Ireland, Kephart, Kinne, Larrabee, Leavitt, McCoid, McCulloch, McNutt, Richards, Rumble, Russell, Stone, and Wonn—21.

So the amendment did not prevail.

Senator McIntyre offered the following resolution:

Resolved, That committee upon investigation be, and are, hereby directed to confine themselves to an investigation of the charges made in said article, so far as the same relates to any member of any General Assembly being bribed, or corrupted, to vote for or against a bill, or bills, regulating railroad tariffs and freights.

Senator Larrabee moved to amend as follows:

That the Senator from Henry, be allowed to appoint additional members to said committee, *ad libitum*, and to discharge them in the same manner, providing they fail to carry out his views.

On motion of Senator Beardsley, the resolution and amendment were laid on the table.

The Senate resumed the consideration of H. F. No. 23, title 23.

The committee amendment to section 7, chapter 1, was read.

Senator Maxwell moved to amend the amendment by striking out "two thousand," and inserting "fifteen hundred."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Claussen, Converse, Havens, Howland, Hurley, Lovell, Lowry, McIntyre, Miles, Murray, Read, Shane, Smith, Taylor, Vale, West, Willett, Wonn, and Young—21.

The nays were—

Senators Beardsley, Bemis, Campbell, Chambers, Dague, Fitch, Maxwell, and McCormack—8.

Absent or not voting—

Senators Boomer, Burke, Crary, Dashiell, Dysart, Fairall, Gault, Ireland, Kephart, Kinne, Larabee Leavitt, McCoid, McCulloch, McNutt, Merrill, Richards, Rumple, Russell, Stone, and Stuart—21.

So the amendment to the amendment was adopted, and the amendment as amended was then agreed to.

On the adoption of the committee amendment to 1st line of section 13, chapter 1, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bemis, Campbell, Claussen, Converse, Havens, Howland, Hurley, Lovell, Lowry, Maxwell, McCormack, McIntyre, Merrill, Miles, Murray, Read, Willett, and Young—20.

The nays were—

Senators Beardsley, Chambers Crary, Fitch, Shane, Smith, Taylor Vale, West, and Wonn—10.

Absent or not voting—

Senators Boomer, Burke, Dague, Dashiell, Dysart, Fairall, Gault, Ireland, Kephart, Kinne, Larrabee, Leavitt, McCoid, McCulloch, McNutt, Richards, Rumple, Russell, Stone, and Stuart—20.

So the amendment was adopted.

Senator Murray offered the following substitute for the 1st and second lines of section 15, chapter 1.

"The salary of the clerk of the supreme court shall be \$2,000 per year, and he shall collect the following fees, and pay the same into the treasury.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Bemis, Campbell, Chambers, Clau-

sen, Converse, Crary, Dague, Fitch, Havens, Howland, McCormack, Merrill, Murray, Read, Shane, Taylor, and West—19.

The nays were—

Senators Allen, Hurley, Lovell, Lowry, McIntyre, Miles, Smith, Vale, Willett, and Young—10.

Absent or not voting—

Senators Boomer, Burke, Dashiell, Dysart, Fairall, Gault, Ireland, Kephart, Kinne, Larrabee, Leavitt, Maxwell, McCoid, McCulloch, McNutt, Richards, Ruple, Russell, Stone, Stuart, and Wonn—21.

So the substitute was adopted.

On motion of Senator Murray, the 12th line of section 15, was stricken out.

On motion of Senator Murray, section 16, was stricken out.

On motion of Senator Murray, the words "of the clerk" in the 1st line of section 17, were stricken out.

Senator Howland moved to reconsider the vote by which the first two lines of section 15, were stricken out, and Senator Murray's substitute adopted.

The motion did not prevail.

Senator McIntyre moved to amend section 15, as follows:

"In addition to the salary of the said clerk, he shall receive ten cents per mile for traveling to and from Davenport, Dubuque, and Council Bluffs."

Senator Taylor moved to amend the amendment by striking out "ten" and inserting "five," which was agreed to, and the amendment as amended was adopted.

Senator Murray moved to strike out section 16, and insert the following:

Section 16. The clerk shall make quarterly returns of the fees collected by him under oath, and shall take duplicate receipts therefor, one of which he shall file with the auditor of state.

The amendment was agreed to.

Senator Young moved to amend section 23, by striking out the word "and" before "register," in the first line.

Also, to insert the words "clerk of the supreme court," after the word "office."

The amendment was adopted.

Senator Young moved to reconsider the vote by which section 16, was amended.

The motion prevailed, and the amendment was withdrawn.

Senator McIntyre moved to amend the 38th line of section 8, chapter 2, by striking out "50" and inserting "75."

The amendment was lost.

Senator Murray moved to amend section 8, chapter 2, by adding the following thereto: "And for dieting a prisoner in conveying him to state prison or a jail out side of his county, one dollar per day."

Adopted.

The committee amendments to sections 8, 9, and 10 were adopted.

Senator Maxwell moved to amend the first line of section 11, by striking out "four," and inserting "three."

The amendment was lost.

Senator Taylor moved to amend the committee amendment to section 11, by striking out "\$250," and inserting "\$400."

Which was disagreed to, and the amendment of the committee adopted.

On motion of Senator Vale, "including" was stricken out before the word "mileage," and "exclusive" inserted in section 11.

Senator Chambers moved to amend section 13, by inserting the following as the 5th subdivision:

"For mileage by the nearest traveled route, when paying money into the state treasury, when required by law, ten cents for each mile traveled, counting one way."

Which was agreed to.

On motion of Senator Willett, the third line of section 20, was amended by striking out "three," and inserting "four."

The committee amendment to section 11, was disagreed to.

Senator Read moved to amend section 24, by striking out the 23d line and inserting as follows: "All money collected after suit, brought before judgment, he shall have the right to retain five per cent."

The amendment was agreed to.

Senator Dague moved to strike out "each," in the 12th line of section 24, and insert the same word before "subpcenas."

The amendment was adopted.

Also, to amend the 13th line by striking out "5" and inserting "25."

Which amendment was disagreed to.

The committee amendment to section 26 was adopted.

The committee amendment to sections 1, 4, and 13, chapter 3, were agreed to.

On motion of Senator Beardsley, the written part of section 14, lines 1 and 2, was stricken out and the words as reported by the code commissioners inserted.

On motion of Senator Chambers, the written parts of section 15 were stricken out.

On motion of Senator Beardsley, the hour of adjournment was postponed until the bill under consideration is disposed of.

Senator Vale moved to amend section 15, by striking out "the same mileage as is allowed members of the general assembly" and inserting "5 cents per mile each way."

The amendment was adopted.

The committee amendments to sections 18, 23, and 24 were adopted.

Senator Shane moved that the rule be suspended and the bill be read a third time now.

The motion prevailed.

Senator Larrabee moved to reconsider the vote by which the bill was ordered to a third reading.

The Senate agreed to the motion.

Senator Larrabee moved to amend section 34, by striking out all after "officers" in the 3d line.

Which was disagreed to.

On motion of Senator Stuart, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dysart, Havens, Howland, Hurley, Larrabee, Lovell, Lowry, Maxwell, McCormack, McIntyre, Merrill, Miles, Read, Shane, Smith, Stuart Taylor, Vale, West, Willett, Wonn, and Young—31.

The nays were—

Senators Atkins, Fitch, and McNutt—3.

Absent or not voting—

Senators Allen, Burke, Dashiell, Fairall, Gault, Ireland, Kephart, Kinne, Leavitt, McCoid, McCulloch, Murray, Richards, Rumble, Russell, and Stone—16

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 concurred in the Senate amendment to H. F. No. 17, title 17, A bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction.

JNO. J. SAFELY, *Chief Clerk.*

Also the following:

MR. PRESIDENT—I herewith present for your signature the following bill which has passed both branches the of the General Assembly, and been duly enrolled and signed by Speaker of the House.

Senate File No. 25, title 24, A bill for an act relating to crimes and panishments.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

At 12:14 P. M., the President declared the Senate adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

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

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:

S. F. No. 21, title 22, A bill for an act to revise, amend and codify the statutes in relation to evidence.

I am also directed to inform your honorable body that the House of Representatives has concurred in all the Senate amendments to H. F. No. 11, except to sections 9 and 20, of chapters 4, 6, and 9, and have made the following amendments to the Senate amendments:

In 4th line of section 1, chapter 2, strike out after the word "two," the words "at least," and in third line of written part of section 8, chapter 2, insert after the word "each," the word "public," and in 4th line the word "such," after the word "of," in all of which the concurrence of the Senate is asked.

BENJ. VAN STEINBURG, *First Asst Clerk.*

On motion of Senator Lowry, the concurrent resolution in relation to final adjournment was taken up.

On motion of Senator Willett, the consideration of the resolution was postponed until 2 P. M. to-morrow

On motion of Senator Campbell, House messages were taken up.

H. F. No. 11, title 11, "A bill for an act to revise, amend and codify the statutes in relation to the police of the state," with the House message relating thereto, was taken up and considered.

Senator Vale moved that the Senate recede from its amendments to section 9, chapter 4.

The yeas were—

Senators Beardsley, Converse, Crary, Dague, Lovell, McIntyre, Merrill, Miles, Shane, Smith, Taylor, Vale, Wonn and Young—14.

The nays were—

Senators Allen, Atkins, Bemis, Campbell, Chambers, Claussen, Dashiell, Fitch, Havens, Howland, Hurley, Lowry, Maxwell, McCormack, Murray, Read, Stuart, West, and Willett.—19.

Absent or not voting—

Senators Boomer, Burke, Dysart, Fairall, Gault, Ireland, Kephart, Kinne, Larrabee, Leavitt, McCoid, McCulloch, McNutt, Richards, Rumple, Russell, and Stone—17.

So the Senate adhered to its amendment.

Senator Shane moved that the Senate recede from its amendments to section 20, chapter 4.

The yeas were—

Senators Beardsley, Dague, Howland, and Wonn—4.

The nays were—

Senators Atkins, Bemis, Campbell, Chambers, Converse, Clausen, Crary, Dashiell, Fitch, Havens, Hurley, Lovell, Lowry, Maxwell, McCormack, McIntyre, Merrill, Miles, Murray, Read, Shane, Smith, Stuart, Taylor, Vale, West, Willett, and Young—28.

Absent or not voting—

Senators Allen, Boomer, Burke, Dysart, Fairall, Gault, Ireland, Kephart, Kinne, Larrabee, Leavitt, McCoid, McCulloch, McNutt, Richards, Rumble, Russell, and Stone—18.

So the Senate refused to recede from its amendment.

Senator Chambers moved that the Senate recede from its amendment to section 15, chapter 6.

The yeas were—

Senators Beardsley, Bemis, Campbell, Chambers, Crary, Clausen, Dague, Dashiell, Fitch, Havens, Hurley, Lovell, Lowry, Maxwell, McIntyre, Merrill, Murray, Shane, Stuart, Vale, West, Willett, and Wonn—23.

The nays were—

Senators Atkins, Howland, McCormack, Miles, Read, Smith, Taylor, and Young—8.

Absent or not voting—

Senators Allen, Boomer, Burke, Converse, Dysart, Fairall, Gault, Ireland, Kephart, Kinne, Larrabee, Leavitt, McCoid, McCulloch, McNutt, Richards, Rumble, Russell, and Stone—19.

So the motion having failed to receive a constitutional majority, the Senate refused to recede.

Senator Claussen moved that the Senate recede from its amendment to section 17, chapter 6.

The yeas were—

Senators Claussen, Crary, McCormack, Stuart, and Wonn—5.

The nays were—

Senators Allen, Atkins, Beardsley, Bemis, Campbell, Chambers, Converse, Dague, Dashiell, Fitch, Havens, Howland, Hurley, Lovell, Lowry, Maxwell, McIntyre, Merrill, Miles, Murray, Read, Shane, Smith, Taylor, Vale, West, Willett, and Young—28.

Absent or not voting—

Senators Boomer, Burke, Dysart, Fairall, Gault, Ireland, Kephart, Kinne, Larrabee, Leavitt, McCoid, McCulloch, McNutt, Richards, Rumble, Russell, and Stone—17.

So the Senate refused to the recede.

On the question, "Shall the Senate recede from its amendments to sections 34, 35, and 36, of chapter 6?"

The yeas were—

Senators Claussen, Crary, Havens, Hurley, Lowry, McCormack, Merrill, Stuart, Taylor, Willett, and Wonn—11.

The nays were—

Senators Beardsley, Bemis, Campbell, Chambers, Converse, Dague, Dashiell, Fitch, Howland, Larrabee, Lovell, Maxwell, Miles, Murray, Shane, Vale, West, and Young—18.

Absent or not voting—

Senators Allen, Atkins, Boomer, Burke, Dysart, Fairall, Gault, Ireland, Kephart, Kinne, Leavitt, McCoid, McCulloch, McIntyre, McNutt, Read, Richards, Ruple, Russell, Smith, and Stone—21.

So the Senate refused to recede.

On the question, "Shall the Senate recede from its amendment, adding section 38, to chapter 6?"

The yeas were—

Senators Claussen, Crary, Hurley, Lowry, McCormack, Merrill, Stuart, Willett, and Wonn—9.

The nays were—

Senators Atkins, Beardsley, Bemis, Campbell, Chambers, Converse, Dague, Dashiell, Fitch, Havens, Howland, Larrabee, Lovell, Maxwell, Miles, Murray, Read, Shane, Taylor, Vale, West, and Young—22.

Absent or not voting—

Senators Allen, Boomer, Burke, Dysart, Fairall, Gault, Ireland, Kephart, Kinne, Leavitt, McCoid, McCulloch, McIntyre, McNutt, Richards, Ruple, Russell, Smith, and Stone—19.

So the Senate refused to recede.

On the question, "Shall the Senate recede from its amendment to section 9?"

The yeas were—

Senators Beardsley, Bemis, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Havens, Howland, Hurley, Lovell, Lowry, Maxwell, McIntyre, Merrill, Miles, Murray, Read, Shane, Stuart, Taylor, Vale, West, Willett, and Wonn—27.

The nays were—

Senators Atkins, McCormack, and Young—3.

Absent or not voting—

Senators Allen, Boomer, Burke, Dysart, Fairall, Fitch, Gault, Ireland, Kephart, Kinne, Larrabee, Leavitt, McCoid, McCulloch, McNutt, Richards, Ruple, Russell, Smith, and Stone—20.

So the Senate agreed to recede.

On the question of concurring in the House amendments to the 4th line of section 1, chapter 2, the yeas and nays were demanded, and

The yeas were—

Senators Bemis, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Howland, McCormack, McIntyre, Miles, Shane, Smith, Stuart, Vale, West, Willett, and Wonn—19.

The nays were—

Senators Atkins, Beardsley, Fitch, Hurley, Lovell, Lowry, Maxwell, Merrill, Murray, Taylor, and Young—11.

Absent or not voting—

Senators Allen, Boomer, Burke, Dysart, Fairall, Gault, Havens, Ireland, Kephart, Kinne, Larrabee, Leavitt, McCoid, McCulloch, McNutt, Read, Richards, Rumble, Russell, and Stone—20.

So the motion having failed to receive a constitutional majority, the Senate refused to concur.

On the question, "Shall the Senate concur in the House amendments to section 8, chapter 2.

The yeas were—

Senators Atkins, Beardsley, Campbell, Chambers, Claussen, Converse, Crary, Dague, Fitch, Howland, Hurley Larrabee, Lovell, Lowry, Maxwell, McCormack, McIntyre, Merrill, Miles, Murray, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn and Young—29.

The nays were—

Senators Bemis, and Havens—2.

Absent or not voting—

Senators Allen, Boomer, Burke, Dashiell, Dysart, Fairall, Gault, Ireland, Kephart, Kinne, Leavitt, McCoid, McCulloch, McNutt, Read, Richards, Rumble, Russell, and Stone—19.

So the Senate concurred in the amendments.

Senator Campbell moved that a committee of conference on the part of the Senate be appointed on the disagreeing votes of the two houses on title 11.

The motion prevailed and the President appointed Senators Campbell, Willett, and Claussen as such 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 joint resolution, in which the concurrence of the Senate is asked:

That the present session of the 14th General Assembly adjourn, *sine die*, on Wednesday, Feb. 19th, 1873.

I am also directed to inform your honorable body that the House of Representatives has passed S. F. No. 22, title 12, with amendments as follows:

1. In 2d line, section 1 chapter 1, strike out "shall" and insert "may."

2. In 2d line, section 4, same chapter, strike out "five" and insert "one."

3. In 2d line, section 3, chapter 2, strike out "and the superintendent of public instruction" and in line 3, insert "a" after the word "be" and in same line strike out "their respective" and insert "his."

4. Strike out of 5th and 6th lines, section 3, chapter 3, the words "officers and prescribe their duties" and insert "the president not to exceed three thousand dollars per annum and of the professors not to exceed in the average eighteen hundred dollars per annum each, and of the other officers, employes of the institution and to prescribe their duties."

5. Add to end of section 3 $\frac{1}{2}$, "or where students from the advanced class may be employed as teachers."

6. Add to end of section 9, chapter 3, "He shall also keep an account with the treasurer, charging him with all moneys paid to him from any source, and crediting him with the amounts paid out by him, upon the order of the board of audit, which account shall be balanced monthly."

7. Add to end of section 10, chapter 3, "All the proceedings as contemplated in this section shall be reported by the secretary to the board of trustees, at each meeting thereof."

8. After the word "direct," in 10th line of section 11, insert, "he shall also execute duplicate receipts of all moneys received by him, specifying the source from which received, and the fund to which it belongs, one of which must be filed with the secretary, and no receipt for money paid him shall be valid, unless the duplicate is so filed."

Add to end of section 11, "the treasurer may appoint a deputy who shall reside at the college, and the board of trustees shall fix the compensation to be paid to such deputy, and the treasurer shall be responsible on his official bond for all acts done by such deputy."

9. Add to end of section 13, chapter 3, "*Provided*, That the board of trustees shall have the power to release any lands the lease of which shall have expired; but in such case, the rate to be paid for the term of renewal shall be ten per cent upon the valuation, and such leasehold shall thereafter be taxable in the same manner as if a deed in full of said land had been executed and delivered to the lessee."

10. Add as section 15, to chapter 3, "Each county in this state shall have a prior right to tuition for three scholars from such county, the remainder equal to the capacity of the college, shall be by the trustees distributed among the counties in proportion to the population. Subject to the above rule, transient scholars otherwise qualified may at all times receive tuition."

11. Add to end of section 16, "but no such agent shall be appointed with authority to receive any money until he has executed a good and sufficient bond, to be approved by the trustees, in a sum double the amount he will be likely to receive. And every such agent shall make a monthly statement under oath, to the college treasurer, of the amount received by him, and transmit therewith all funds shown to be in his hands."

12. Add to chapter 4, as section 4 $\frac{1}{2}$, "The board of trustees of

the soldiers' orphans' homes, shall require their respective superintendents of the soldiers' orphans' homes to give a good and sufficient bond with sureties thereto, for the faithful performance of their respective duties."

13. Add to section 9, chapter 6, "*Provided*, That no such person shall be so received to the exclusion of any resident of this state."

14. In line 2, section 9, chapter 7, strike out "ten," and insert "twelve."

15. Strike out the written amendment to section 11, chapter 7, and add to section 12, same chapter.

The House has also passed the substitute for chapter 9, in all of which the concurrence of the Senate is asked.

BENJ. VAN STEINBURG, *First Ass't Clerk*.

Title 12, S. F. No. 22, and the House message relating thereto, were taken up and considered.

The 1st amendment to section 1, chapter 1, was agreed to.

Senator Beardsley moved that the Senate disagree to the House amendment to section 4, chapter 1.

The motion prevailed.

Senator Beardsley moved that the Senate disagree to the House amendments to section 3, chapter 2.

The motion did not prevail.

Senator Maxwell moved that the Senate agree to the House amendments to section 3, chapter 3.

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 bill, in which the concurrence of the Senate is asked.

Substitute for S. F. No. 26, A bill for an act to repeal sections 4 and 5, chapter 4, of title 2, of the code.

Also the House has passed joint resolution of the Senate, relative to the corner stone of the foundation of the new capitol building.

BENJ. VAN STEINBURG, *First Ass't Clerk*.

The Senate resumed the consideration of title 12.

On motion of Senator Beardsley, the Senate disagreed to the House amendments to chapter 9.

Senator Burke, from "\$68,000 investigation committee," submitted the following report:

REPORT OF COMMITTEE.

To the Senate:

The committee appointed to ascertain the name of the writer of an article published in the Des Moines Daily Republican, of the 10th inst., signed, "One that Knows," and also to ascertain and report the facts upon which the charges in said article were based, report that the following question was propounded to Ex-Governor Samuel Merrill, namely: "Do you know who wrote the article in question?" and the said Samuel Merrill, refused to answer said question, for the reason, as he alledged, that it would involve personal friends, and the said Samuel Merrill, persists in refusing to answer said question.

The conduct of the witness in refusing to answer, is hereby submitted to the Senate for its action thereon.

JOHN E. BURKE,
SAMUEL McNUTT,
SAM. H. FAIRALL,
ALBERT BOOMER,
JOSEPH DYSART.

Senator Willett offered the followin resolution.

Resolved, That, whereas Samuel Merrill, a witness before the investigating committee of this Senate, has refused to answer the following question, submitted to him by the committee, viz: "Do you know who wrote the article in question?"

Resolved, That said Samuel Merrill be adjudged guilty of contempt, and be brought to the bar of the Senate, to be dealt with according to law.

Senator Converse moved to amend, by striking out the words "be adjudged guilty of contempt."

On this question, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Campbell, Chambers, Converse, Dashiell, McCormack, Miles, Stuart, and Vale—9.

The nays were—

Senators Beardsley, Boomer, Burke, Claussen, Crary, Dague, Dysart, Fairall, Fitch, Havens, Howland, Hurley, Kephart, Larabee, Lovell, Lowry, Maxwell, McCoid, McIntyre, McNutt, Merrill, Murray, Read, Rumples, Shane, Smith, Taylor, West, Willett, Wonn, and Young—31.

Absent or not voting—

Senators Allen, Bemis, Gault, Ireland, Kinne, Leavitt, McCulloch, Richards, Russell, and Stone—10.

So the amendment did not prevail.

On the adoption of the resolution, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Boomer, Claussen, Crary, Dague, Dysart, Fairall, Fitch, Havens, Howland, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McIntyre, McNutt, Merrill, Miles, Murray, Read, Smith, West, Willett, Wonn, and Young—28.

The nays were—

Senators Beardsley, Bemis, Campbell, Chambers, Converse, Dashiell, McCormack Rumble, Shane, Stuart, Taylor, and Vale—12.

Absent or not voting—

Senators Allen, Burke, Gault, Ireland, Kinne, Leavitt, McCulloch, Richards, Russell, and Stone—10.

So the resolution was adopted.

The Sergeant-at-arms presented Ex. Gov. Samuel Merrill at the bar of the Senate.

Senator Beardsley moved that Mr. Merrill be allowed to make a statement.

Senator Fairall moved to amend, "that Mr. Merrill be allowed to give the reasons why he would not answer the question."

Senator Burke raised the point of order, that the prisoner had no right to make a statement until the interrogatory had been propounded to him.

The President decided the point of order well taken.

The chairman of the committee through the President of the Senate propounded the following interrogatory, viz: "Do you know who wrote the article in question?"

Mr. Merrill proceeded to give the reasons why he would not give the name of the writer of the article in question.

Senator Allen moved that Ex. Gov. Merrill be excused from giving the name of the correspondent.

The motion prevailed.

On motion of Senator Willett, G. W. Edwards was discharged from custody.

On motion of Senator Hurley, H. F. No. 31, "A bill for an act authorizing cities and incorporated towns to lay out and establish market grounds, and to take private property for such purposes," was taken up and considered.

On motion of Senator Vale, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Boomer, Chambers, Claussen, Converse, Crary, Dague, Dysart, Fairall, Fitch, Havens, Hurley, Kephart, Larrabee, Lovell, Maxwell, McCoid, McCormack, McIntyre, McNutt, Merrill, Murray, Read, Rumble, Shane, Smith, Stuart, Taylor Vale, West, Willett, and Wonn,—33.

The nays were—

Senators Bemis, Campbell, Howland, and Miles,—4.

Absent or not voting—

Senators Beardsley, Burke, Dashiell, Gault, Ireland, Kinne, Leavitt, Lowry, McCulloch, Richards, Russell, Stone, and Young—13.

So the bill passed and the title was agreed to.

The President appointed Senators Beardsley, Miles and Stuart, as conference committee on the part of the Senate, on disagreeing votes of the two houses on title 12.

Senator Converse, from the committee on enrolled bills submitted the following report:

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

Joint resolution in relation to certain claims of Iowa officers and soldiers.

S. F. No. 25, title 24, A bill for an act to revise amend and codify the statutes in relation to crimes and punishments.

S. F. No. 21, title 22, A bill for an act to revise, amend and codify the statutes, in relation to evidence.

A. CONVERSE, *Chairman.*

At 4:20 p. m., on motion of Senator Maxwell, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, IOWA, Feb. 18, 1873. }

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

Prayer by the Rev. W. J. Gill.

On motion of Senator Kephart, the reading of the journal was dispensed with.

INTRODUCTION OF BILLS.

By Senator Stuart, S. F. No. 28, "A bill for an act to legalize the acts of independent school district of the city of Maquoketa, in Jackson county, Iowa."

Read first and second time.

Senator Stuart 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, Boomer, Campbell, Chambers,

Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fitch, Havens, Howland, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Read, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—39.

The nays were, none.

Absent or not voting—

Senators Allen, Bemis, Burke, Fairall, Gault, Ireland, Kinne, Leavitt, Murray, Richards, and Stone—11.

So the bill passed and the title was agreed to.

By Senator McNutt, S. F. No. 29, "A bill for an act to enable the directors of the independent district of Muscatine, to use certain moneys for school purposes."

Read first and second time.

Senator McNutt 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, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Howland, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Read, Rumble, Shane, Smith, Stuart, Taylor, Vale, West, Willett, and Wonn—38.

The nays were none.

Absent or not voting—

Senators Allen, Bemis, Burke, Gault, Ireland, Kinne, Leavitt, McCoid, Richards, Russell, Stone, and Young—12.

So the bill passed, and the title was agreed to.

By Senator Fitch, S. F. No. 30, "A bill for an act to legalize the formation of the independent school district of Storm Lake, Buena Vista county, Iowa."

Read first and second time.

Senator Fitch 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, Boomer, Campbell, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Hurley, Kephart, Larrabee, Lowry, Maxwell, McCoid, McCormack, McNutt, Merrill, Miles, Murray, Read, Rumble, Russell, Shane, Taylor, Vale, West, Willett and Wonn—32.

The nays were none.

Absent or not voting—

Senators Allen, Beardsley, Bemis, Burke, Chambers, Gault, Howland, Ireland, Kinne, Leavitt, Lovell, McCulloch, McIntyre, Richards, Smith, Stone, Stuart, and Young—18.

So the bill passed and the title was agreed to.

By Senator Campbell, S. F. No. 31. "A bill for an act to legalize the ordinances of the town of Newton."

Read first and second time, and referred to the committee on judaiciry

By Senator Larrabee, S. F. No. 31, "A bill for an act to legalize the organization of the independent school district of New Hampton, Chickasaw county, Iowa, and the election of officers therein."

Read first and second time.

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, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Howland, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Miles, Murray, Read, Rumble, Shane, Smith, Stuart, Vale, West, Willett, and Wonn,—35.

The nays were none.

Absent or not voting—

Senators Allen, Beardsley, Bemis, Burke, Gault, Hurley, Ireland, Kinne, Leavitt, Merrill, Richards, Russell, Stone Taylor, and Young—15.

So the bill passed, and the title was agreed to.

By Senator Fairall, S. F. No. 33, "A bill for an act to amend chapter 175, of the acts of the 14th, General Assembly, approved April 22, 1872.

Read first and second time.

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, Boomer, Campbell, Claussen, Dague, Dysart, Fairall, Fitch, Havens, Howland, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCormack, McIntyre, Merrill, Miles, Murray, Read, Rumble, Russell, Shane, Smith, Stuart, Taylor, West, Willett, and Wonn—32.

The nays were none.

Absent or not voting—

Senators Beardsley, Bemis, Burke, Chambers, Converse, Crary, Dashiell, Gault, Ireland, Kinne, Leavitt, McCoid, McCulloch, McNutt, Richards, Stone, Vale, and Young—18.

So the bill passed and the title was agreed to.

Senator Campbell presented a petition from citizens of Jasper county, asking for the enactment of a railroad tariff law.

Referred to committee on railroads.

Senator Larrabee presented a memorial from N. B. Baker, Adjutant General of Iowa, asking for an appropriation for additional clerk hire.

Referred to the committee on military.

Senator Clausen offered the following concurrent resolution:

Be it resolved by the Senate, the House concurring, That the Attorney General be required :

1st. To make investigations to ascertain the cash value of the property deeded by Samuel E. Rankin, to the agricultural college and farm, after the deduction of the incumbrances thereon is satisfied, to fully indemnify the said college for the losses created by the Rankin defalcation as treasurer of said college.

2d. If he deems said property not sufficient, then to institute actions against any and all persons, who are, in his judgment, liable for said losses, and take all proper steps to save the state from loss.

3d. That he particularly consider, whether the signers of the bonds of the said Rankin as State Treasurer, are still liable, or whether, their liability created by Rankin's defalcation in the state treasury has been extinguished by Rankin making another defalcation in the treasury of the agricultural college, to supply the deficiency in the state treasury.

Be it resolved, That he report his actions in the premises to the Governor at his earliest convenience.

On the adoption of the resolution, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Campbell, Chambers, Clausen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Howland, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCormack, McIntyre, McNutt, Merrill, Murray, Read, Rumpel, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—39.

The nays were—

Senator McCoid—1.

Absent or not voting—

Senators Allen, Burke, Gault, Ireland, Kinne, Leavitt, McCulloch, Miles, Richards, and Stone—10.

So the resolution was adopted.

On motion of Senator Larrabee, House messages were taken up.

House concurrent resolution in relation to final adjournment was taken up and considered.

Senator Lowry moved to amend the resolution by fixing the time of final adjournment Thursday, February 20, 1873, at 10 A. M.

Senator Willett moved to postpone the further consideration of the resolution until 4 o'clock, P. M.

The motion did not prevail.

Senator Lowry's amendment was adopted and the resolution as amended was agreed to.

House substitute for S. F. 26, "A bill for an act to repeal sections 4 and 5, of chapter 4, title 2, of the code of 1873, and to provide a substitute therefor, and to repeal sections 86 and 87 of the Rev. of 1860, and chapter 9 of the 10th General Assembly, and enact in lieu thereof," was taken up and considered.

On the question, "Shall the Senate concur in the substitute?"

The yeas were none.

The nays were—

Senators Allen, Atkins, Beardsley, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Howland, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCormack, McColloch, McIntyre, McNutt, Merrill, Miles, Murray, Read, Rumple, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—41.

Absent or not voting—

Senators Bemis, Burke, Gault, Ireland, Kinne, Leavitt, McCoid, Richards, and Stone—9.

So the Senate refused to concur in the substitute.

Senator Converse, from the committee on enrolled bills, submitted the following report:

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

H. F. No. 31, "A bill for an act authorizing incorporated cities and towns, to lay out and establish market grounds, and to take private property for such purposes."

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

The committee on enrolled bills, also report that they have this day presented to the Governor for his approval the following bill and joint resolution, to-wit:

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

Also joint resolution in relation to certain claims of Iowa officers and soldiers.

A. CONVERSE, *Chairman.*

The hour for the special order having arrived, it being the concurrent resolution proposing to strike out certain portions of the report of the Rankin investigating committee, it was taken up and considered.

Senator Claussen moved to indefinitely postpone the resolution:

On this question the yeas and nays were demanded, and

The yeas were—

Senators Boomer, Chambers Claussen, Converse, Crary, Dysart, Havens, Kephart, McCoid, Read, Rumple, and Wonn—12.

The nays were—

Senators Allen, Atkins, Beardsley, Bemis, Campbell, Dague, Dashiell, Fairall, Howland, Hurley, Larrabee, Lovell, Maxwell, McIntyre, McNutt, Miles, Murray, Russell, Taylor, West, Willett, and Young—22.

Absent or not voting—

Senators Burke, Fitch, Gault, Ireland, Kinne, Leavitt, Lowry, McCormack, McCulloch, Merrill, Richards, Shane, Smith, Stone, Stuart, and Vale—16.

So the motion did not prevail.

On motion of Senator Fairall, the words "by others duped," were stricken from the resolution.

On the adoption of the fourth clause of the resolution, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Dashiell, Larrabee, McCoid, McIntyre, and West—6.

The nays were—

Senators Bemis, Boomer, Campbell, Converse, Dague, Dysart, Fairall, Fitch, Havens, Howland, Hurley, Kephart, Lovell, Lowry, Maxwell, McCormack, McCulloch, McNutt, Merrill, Miles, Murray, Read, Rumple, Russell, Shane, Smith, Stuart, Taylor, Vale, Willett, Wonn, and Young—32.

Absent or not voting—

Senators Allen, Atkins, Burke, Chambers, Claussen, Crary, Gault, Ireland, Kinne, Leavitt, Richards, and Stone—12.

So the fourth clause was not adopted.

Senator Fairall moved that Senator McNutt be excused from voting on the last named question.

The motion did not prevail, and Senator McNutt voted "no."

Senator Beardsley moved to strike out from the word "the," in the 20th line of 12th page, down to, and including "duty," on the 13th page.

The motion was disagreed to.

The fifth clause was stricken out.

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

The yeas were—

Senators Allen, Dashiell, Fairall, Howland, Hurley, Larrabee, Lovell, Lowry, McCormack, McCulloch, McIntyre, McNutt, Miles, Murray, Russell, Smith, Taylor, Vale, West, and Young—20.

The nays were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Crary, Dague, Dysart, Havens, Kephart, Maxwell, Read, Rumple, Stuart, Willett, and Wonn—16.

Absent or not voting—

Senators Atkins, Bemis, Burke, Claussen, Fitch, Gault, Ireland, Kinne, Leavitt, McCoid, Merrill, Richards, Shane, and Stone—14.

So the resolution was adopted.

The special order having arrived, it being S. F. No. 9, title 10, "A bill for an act to revise, amend, and codify the statutes, in relation to internal improvements," with the House message relating thereto, was taken up and considered.

Senator Larrabee moved that the Senate concur in the House amendments, down to and including section 33.

On this question

The yeas were—

Senators Allen, Beardsley, Bemis, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Havens, Howland, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Read, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—41.

The nays were—

Senator Fitch—1.

Absent or not voting—

Senators Atkins, Burke, Gault, Ireland, Kinne, Leavitt, Richards, and Stone—8.

So the Senate concurred in those amendments.

Senator McCoid moved to reconsider the vote by which the sixth amendment was concurred in.

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 concurred in Senate amendments to H. F. 6, title 6, entitled "revenue," except the following:

1st. Amendment to section 19, by inserting in first line before the word "money," the words "personal property."

Strike out all of section 35, after the word "direct" in 5th line.

In section 38, strike out House addition to paragraph one.

Strike out the written part of section one, chapter two, and restore the original text.

Also, the House has amended the Senate amendment to section 21, chapter 2, by striking out "20," and inserting "15."

I also herewith present for your signature the following bill and joint resolution, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

H. F. No. 25, title 25, "A bill for an act relating to criminal procedure."

Joint resolution in relation to certain claims of Iowa officers and soldiers.

BENJ. VAN STEINBURG, *First Asst Clerk.*

The Senate resumed the consideration of title 10.

Senator Fairall moved to amend the 8th House amendment by striking out the word "close" and interting "legal" in the 5th line thereof.

The amendment was adopted.

Senator Vale moved to amend the 5th line of the 8th amendment by inserting after "highest" the words "sufficiently close to restrain hogs and sheep."

Which was disagreed to.

Senator Young moved to amend the 2d line of the 9th amendment, by inserting after "caused" the words "from the neglect of said company."

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Dagne, Fairall, Havens, Hurley, Kephart, McCoid, McIntyre, Miles, Murray, Read, Russell, Smith, Stuart, and Wonn—15.

The nays were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dashiell, Dysart, Fitch, Howland, Larrabee, Lovell, Lowry, Maxwell, McCormack, McCulloch, McNutt, Merrill, Rumble, Shane, Taylor, Vale, West Willett, and Young—27.

Absent or not voting—

Senators Atkins, Burke, Gault, Ireland, Kinne, Leavitt, Richards, and Stone—8.

So the amendment was lost.

Senator Vale moved to strike out all after the word "regulation" in the 4th line of the 8th amendment, down to and including "section" in the 6th line.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Dagne, Fairall, Hurley, Kephart, Lowry, McCoid, McCulloch, Read, Rumble, Shane, Vale, Willett, and Wonn—18.

The nays were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Dashiell, Dysart, Fitch, Havens, Howland, Larrabee, Lovell, Maxwell, McCormack, McIntyre, McNutt, Merrill, Miles, Murray, Russell, Smith, Stuart, Taylor, West, and Young—25.

Absent or not voting—

Senators Burke, Gault, Ireland, Kinne, Leavitt, Richards, and Stone—7.

So the amendment was lost.

Senator McCoid moved that the Senate concur in the 9th House amendment.

Senator Willett moved to amend the motion by saying that the Senate agree to the House amendment.

On this question,

The yeas were—

Senators Allen, Beardsley, Bemis, Boomer, Campbell, Chambers, Claussen, Converse, Dague, Dashiell, Dysart, Fitch, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCormack, McCulluch, McIntyre, McNutt, Read, Rumple, Shane, Smith, Taylor, Vale, West, Willett, and Young—30.

The nays were—

Senators Atkins, Crary, Fairall, Havens, Howland, Hurley, McCoid, Miles, Murray, Russell, Stuart, and Wonn—12.

Absent or not voting—

Senators Burke, Gault, Ireland, Kinne, Leavitt, Merrill, Richards, and Stone—8.

So the Senate agreed to the 9th House amended.

Senator West moved a call of the Senate, which was seconded.

The roll was called, and Senators Burke, Kinne and Merrill, were found absent without leave.

On motion of Senator Murray, further proceedings under the call were dispensed with.

Senator Campbell moved to strike out all after "business" in the 13th line, of the 10th amendment, to which motion the Senate agreed.

The question being on concurring in the 10th House amendment as amended.

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Fitch, Lovell, Maxwell, McCormack, McCulloch, McNutt, Miles, Read, Rumple, Shane, Vale, West, and Willett—22.

The nays were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Fairall, Havens, Howland, Hurley, Kephart, Larrabee, Lowry, McCoid, McIntyre, Merrill, Murray, Russell, Smith, Stuart, Taylor, Wonn, and Young—22.

Absent or not voting—

Senators Gault, Ireland, Kinne, Leavitt, Richards, and Stone—6.

So the amendment having failed to receive a constitutional majority was lost.

Senator Campbell moved to amend section 29½, by adding thereto the following:

"And no railroad company in this state shall charge a higher rate for transporting freight, than their lowest rates on the 1st day of January, 1873, at points where competition between two railroads existed at that date."

Pending the consideration of which, at 12 M., the President declared the Senate adjourned.

AFTERNOON SESSION.

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

On motion of Senator Beardsley, title 6 and the House message relating thereto, were taken up and considered.

Senator Beardsley moved that the Senate recede from its amendment to section 19.

On this question

The yeas were—

Senators Beardsley, Bemis, Burke, Campbell, Claussen, Crary, Dysart, Fairall, Havens, Howland, Hurley, Larrabee, Lovell, McCoid, McIntyre, McNutt, Merrill, Miles, Rumble, Russell, Shane, Stuart, Taylor, Willett, Wonn, and Young—26.

The nays were—

Senators Allen, Atkins, Boomer, Chambers, Converse, Dague, Dashiell, Fitch, Kephart, Lowry, Maxwell, McCormack, McCulloch, Murray, Smith, Vale, and West—17.

Absent or not voting—

Senators Gault, Ireland, Kinne, Leavitt, Richards, Read, and Stone—7.

So the Senate receded from its amendment.

Senator Beardsley moved that the Senate recede from the 2d amendment to section 35.

On this question

The yeas were—

Senators Atkins, Beardsley, Bemis, Campbell, Chambers, Clausen, Converse, Crary, Dague, Fairall, Howland, Hurley, Kephart, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, Merrill, Miles, Murray, Rumble, Shane, Smith, Stuart, Taylor, Vale, West, and Wonn—31.

The nays were—

Senators Allen, Boomer, Dashiell, Dysart, Havens, Larrabee, McNutt, Russell, Willett, and Young—10.

Absent or not voting—

Senators Burke, Fitch, Gault, Ireland, Kinne, Leavitt, Read, Richards, and Stone—9.

So the Senate receded from its amendment.

On the question, "Shall the Senate recede from the 15th amendment?"

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Crary, Dague, Dysart, Fitch, Hurley, Lowry, Maxwell, McCoid, McCormack, McIntyre, McNutt, Merrill, Miles, Murray, Rumble, Shane, Smith, Taylor and Wonn—25.

The nays were—

Senators Atkins, Bemis, Claussen, Dashiell, Fairall, Havens,

Howland, Kephart, Larrabee, Lovell, McCulloch, Russell, Stuart, Vale, West, Willett, and Young—17.

Absent or not voting—

Senators Allen, Gault, Ireland, Kinne, Leavitt, Read, Richards, and Stone—8.

So a constitutional majority not voting in the affirmative, the Senate refused to recede.

On the question, "Shall the Senate recede from its amendment to section 1, chapter 2?"

The yeas were—

Senators Boomer, Converse, Lowry, and Shane—4.

The nays were—

Senators Allen, Atkins, Beardsley, Bemis, Campbell, Chambers, Claussen, Crary, Dashiell, Dysart, Fairall, Havens, Howland, Hurley, Kephart, Larrabee, Lovell, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Rumble, Russell, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—36.

Absent or not voting—

Senators Burke, Dague, Fitch, Gault, Ireland, Kinne, Leavitt, Read, Richards, and Stone—10.

So the Senate refused to recede from the amendment.

Senator Fairall moved to reconsider the vote by which the Senate receded from its amendment to section 19.

Senator Larrabee moved to lay the motion to reconsider on the table.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Beardsley, Bemis, Burke, Campbell, Claussen, Crary, Fairall, Havens, Howland, Hurley, Larrabee, Lovell, McCoid, McCormack, McIntyre, Merrill, Rumble, Russell, Stuart, Taylor, Willett, Wonn, and Young—24.

The nays were—

Senators Atkins, Boomer, Chambers, Converse, Dague, Dashiell, Dysart, Fitch, Kephart, Lowry, Maxwell, McCulloch, McNutt, Miles, Murray, Shane, Smith, Vale, and West—19.

Absent or not voting—

Senators Gault, Ireland, Kinne, Leavitt, Read, Richards, and Stone—7.

So the motion prevailed.

The question being on receding from the Senate amendments, to section 21, chapter 2,

The yeas were—

Senators Boomer, Burke, Converse, Dysart, Kephart, Maxwell, McCulloch, Miles, Shane, Vale, West, and Willett—12.

The nays were—

Senators Allen, Atkins, Beardsley, Bemis, Campbell, Chambers, Claussen, Dague, Dashiell, Fairall, Fitch, Havens, Howland, Hur-

ley, Larrabee, Lovell, Lowry, McCormack, McIntyre, McNutt, Merrill, Murray, Rumble, Russell, Smith, Stuart, Taylor Wonn, and Young—29.

Absent or not voting—

Senators Crary, Gault, Ireland, Kinne, Leavitt, McCoid, Read, Richards, and Stone—9.

So the Senate refused to recede.

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 insists on its amendment to substitute for Senate File No. 26, an act to repeal sections 4 and 5, chapter 4, title 2, and has appointed Messrs Campbell, Caldwell, and Williams committee of conference and ask the appointment of a like committee on part of the Senate.

I am also directed to inform your honorable body that the House of Representatives has concurred in Senate amendments to the committee resolution of the House in relation to the final adjournment of the General Assembly.

H. A. COPELAND, *Second Ass't Clerk.*

Also the following:

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.

H. F. No. 31, A bill for an act authorizing incorporated cities and towns to lay out and establish market grounds, and to take private property for such purpose.

Also joint resolution in relation to the corner stone of the foundation of the new capitol building.

I am also 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. 32, A bill for an act to provide for the publication, binding and distribution of the code, etc.

H. F. No. 33, A bill for an act to legalize the levy of taxes in the town of Hamburg, Fremont county, Iowa.

Also the House has passed, without amendments, Senate File No. 28, A bill for an act to legalize the acts of the board of directors of the independent school district of the city of Maquoketa, Jackson county, Iowa.

S. F. No. 29, A bill for an act to enable the directors of the independent district of Muscatine, to use certain moneys for school house purposes.

S. F. No. 33, A bill for an act to amend chapter 175, of the acts of the 14th General Assembly, passed April 22d, 1872.

S. F. No 30, A bill for an act to legalize the formation of the independent school district of Storm Lake, Buena Vista county, Iowa.

S. F. No. 32, A bill for an act to legalize the organization of the independent sub-district of New Hampton, Iowa, and the elections of officers therein.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Converse, from the committee on enrolled bills, submitted the following report:

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

Joint resolution in relation to the corner stone of the foundation of the new capital building.

A. CONVERSE, *Chairman.*

The consideration of House amendments to title 10 was resumed.

The question being on Senator Campbell's amendment to section 29½, (see journal of H. M.,) the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Dashiell, Dysart, Kephart, Maxwell, McCormack, McCulloch, McNutt, Rumple, Shane, Vale, West, Willett, and Young—19.

The nays were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Dague, Fairall, Fitch, Havens, Howland, Hurley, Larrabee, Lovell, Lowry, McCoid, McIntyre, Merrill, Miles, Murray, Russell, Smith, Stuart, and Wonn—23.

Absent or not voting—

Senators Gault, Ireland, Kinne, Leavitt, Read, Richards, Stone, and Taylor—8.

So the amendment was lost.

Senator Maxwell moved to amend section 29½ as follows: and

Provided, That in no case shall the charge for transportation upon any railroad in this state, exceed the rates charged for the corresponding season of 1872.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Converse, Dague, Dashiell, Dysart, Kephart, Maxwell, McCormack, McCulloch, McNutt, Rumple, Shane, Taylor, Vale, West, Willett, and Young—20.

The nays were

Senators Allen, Atkins, Bemis, Claussen, Crary, Fairall, Fitch

Havens, Howland, Hurley, Larrabee, Lovell, Lowry, McCoid, McIntyre, Merrill, Miles, Murray, Russell, Smith, Stuart, and Wonn—22.

Absent or not voting—

Senators Chambers, Gault, Ireland, Kinne, Leavitt, Read, Richards, and Stone—8.

So the amendment was lost.

Senator Converse moved that the Senate agree to House amendment, sections 29 $\frac{1}{4}$, 29 $\frac{1}{2}$ and 29 $\frac{3}{4}$.

On this question,

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Fitch, Howland, Maxwell, McCoid, McCormack, McNutt, Miles, Rumble, Shane, Vale, West, Willett, and Young—22.

The nays were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Fairall, Havens, Hurley, Kephart, Larrabee, Lovell, Lowry, McCulloch, McIntyre, Merrill, Russell, Smith, Stuart, Taylor, and Wonn—20.

Absent or not voting—

Senators Gault, Ireland, Kinne, Leavitt, Murray, Read, Richards, and Stone—8.

So the motion having failed to receive a constitutional majority, was lost.

Senator West moved that the Senate concur in the House amendments, section 31 $\frac{1}{2}$ to section 40, inclusive.

On this question,

The yeas were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Howland, Kephart, Lovell, Lowry, Maxwell, McCormack, McCulloch, McNutt, Miles, Rumble, Shane, Smith, Taylor, Vale, West, and Willett—24.

The nays were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Fairall, Fitch, Havens, Hurley, Larrabee, McCoid, McIntyre, Merrill, Murray, Russell, Stuart, Wonn, and Young—18.

Absent or not voting—

Senators Burke, Gault, Ireland, Kinne, Leavett, Read, Richards, and Stone—8.

So the motion having failed to receive a constitutional majority, was lost.

Senator West moved to reconsider the vote by which the House amendments from section 31 $\frac{1}{2}$ to 40, inclusive, were lost.

Senator Young moved to lay the motion to reconsider on the table.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Fairall, Fitch, Havens, Howland, Hurley, Larrabee, Lowry, McCoid, McIntyre, Merrill, Murray, Russell, Smith, Stuart, Wonn, and Young—21.

The nays were—

Senators Beardsley, Boomer, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Kephart, Lovell, Maxwell, McCormack, McCulloch, McNutt, Miles, Rumble, Shane, Taylor, Vale, West, and Willett—21.

Absent or not voting—

Senators Burke, Gault, Ireland, Kinne, Leavitt, Read, Richards, and Stone—8.

So the motion to lay on the table did not prevail.

Senator West moved to postpone the motion to reconsider until 9:30, A. M. to-morrow.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Kephart, Lovell, Maxwell, McCormack, McCulloch, McNutt, Rumble, Shane, Taylor, Vale, West, and Willett—21.

The nays were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Fairall, Fitch, Havens, Hurley, Larrabee, Lowry, McCoid, McIntyre, Merrill, Murray, Russell, Smith, Stuart, Wonn, and Young—20.

Absent or not voting—

Senators Gault, Howland, Ireland, Kinnie, Leavitt, Miles, Read, Richards, and Stone—9.

So the motion prevailed.

Senator West moved to postpone the further consideration of the House amendments to title 10, until 9:30 A. M., to-morrow.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Boomer, Burke, Campbell, Chambers, Converse, Dashiell, Dysart, Fitch, Kephart, Lovell, Maxwell, McCormack, McCulloch, McNutt, Rumble, Shane, Taylor, Vale, West, and Willett—20.

The nays were—

Senators Allen, Atkins, Claussen, Crary, Dague, Fairall, Havens, Howland, Hurley, Larrabee, Lowry, McCoid, McIntyre, Merrill, Murray, Russell, Smith, Wonn, and Young—19.

Absent or not voting—

Senators Beardsley, Bemis, Gault, Ireland, Kinne, Leavitt, Miles, Read, Richards, Stone, and Stuart—11.

So the motion prevailed.

H. F. No. 23, title 23, "A bill for an act to revise, amend and codify the statutes in relation to the compensation of public officers;" the House message relating thereto was taken up and considered.

On the question, "Shall the Senate recede from its second amendment?"

The yeas were—

Senators Boomer, Burke, Howland, Kephart, Maxwell, McCoid, McCulloch, McIntyre, Merrill, Vale, West, and Willett—12.

The nays were—

Senators Allen, Atkins, Bemis, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Hurley, Larrabee, Lovell, Lowry, McCormack, Murray, Rumple, Russell, Shane, Smith, Taylor, and Young—26.

Absent or not voting—

Senators Beardsley, Gault, Ireland, Kinne, Leavitt, McNutt, Miles, Read, Richards, Stone, Stuart, and Wonn—12.

So the Senate refused to recede.

Senator Fairall moved that the Senate adhere to its amendments to title 23, and appoint a committee of conference.

The motion prevailed.

Senator Hurley moved to reconsider the vote by which the Senate refused to recede from its amendment to section 15, chapter 1, title 23.

The motion prevailed.

On the question, "Shall the Senate recede?"

The yeas were—

Senators Burke, Campbell, Hurley, Lovell, McCoid, McCulloch, McIntyre, Vale, West, Willett, and Young—11.

The nays were—

Senators Atkins, Boomer, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Kephart, Larrabee, Lowry, Maxwell, McCormack, McNutt, Murray, Rumple, Shane, Smith, and Taylor—23.

Absent or not voting—

Senators Allen, Beardsley, Bemis, Gault, Howland, Ireland, Kinne, Leavitt, Merrill, Miles, Read, Richards, Russell, Stuart, and Wonn—16.

So the Senate refused to recede.

Senator Hurley from the committee on judiciary reported back S. F. No. 31, "A bill for an act to legalize the ordinances of the town of Newton, with the recommendation that it do pass.

On motion of Senator Campbell the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Boomer, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Merrill, Murray, Rumple, Shane, Smith, Vale, West, and Willett—32.

The nays were none.

Absent or not voting—

Senators Beardsley, Bemis, Burke, Gault, Howland, Ireland,

Kinne, Leavitt, McCoid, Miles, Read, Richards, Russell, Stone, Stuart, Taylor, Wonn, and Young—18.

So the bill passed and the title was agreed to.

Senator Lowry from the committee appointed to investigate and report upon the appropriations made for the support of the State institutions submitted the following report, which was accepted and the committee discharged.

To the Senate and House of Representatives of the Fourteenth General Assembly of the State of Iowa:

The joint committee to whom was referred the concurrent resolution relating to the financial condition of the several state institutions, including the appropriations made therefor respectively, by the Fourteenth General Assembly, and the disbursement of the same, having performed the duty assigned them, respectfully submit the following report:

The investigation of the institutions proceeded as far as practicable in the following order:

1. The Iowa College for the Blind at Vinton, Benton county.
2. The Institution for the Deaf and Dumb at Council Bluffs.
3. The State University at Iowa City.
4. The Iowa Reform School at Eldora, Hardin county.
5. The Insane Hospital at Mt. Pleasant.
6. The Additional Penitentiary at Anamosa, Jones county.
7. The Hospital for the Insane at Independence, Buchanan county.
8. The Iowa Penitentiary at Ft. Madison.
9. The Agricultural College at Ames, Story county.

The investigation has been as thorough as the limited time and the opportunities of the committee would allow. Every officer or person, who was presumed to have information touching the subjects under consideration, was required to appear before the committee, who take pleasure in remarking that, with perhaps a single exception, not only has there not appeared the slightest disposition to evade, but, on the contrary, all have promptly responded to the requirements made of them; and have, at no little personal inconvenience, furnished the committee with the desired information, statements of accounts, and copies of documents.

Attached to the report will be found the evidence of the witnesses—together with various exhibits, statements, accounts, &c., to which attention is called, as this report will be confined to the general conclusions rather than detailed statements of the affairs of the several institutions.

IOWA COLLEGE FOR THE BLIND AT VINTON.

By chapter 44, special act 14th General Assembly, there was appropriated for the benefit of this institution the following:

For musical instruments.....	\$ 1,500 00
For printing press, type, etc.....	1,000 00
For improvement of ground.....	1,000 00
For erecting a wing to the main building, (not to exceed in cost \$100,000).....	70,000 00

Of the appropriation for musical instruments, the sum of \$1409.44 has been expended. That for printing presses has not been used, while that for improving the grounds has been entirely expended and an additional sum of \$98.86 which is not fully explained and may have been met by borrowing the small surplus from the first or second named appropriation. But of this there is no statement.

The treasurer, Samuel H. Watson, filed his official bond in the sum of thirty thousand dollars, as required, and has received from the State treasury the sum of \$12,117.45, September 20th, 1872, and has an outstanding warrant for the sum of \$18,033.60 of date September 29th, 1872, which has not been paid for want of funds.

The contract for building the north wing was let by bids, Finkbine and Lovelace being the lowest bidders, and receiving the contract at the price of \$64,860; first giving bond with approved security in the sum of \$25,000, for its performance.

The mode of auditing claims and making provision for obtaining funds, providing and preserving vouchers, etc., is unobjectionable. The trustees and officers have conformed to the requirements of law strictly, and with a single exception, the committee has no criticism to make.

It will be seen that in the sum of \$12,117.45, certified to the auditor as correct, was an item of \$2,438.33, for brick; also in the sum of 18,033.60, is a second item of \$2,350.00 for brick, making altogether \$4,788.33. This brick, with the exception of three car loads, worth \$175, had not been delivered at the time these sums were certified and paid, and although manufactured, it still remained subject to the possession and control of the vendor, liable to liens, debts, and other contingencies. In disbursing the state fund, the rule, not to pay for material until it has passed into the possession of state officers, must be rigorously observed.

THE INSTITUTION FOR THE DEAF AND DUMB AT COUNCIL BLUFFS.

By chapter 75, special laws of the Fourteenth General Assembly, there was appropriated the sum of \$15,000, for sundry purposes, connected with this institution, exclusive of the further sum of \$12,000, appropriated for current expenses.

Of this sum \$10,000 have been drawn from the State Treasury, and \$9,479.04 applied upon the improvements. The trustees have given the work their personal attention, and the funds have been thus far expended in strict conformity with the provisions of the statute. The books and accounts are kept in approved method, and

the committee is satisfied that this institution is under a competent and reliable management.

THE STATE UNIVERSITY AT IOWA CITY.

By chapter 43, of the laws of the last session, there was appropriated the sum of \$52,300 for the various purposes therein specified.

In June, 1872, by order of the regents, this appropriation and the interest and the miscellaneous funds were combined in one, known as the Income Fund. In consequence, it is not possible to designate clearly, the manner in which the several specific appropriations have been applied, whether they have been exhausted, or if not, how much of them severally remains. This, it is conceived, was a serious mistake on the part of the regents, as it not only confused the condition of the appropriations, but that of the interest fund, which has been thus merged in them. Every act making a specific appropriation should require the fund to be kept separate and distinct; and more especially should an accurate and exact account be kept of the interest accruing on the endowment fund, which amounts to some \$202,000.

By reference to the evidence it will be seen that there is some slight confusion as to the amount of cash in the treasurer's hands on June, 1872, the beginning of the present fiscal year.

The same difficulty occurs in attempting to ascertain the amount of receipts for the year; nor is the difficulty avoided when we come to consider the amount of disbursements made during the same period.

According to Mr. Haddock, the amount of warrants drawn since June, is \$26,241.00, while Mr. Clark states that during this time he has paid out \$33,702.40.

Mr. Clark gives the amount of the temporary fund, so-called, which, as already indicated, embraced the combined surplus of the appropriation, the interest and the miscellaneous funds. This balance is stated at \$49,428.66. But no data has been furnished from which the correctness of this balance may be determined.

These suggestions cannot fail to draw attention to the evidence relating to this institution. The trouble does not arise in anything suggestive of a want of confidence in the officers or treasurer, but finds explanation in the loose and unsystematic method in which its finances are kept.

Of this sum of \$49,428.66, there is loaned upon mere personal security, to various persons, the sum of \$44,760.48.

The doubt as to whether it is lawful to loan this money at all, is resolved negatively at least, in view of the fact that the regents have neither authorized the loan nor fixed the rate of interest, while the statute is clear and explicit in requiring as security for loans, unincumbered real estate.

The whole fund appears to be controlled very much as though it were a personal one. It is true that the gentleman who happens now to be treasurer is perfectly responsible, and has as he believes, in all these matters acted upon personal responsibility, and with sound discretion. But under all circumstances, the most reliable responsibility and soundest discretion in the handling of trust funds and public money, will be found in an exact obedience to, and observance of the provisions of law governing and controlling them.

So far as the committee can ascertain there is no record or account of these funds kept anywhere, except those of the treasurer himself. Moneys paid to him are charged there, but not elsewhere. He alone receives applications for loans, determines to whom they shall be made, the terms, securities, etc.; receives the securities and makes the collections, and there is no check whatever upon his proceedings.

Nor has the committee any evidence that any account whatever is kept of the interest on the endowment fund, or moneys derived from tuitions or other sources. When paid into the treasury they go to make up the general balance on hand, and so remain until drawn out.

It also appears that permanent loans are sometimes made out of the interest or temporary fund, which is subsequently restored by a transfer from the permanent fund when paid in. Although no actual loss might arise from this course, it is yet likely to produce confusion, and at some time create more or less inconvenience to the institution. It is at least in direct conflict with a system which is designated to keep all the funds separate and distinct.

The bond filed by the treasurer is in the sum of \$50,000. But in view of the sum now in his hands, or which may at times accumulate there, it is believed the amount of the bond is much too small.

A perusal of the evidence and of these remarks will suggest to the General Assembly a more complete and appropriate remedy than it can be expected a committee could present. We, however, beg to recommend:—

1. That the regents of the University have an immediate settlement with the treasurer, and ascertain the state of the accounts between him and the state, with reference to all of said fund, and that hereafter these funds be kept separate and distinct.

2. That the regents be authorized to require an additional bond to be filed as required by law in a sum double the amount which is at any one time likely to be found in his hands.

3. That hereafter all applications for loans shall be filed with the secretary, and made to the executive committee, and by them passed upon, and that no money shall be paid out for loans or for any other purpose whatever, except upon warrants specifying the name of the person in whose favor drawn, the fund drawn upon, and the purpose, ordered by the board or executive committee.

And that for all moneys paid into the treasury, the treasurer shall execute duplicate receipts, one to be kept by the person making the payment, and the other to be filed in the office of the secretary, and there preserved as a voucher.

THE IOWA REFORM SCHOOL AT ELDORA.

By chapter 77, of the last session there was appropriated the sum of \$45,000 for the location of this institution, and the erection of appropriate buildings.

Thos. E. Corkhill, treasurer, has filed an additional bond, and by order of the trustees, has drawn from the state treasury the sum of \$25,000. Contracts have been made for the erection of buildings in all respects as required.

Of the sum thus drawn, there has been paid as per itemized account, which appears in evidence, the sum of \$12,914.64, leaving a balance of \$12,085.36.

There is every reason to believe that the proceedings of the board and officers, have been in full compliance with the law, and that correct and proper vouchers of all payments made, have been taken and preserved.

HOSPITAL FOR THE INSANE AT MT. PLEASANT.

The total appropriation for the several purposes specified in chapter 59, of the laws of the last session was \$21,700.00.

Of this \$10,400.00 has been drawn by the treasurer, M. L. Edwards, who is also a member of the board of trustees and secretary. Here again is an instance in which the several funds appropriated for certain purposes are mingled in one, and to ascertain the state of the several funds, resort must be had to the original vouchers. There are but two accounts kept, "current expenses" and "improvement account," and it seems that when an appropriation proves insufficient for the purpose for which it was made, resort is had at once to the contingent fund.

The system of finance adopted by the board is not fully understood, but it seems the treasurer pays out money on the order of the stewards, but it does not appear that duplicate vouchers are required, or that the records of any other officer operate as a check upon the accounts of the treasurer.

Exhibit "A" to Mr. Edwards' evidence explains the purposes of the expenditures and the amount, excepting the sum of \$963.74.

The total disbursement of the appropriation thus far is \$9,173.64.

ADDITIONAL PENITENTIARY AT ANAMOSA.

The appropriation for this institution, as provided in chapters 43 and 108, of the laws of the last session was \$50,000.00. The care.

ful manner in which this appropriation was guarded by the provision of the enactment, and the fact that the funds could be drawn from the state treasury only monthly, and then for material actually purchased or services rendered, accounts in no little degree, for the satisfactory condition in which the affairs of this institution appear.

There has been drawn and expended of the appropriation the sum of \$45,183.04, leaving a balance of \$4,816.96.

For detailed explanation of what has been done in the purchase of land and quarries, and toward the construction of buildings, reference is made to the evidence, which is full and clear.

We cannot omit taking favorable notice of the perfect and methodical book accounts kept by Mr. L. Kinsey, clerk of the board of commissioners.

HOSPITAL FOR THE INSANE AT INDEPENDENCE.

The appropriation made for the completion of certain portions of the buildings pertaining to this institution, as provided in chapter 46, of the laws of the last session, amounted to \$200,000.

The work has been conducted and expenditures made, thus far, as required by the provisions of chapter 120, of the laws of the Thirteenth General Assembly.

The money is drawn from the state treasury upon requisitions not exceeding \$15,000, and as these sums are expended, duplicate vouchers are taken, showing for what and to whom paid, of which one copy is filed with the Auditor of State.

The total amount allowed for labor and material is \$175,873.15.

The total amount drawn from the treasury is \$171,500.00, leaving unpaid a balance of \$4,373.15.

The committee is entirely satisfied with the inquiry in this direction, and is confident that thus far the appropriation has been prudently and faithfully expended.

IOWA PENITENTIARY AT FT. MADISON.

The appropriation for the improvement of this institution (chapter 226, laws of last session) was \$14,000. It will not be unacceptable to know that the work has been done at an expense of about one half of the appropriation. So unusual a circumstance in the history of appropriations is worthy of comment.

The plans for the improvement were first submitted to the census board and by them approved. By their direction the contract was made with men of known competency, and the result is before us. Not a dollar was taken from the treasury until the work was completed. The total expenditure was \$6,472.36, leaving in the warden's hands, of the appropriation drawn, a balance of \$127.64, with which he is charged.

There is one curious feature in the warden's evidence. The

money of the penitentiary is at present deposited in the Merchants National Bank at Burlington, at four and six months. There is no consideration paid for this deposit by the bank, and it continues subject to the warden's order at any time. The committee perceives nothing especially objectionable in this course, but deemed it their duty to call attention to the subject, which is more fully explained in the evidence.

AGRICULTURAL COLLEGE AT AMES, STORY COUNTY.

At the last session of this legislature, chapter 118, there was an appropriation of \$38,500 for the following purposes connected with this institution :

For supplying the College building with water.....	\$ 5,000 00
For fixtures for the new wing.....	500 00
For main laboratory.....	25,000 00
For improvement of orchard.....	1,000 00
For farm, barn, stock, etc....	7,000 00

It was to be drawn upon warrants issued by the auditor of state upon the requisition of the president of the board, countersigned by the secretary, and was to be expended under direction of the board, who are required to take vouchers and to keep accurate accounts of amounts paid, whether for services or material.

On the 6th of July, 1872, an auditor's warrant for the entire appropriation was obtained. This was just two days after the act making the appropriation took effect.

The treasurer of the college, it appears, holds the funds appropriated by the General Assembly, while the funds arising from the sales of products of the farm, go into the cashier's hands, and never reach the treasurer.

The superintendents of work make estimates of work done and material furnished, and of the value of the same, deducting twenty per cent for final allowance. These estimates thus certified are sent the president of the college, who endorses them and sends them to the cashier, who pays the net estimate to the contractor, not by an order on the treasurer, but by funds which the former has previously drawn therefrom on the order of the president of the college and the secretary. It is difficult to conceive a more disjointed method of managing the funds of an institution.

In some instances it appears that some portions of the appropriation have been disposed of without any action being had upon the subject by the trustees, so far as the records show. This is true at least as to the \$5,000 appropriated for the supply of water, and the \$500 for fixtures in the new wing. This is not in conformity with the requirement of the statute making the appropriation.

There was at and prior to the last session of the legislature, an

expressed desire, on the part of the management of this institution, to secure an appropriation for the construction of gas works for the college. But this item was not retained in the act making the appropriation. Not at all deterred by this, the gas works are erected at an expense of not less than \$3,000, and the cost is provided for out of the \$25,000 appropriated for the laboratory. An attempt to excuse this plain violation of the statute is made in the statement that the estimates for the laboratory always included the cost of the gas works.

Work has been commenced upon the laboratory building; some \$700.00 have been expended, and about \$14,000.00 contracted. The plans and specifications for this building seem to be of a somewhat indefinite character, and are probably sufficiently elastic to suit contingencies. Attention is called to the evidence touching the probable cost of this building. After the general plan had been agreed upon, at an estimated cost of \$45,000.00, which of course included furniture, gas works and all the modern appointments, there seems to have been an unexpected difficulty in obtaining a contractor. The only explanation for this is suggested in the report of the executive and building committee as follows:

"There not being money enough appropriated for the entire completion of the laboratory according to the plans adopted, we concluded to lay the foundations this fall, and to build and enclose the walls the coming season. *Having failed to get satisfactory bids* for the construction of said building we let the contract by sections, &c." And it is in pursuance of these suggestions that such work as has been done was authorized. To excuse the diversion of \$3,000.00 for gas works, it is now found that \$22,000.00 is sufficient to construct a building, which went begging for contractors, and the estimated cost of which finished and furnished was \$45,000.00. In addition the mode adopted of letting the contracts by sections in the manner shown, is not devoid of suggestion as to the probable result.

The fact that the officers of the institution, those who prepare the plans, and whose duty it is to look after the interests of the institution, are permitted to occupy antagonistic relations by becoming contractors cannot escape attention.

Attached to the evidence will be found exhibits showing the amounts of expenditure charged against the various appropriations.

It may not be improper to state in connection with the foregoing, that the apparently unsatisfactory state of the appropriation for this institution, is not a little due to the practice of General Assemblies, in sanctioning slight departures by coming to their rescue, in most cases a necessity which has its origin in hasty legislation, and the imperfect manner in which the provisions of law are framed to guard and control the appropriations.

In conclusion, your committee believe themselves justified in suggesting that this slight and necessarily limited investigation,

aided by other experience and information, shows that it is full time to have a full and thorough overhauling and re-organization of all these state institutions. Instead of the present multifarious and diversified forms of government, there should be the utmost uniformity attainable, so that a comprehension of one would embrace all. The fiscal affairs should be entirely divorced from the management of the respective functions of the several institutions. Simplicity in the form of government is most desirable. Another difficulty is, we have too many treasurers in this state. When not prohibited, the appropriations are at once removed from the state treasury, to be in bank as a standing temptation. Provisions should be made to prevent this in all cases, and a bill has now been presented looking to this result, by instruction of the committee.

No money should be permitted to be drawn from the state treasury, except for actual and immediate use, and a system of checks and counter checks should be adopted, which will not only correct errors and abuses, but in itself compel those having the control of funds, to observe the utmost care and exactness in the manner of keeping their accounts.

To accomplish the purpose of these suggestions, will require no little labor, and a patient and searching examination into the affairs and purposes of each institution; a generalization which shall bring them all under one system, and practically unite them, so that they may be controlled by one or several managements, as wisdom and experience may dictate.

Whether this duty will be entirely remitted to the next General Assembly, or it is expedient to appoint a commission with a view of preparing a form of government, as herein suggested, to be submitted at that session, rests in the judgment of the body to whom this report is respectfully submitted.

ROBERT LOWRY,
SAMUEL H. KINNE,
On the part of the Senate.

B. J. HALL,
H. O. PRATT,
SAMUEL T. CALDWELL,
On the part of the House.

S. F. No. 2, A bill for an act to provide for the publication, indexing and distributing the code, passed at the adjourned session of the 14th General Assembly," was taken up and considered.

Senator Converse moved to strike out section 5, and insert the following:

Section 5. The executive council shall secure the printing and binding of said code, by letting the contract for the same to the lowest and best responsible bidder or bidders within the state, the printing to be done with fresh, new type, of the same kind as that

used in the Revision of 1860, and the binding shall be done in the same manner, and with the same kind of material. The person or persons receiving such contract shall execute a bond for the faithful performance of the work in such sum as the executive council may deem necessary.

On motion of Senator McNutt, the further consideration of the bill was postponed for the present.

The President appointed Senators Larrabee, Young and McCulloch, committee of conference on the part of the Senate, on the disagreeing votes of the two houses on title No. 6.

By leave, Senator Converse introduced S. F. No. 34, "A bill for an act to legalize the incorporation of the town of Osage, Iowa.

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

On the question, "Shall the bill pass?"

The yeas were--

Senators Allen, Atkins, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Howland, Hurley, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Rumpel, Shane, Smith, Vale, West, Willett, and Wonn—32.

The nays were none.

Absent or not voting—

Senators Beardsley, Bemis, Gault, Havens, Ireland, Kephart, Kinne, Leavitt, Merrill, Miles, Murray, Read, Richards, Russell, Stone, Stuart, Taylor, and Young—18.

So the bill passed and the title was agreed to.

On motion of Senator Young, S. F. No. 27, "A bill for an act to preserve the funds of the state institutions," was taken up.

Senator Willett moved to amend section 1, by striking out all after the word "bond" where it occurs the first time in the 9th line, down to and including the word "given" at the end of 12th line, pending which

On motion of Senator Larrabee, S. F. No. 26 was taken up, and the President appointed Senators Dysart, Larrabee, and Murray as a committee of conference on the part of the Senate on the disagreeing vote of the two houses on said bill.

On motion of Senator Dysart, Senator Read was granted leave of absence for the remainder of the session.

The President appointed Senators Vale, McNutt, and McCormack as a committee of conference on the disagreeing vote of the two houses on H. F. 23.

The consideration of S. F. No. 27 was resumed.

The question being on Senator Willett's amendment.

Senator Dysart moved to amend the amendment by striking out all of the first section after the enacting clause which prevailed. and the amendment as amended was agreed to.

Senator Shane moved to add to section 2, as follows: "all acts

and parts of acts, inconsistent with this act are hereby repealed."

The amendment was adopted.

On motion of Senator Fairall, the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Boomer, Chambers, Converse, Crary, Dague, Dysart, Fairall, Fitch, Havens, Howland, Hurley, Larrabee, Lovell, Lowry, Maxwell, McCulloch, McIntyre, McNutt, Merrill, Murray, Rumble, Shane, Smith, Taylor, Vale, West, Wonn, and Young—30.

The nays were none.

Absent or not voting—

Senators Beardsley, Bemis, Burke, Campbell, Claussen, Dashiell, Gault, Ireland, Kephart, Kinne, Leavitt, McCoid, McCormack, Miles, Read, Richards, Russell, Stone, Stuart, and Willett,—20.

So the bill passed and the title was agreed to.

On motion House messages were taken up.

H. F. No. 33, A bill for an act to legalize the levy of taxes in the town of Hamburg, Fremont county, Iowa," was taken up, read first and second time, and on motion of Senator McIntyre, the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Boomer, Converse, Crary, Dashiell, Dysart, Fairall, Fitch, Havens, Howland, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCulloch, McIntyre, McNutt, Merrill, Murray, Rumble, Shane, Smith, Taylor, Vale, and West—28.

The nays were none.

Absent or not voting—

Senators Beardsley, Bemis, Burke, Campbell, Chambers, Claussen, Dague, Gault, Ireland, Kinne, Leavitt, McCoid, McCormack, Miles, Read, Richards, Russell, Stone, Stuart, Willett, Wonn, and Young—22.

So the bill passed, and the title was agreed to.

H. F. No. 32, "A bill for an act to provide for the publication, indexing and distributing the code passed at the adjourned session of the 14th General Assembly," was taken up, read first and second time.

Senator Hurley moved to amend section 1, by adding thereto:

"And to change the numbers of chapters and all references made in the code from one section or sub-division thereof to another, by number, so that the same shall conform to the numbering in the code as printed."

The amendment was adopted.

On motion of Senator Hurley, the following was inserted as section 2:

Section 2. The secretary of state is directed, within ten days after the adjournment of this session, to have the enrolled bills bound in a sufficient number of volumes, and deliver the same to the editor, who shall be responsible therefor, and shall return the same to said secretary, on or before the first day of September, A. D., 1873.

On motion of Senator Shane, the following was added to section 5:

Provided, That 500 copies shall be bound in two volumes, and interleaved; one copy of which shall be distributed to each member of this General Assembly, and the balance to be kept for the use of future general assemblies.

Senator McCoid moved to amend by inserting after the word "assembly," the words "and each officer of this General Assembly," which was agreed to, and the amendment as amended adopted.

Senator Shane moved to strike out that part of section 7, providing for the distributing of copies of the code to officers and members of this General Assembly.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Crary, Dague, Dysart, Fairall, Fitch, Howland, Hurley, Larrabee, Lovell, Maxwell, Murray, Shane, and West—15.

The nays were—

Senators Beardsley, Boomer, Claussen, Converse, Dashiell, Havens, Lowry, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Rumble, Russell, Smith, Taylor, Vale, Willett, Wonn, and Young—21.

Absent or not voting—

Senators Bemis, Burke, Campbell, Chambers, Gault, Ireland, Kephart, Kinne, Leavitt, Miles, Read, Richards, Stone, and Stuart—14.

So the motion did not prevail.

Senator Fairall moved to amend by adding to the end of section 7, the following:

"One copy each to the following named reporters of daily newspapers, who have reported the proceedings of this session: Will Porter, Daily Leader, Ambrose Lunnay and Edgar M. Hungerford, Daily Register, T. P. Keator and E. P. Cressy, Daily Republican, and R. B. Baird, Daily Journal.

Adopted.

Senator Fairall moved to amend section 12, by striking out the section and inserting the following:

Section 12. The editor shall complete the copy and deliver it to the state printer, by the first day of May, 1873, if possible, and the state printer shall complete the printing of the code and deliver the same to the state binder on or before the first day of July, 1873, who shall complete the binding and deliver the code to the

secretary of state, ready for distribution; on or before the first day of August, 1873.

Pending which, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, February 19, 1873. }

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

Prayer by the Rev. Mr. Miles.

On motion of Senator Vale, the reading of the journal was dispensed with.

Senators Converse, West, Smith and Kephart presented petitions from citizens of Iowa asking legislation in relation to railroad tariffs.

Referred to committee on railroads.

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:

Joint resolution authorizing the appointment of one of the capitol commissioners as overseer of the work upon the new capitol building.

Also, the House has adopted concurrent resolutions relative to striking out certain portions of the report of the Rankin investigating committee.

And concurrent resolution, authorizing the attorney general to ascertain the cash value of the property deeded by Samuel E. Rankin to the agricultural college and farm.

BENJ. VAN STEINBURG, *First Asst Clerk.*

House messages were taken up and considered.

Joint resolution in relation to appointment of capitol commissioner as superintendent, was taken up.

Read first and second time.

Senator Lowry moved to refer to the committee on public buildings.

The motion did not prevail.

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

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Atkins,, Bemis, Campbell, Claussen, Crary, Dague, Dashiell, Fitch, Howland, Hurley, Maxwell, McCoid, Merrill, Rumble, Russell, Shane, Smith, Taylor, Vale, and West—20.

The nays were—

Senators Boomer, Converse, Fairall, Havens, Kephart, Lowry, McCulloch, McNutt, Miles, Richards, Willett, Wonn, and Young—13.

Absent or not voting—

Senators Allen, Beardsley, Burke, Chambers Dysart, Gault, Ireland, Kinne, Larrabee, Leavitt, Lovell, McCormack, McIntyre, Murray, Read, Stone, and Stuart—17.

So the joint resolution having failed to receive a constitutional majority did not pass.

Senator McNutt offered the following resolution:

Resolved by the Senate, the House concurring, That the commissioners of the Anamosa penitentiary be, and are hereby authorized, to sell the rock that may be taken out by convict labor, and the proceeds be applied to the support of the convicts and guards.

The resolution was adopted.

Senator Campbell, from the committee on military, reported back Adjutant General Baker's memorial, with the recommendation that it be referred to the committee on ways and means, and the memorial was so referred.

On motion of Senator Lowry, the Senate went into executive session, after remaining sometime therein, the doors were opened and Senator Young moved to reconsider the vote by which the joint resolution, in relation to the appointment of one of the capitol commissioners as overseer on the capitol building, was lost.

Carried.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Wonn, and Young—39.

The nays were—

Senator Richards—1.

Absent or not voting—

Senators Allen, Gault, Howland, Ireland, Kinne, Leavitt, Murray, Read, Stone, and Willett—10.

So the joint resolution passed.

Senator McCoid offered the following resolution, which was adopted.

Resolved, that the President of the Senate be authorized and requested to take with him at the close of this session THE CHAIR IN

which he has so faithfully sat, and which he has occupied with so much honor to himself, and pleasure and satisfaction to us all.

Senator Campbell presented a report from the committee of conference on the disagreement of the two Houses on title 11, as follows :

Report of conference committee on title 11, on disagreeing votes of the two houses:

The committee of conference on the disagreeing votes of the two houses on Senate and house amendments to title 11, of the code, submit the following recommendations:

1st. That the House recede from its amendment to section 9, chapter 4, page 20.

2d. That the Senate recede from its amendment to section 20, chapter 4, page 21.

3d. That the House recede from its amendment to section 17, chapter 6, page 26.

4th. That the Senate recede from its amendments to the following sections:

Section 34, chapter 6, page 30.

Section 35, chapter 6, page 30.

Section 36, chapter 6, page 31.

Section 38, chapter 6, page 31.

The committee recommend to strike out of chapter 9, section 1, line 3, the words "hereafter on the 1st Monday in January, April, July and October, in each year," and strike out of line 4, in same section, the words "on that day," and insert "as hereinafter provided," and strike out the word "may," in line 5, of section 2, chapter 9, and insert the word "shall."

F. T. CAMPBELL,

G. R. WILLETT,

H. R. CLAUSSEN,

Conferees on the part of the Senate.

JNO. Q. TUFT,

JOHN W. GREEN,

FRED O'DONNELL,

Conferees on the part of the House.

On the question, "Shall the Senate adopt the report?"

The yeas were—

Senators Beardsley, Bemis, Burke, Campbell, Chambers, Clausen, Converse, Crary, Dague, Dashiell, Havens, Howland, Hurley, Lovell, Lowry, Maxwell, McCulloch, McIntyre, Merrill, Miles, Rumple, Smith, Stuart, Taylor, West, Willett, Wonn, and Young—28.

The nays were—

Senators Allen, Atkins, Boomer, Dysart, Fairall, Fitch, Kephart

Larrabee, McCoid, McCormack, McNutt, Murray, Richards, Russell, Shane, and Vale—16.

Absent or not voting—

Senators Gault, Ireland, Kinne, Leavitt, Read, and Stone—6.
So the report was adopted.

The special order having arrived it being title 10, "A bill for an act to revise, amend and codify the statutes in relation to internal improvements," and House message relative thereto, it was considered.

The question being to reconsider the vote by which the Senate refused to concur in the House amendment section 31½ down to 40 inclusive.

Senator West moved a call of the Senate, which was seconded.

Senator Young moved to excuse Senator Howland.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Dague, Fairall, Havens, Hurley, Larrabee, Lovell, Lowry, McCoid, McIntyre, Merrill, Miles, Murray, Russell, Smith, Stuart, Taylor, Wonn, and Young—23.

The nays were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Dashiell, Dysart, Fitch, Kephart, Maxwell, McCormack, McCulloch, McNutt, Richards, Rumble, Shane, Vale, West, and Willett—20.

Absent or not voting—

Senators Gault, Howland, Ireland, Kinne, Leavitt, Read, and Stone—7.

So Senator Howland was excused.

On motion of Senator Larrabee the committee of conference on title 6 was excused.

Senator Murray moved that further proceedings under the call be dispensed with. Carried.

The question being on the motion to reconsider the vote by which the Senate refused to concur in House amendments to 31½ to 40, inclusive, the yeas and nays were demanded, and,

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Kephart, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Miles, Richards, Rumble, Shane, Taylor, Vale, West, and Willett.—26.

The nays were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Fairall, Fitch, Havens, Hurley, Merrill, Murray, Russell, Smith, Stuart, and Wonn—15.

Absent or not voting—

Senators Gault, Howland, Ireland, Kinne, Larrabee, Leavitt, Read, Stone and Young—9.

So the motion to reconsider prevailed.

The question being on concurring in the House amendments viz., sections 31½ to and including section 40.

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Kephart, Lovell, Lowry, Maxwell, McCormack, McCulloch, McNutt, Miles, Richards, Rumble, Shane, Taylor, Vale, West, and Willett—24.

The nays were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Fairall, Fitch, Havens, Hurley, McCoid, McIntyre, Merrill, Murray, Russell, Smith, Stuart, and Wonn—17.

Absent or not voting—

Senators Gault, Howland, Ireland, Kinne, Larrabee, Leavitt, Read, Stone, and Young—9.

So the amendments not having received a constitutional majority the Senate refused to concur.

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 refused to adopt the report of the conference committee on House File No. 11, title 11, A bill for an act relating to police of the state and has appointed Messrs. Caldwell, Campbell and Close, committee of conference on part of the House, and ask a like committee on part of the Senate.

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.

S. F. No. 28, A bill for an act to legalize the acts of the board of directors of the independent school district of Maquoketa, Iowa.

Joint resolution in relation to the corner stone of the new capitol building.

BENJ. VAN STEINBURG, *First Ass't Clerk*.

Senator Beardsley presented the following report from the committee of conference on the disagreeing votes of the two Houses on title 12.

MR. PRESIDENT—The committee of conference on the disagreeing votes of the two Houses on Senate File 22, title 12, after full and free conference have agreed to report, and do report to their respective Houses as follows:

That the House recede from its amendment to section 4, chapter 1, also from its amendment to section 3, chapter 3.

That the Senate concur in all the House amendments to chapter 9, with the following exceptions and that the house recede from these amendments, namely:

The amendments to section 48, of the Senate bill, being a part of section 62 of House amendments:

Section 64 of House amendments, and insert in lieu thereof section 75, chapter 1, of the school law:

Section 95, of House amendments strike out "a president."

And further, that section 36, of code bill be inserted in lieu of the same section of the Senate bill.

CHARLES BEARDSLEY,
J. D. MILES,
L. W. STUART,
Managers on part of the Senate.

J. G. NEWBOLD,
C. CLOSE,
Managers on part of the House.

On the question, "Shall the Senate adopt the report of the committee.

The yeas were—

Senators Allen, Beardsley, Bemis, Burke, Campbell, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Havens, Hurley, Kephart, Lovell, Lowry, Maxwell, McCoid, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Richards, Rumpel, Russell, Shane, Stuart, Taylor, Vale, West, Willett, and Wonn—35.

The nays were—

Senators Atkins, Chambers, Fitch, and McCormack—4.

Absent or not voting—

Senators Boomer, Gault, Howland, Ireland, Kinne, Larrabee, Leavitt, Read, Smith, Stone, and Young—11.

So the report was adopted.

Senator Converse, from committee on enrolled bills, presented the following report:

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

Joint resolution in relation to the corner stone of the foundation of the new capitol building.

Also, S. F. No. 28, "An act to legalize the acts of the board of directors of the independent school district of the city of Maquoketa, in Jackson county, State of Iowa.

A. CONVERSE, *Chairman.*

The consideration of House Message on title 10, was then resumed.

Senator West moved to strike out sections 41, 42, 43 and 44, of House amendments to title 10, and insert the following:

Section 40. That no railroad corporation organized or doing business in this state under any act of incorporation or general law of this state now in force, or which may hereafter be enacted, shall charge or collect for the transportation of goods, merchandise, or property on its said road, for any distance, any greater amount, as toll or compensation, than is at the same time charged or collected for the transportation of similar quantities of the same class of goods, merchandise, or property over a greater distance upon the same road; nor shall corporations charge different rates for receiving, handling, or delivering freight at different points on its road, or roads connected therewith, which it has a right to use; nor shall any such railroad corporation charge or collect for the transportation of goods, merchandise, or property over any portion of its road, a greater amount, as toll or compensation, than shall be charged or collected by it for the transportation of similar quantities of the same class of goods, merchandise, or property over any other portion of its road of equal distance; and all such rules, regulations, or by-laws of any such railroad corporation as fix, prescribe, or establish any greater toll or compensation than is hereinbefore prescribed, are hereby declared to be void; but no railroad company shall charge a higher rate of tariff than its lowest rates on the first of January, 1873.

On this question, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Fitch, Kephart, Maxwell, McCormack, McCulloch, McNutt, Richards, Rumple, Russell, Shane, Vale, West, Willett, and Young—23.

The nays were—

Senators Allen, Atkins, Claussen, Crary, Fairall, Havens, Hurley, Larrabee, Lovell, Lowry, McCoid, McIntyre, Merrill, Miles, Murray, Smith, Stuart, Taylor, and Wonn—19.

Absent or not voting—

Senators Bemis, Gault, Howland, Ireland, Kinne, Leavitt, Read, and Stone—8.

So the amendment was adopted.

The question then being on concurring in sections 41, 42, 43 and 44, as amended.

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Fitch, Kephart, Maxwell, McCoid, McCormack, McCulloch, McNutt, Miles, Richards, Rumple, Russell, Shane, Vale, West, and Willett—24.

The nays were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Fairall, Havens, Hurley, Larrabee, Lovell, Lowry, Merrill, Murray, Smith, Stuart, Taylor, Wonn, and Young—18.

Absent or not voting—

Senators Gault, Howland, Ireland, Kinne, Leavitt, McIntyre, Read, and Stone—8.

So the Senate refused to concur.

The question being, shall the Senate concur in House amendment, section 45?

The yeas were—

Senators Beardsley, Boomer, Burke, Chambers, Converse, Dague, Dashiell, Dysart, Kephart, Lovell, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Richards, Rumble, Shane, Taylor, West, and Willett—21.

The nays were—

Senators Allen, Atkins, Bemis, Campbell, Claussen, Crary, Fairall, Fitch, Havens, Hurley, Larrabee, Lowry, McCoid, Merrill, Miles, Murray, Russell, Smith, Wonn, and Young—20.

Absent or not voting—

Senators Gault, Howland, Ireland, Kinne, Leavitt, Read, Stone, Stuart, and Vale—9.

So the amendment not having received a constitutional majority was lost.

Senator Campbell moved to re-consider the vote by which the Senate refused to concur in section 45, House amendment. Carried.

The President announced as second committee of conference on title 11, Senators Chambers, Boomer and Claussen.

Senator Campbell moved to strike out of section 45, House amendment to title 10, the words, "or freight," in second line. Carried.

Senator Boomer moved to strike out "one thousand" and insert "five hundred," in fourth and fifth lines, section 45. Lost.

On the question, shall the Senate concur in House amendment, section 45 as amended,

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Kephart, Lovell, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Merrill, Richards, Rumble, Shane, Taylor, Vale, West, and Willett—24.

The nays were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Fairall, Fitch, Havens, Hurley, Larrabee, Lowry, McCoid, Miles, Murray, Russell, Smith, Stuart, Wonn, and Young—19.

Absent or not voting—

Senators Gault, Howland, Ireland, Kinne, Leavitt, Read, and Stone—7.

So the Senate refused to concur.

Senator Fairall moved to reconsider the vote by which the Senate refused to concur in section 44.

Senator Willett moved to lay the motion to reconsider on the table.

On this question the yeas and nays were demanded, and

The yeas were none.

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Fitch, Maxwell, McCormack, McCulloch, McNutt, Richards, Rumple, Shane, Vale, West, and Willett—20.

The nays were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Fairall, Havens, Hurley, Kephart, Larrabee, Lovell, Lowry, McCoid, McIntyre, Merrill, Miles, Murray, Russell, Smith, Stuart, Taylor, Wonn, and Young—23.

Absent or not voting—

Senators Gault, Howland, Ireland, Kinne, Leavitt, Read, and Stone—7.

So the motion to lay on the table was lost.

The question being on the motion to reconsider, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Fairall, Havens, Hurley, Kephart, Larrabee, Lovell, Lowry, Miles, Murray, Richards, Russell, Smith, Stuart, Wonn, and Young—20.

The nays were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Fitch, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Rumple, Shane, Taylor, Vale, West, and Willett—23.

Absent or not voting—

Senators Gault, Howland, Ireland, Kinne, Leavitt, Read, and Stone—7.

So the motion to reconsider was lost.

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:

H. F. No. 34, A bill for an act to legalize certain school lands.

H. F. No. 35, A bill for an act to legalize the organization of the town of Missouri Valley, &c.

H. F. No. 36, A bill for an act to legalize certain legal proceedings.

Also, the House adopted report of committees of conference on title 12.

Also the House has passed, without amendment, S. F. No. 31, A bill for an act to legalize the ordinances of the town of Newton.

S. F. No. 34, A bill for an act to legalize the incorporation of the town of Osage Iowa.

And has adopted the report of the conference committee on title 6, entitled revenue.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

On motion of Senator Lowry, the Senate refused to concur in 14th House amendment to title 10.

On the question, Shall the Senate concur in the 15th House amendments.

The yeas were—

Senators Atkins, Beardsley, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dysart, Fairall, Fitch, Havens, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McNutt, Merrill, Miles, Murray, Richards, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn and Young—39.

The nays were—

Senator Allen—1.

Absent or not voting—

Senators Bemis, Dashiell, Gault, Howland, Ireland, Kinne, Leavitt, McIntyre, Read, and Stone—10.

So the 15th House amendment was concurred in.

Senator Larrabee moved to reconsider the vote by which the 9th amendment was concurred in.

Senator Willett moved to lay the motion to reconsider on the table.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Converse, Dysart, Maxwell, McCormack, McCulloch, McNutt, Richards, Rumble, Shane, Vale, West, and Willett—17.

The nays were—

Senators Allen, Atkins, Bemis, Claussen, Crary, Dashiell, Fairall, Fitch, Havens, Hurley, Kephart, Larrabee, Lovell, Lowry, McCoid, McIntyre, Merrill, Miles, Murray, Russell Smith, Stuart, Taylor, Wonn and Young—23.

Absent or not voting—

Senators Dague, Gault, Howland, Ireland, Kinne, Leavitt, Read, and Stone—8.

So the motion to lay on the table did not prevail.

The question being on Senator Larrabee's motion to reconsider, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Claussen, Crary, Dashiell, Fairall, Havens, Hurley, Kephart, Larrabee, Lovell, Lowry, McCoid, McIntyre, Merrill, Miles, Murray, Russell, Smith, Stuart, Taylor, Wonn, and Young—22.

The nays were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Converse, Dysart, Fitch, Maxwell, McCormack, McCulloch, Richards, Rumble, Shane, Vale, West, and Willett—18.

Absent or not voting—

Senators Dague, Gault, Howland, Ireland, Kinne, Leavitt, McNutt, Read, and Stone—9.

So the motion to reconsider prevailed.

Senator Larrabee moved to amend the 9th amendment by striking out all after the word "damaged," in third line.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Burke, Claussen, Crary, Fairall, Havens, Hurley, Larrabee, Lowry, McCoid, McIntyre, Miles, Murray, Russell, Smith, Stuart, Taylor, Wonn, and Young—20.

The nays were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Converse, Dague, Dashiell, Dysart, Fitch, Lovell, Maxwell, McCormack, McCulloch, McNutt, Richards, Rumble, Shane, Vale, West, and Willett—21.

Absent or not voting—

Senators Gault, Howland, Ireland, Kinne, Leavitt, Merrill, Read, and Stone—8.

So the motion was lost.

By leave, Senator Larrabee submitted the following report from the conference committee on the disagreeing vote of both houses, on title 6:

To the President of the Senate:

The committee of conference on the disagreeing votes of the two houses, on H. F. No. 6, "A bill for an act regulating and providing revenue," have met, and after full and free conference have agreed to, and do now report to their respective houses the following:

1. That the House recede from its nonconcurrence in Senate amendment to strike out House addition to paragraph 1, in section 38, chapter 1.

2. That the House recede from its nonconcurrence in Senate amendment striking out the written part of section 1, to chapter 2, and restore the original text.

3. That as a compromise between the two houses, section 21, chapter 2, as reported by the commissioners, be amended by inserting before the word "twenty," in line 1, the words "not exceeding."

W. LARRABEE,

JAMES A. YOUNG,

Conferees on the part of the Senate.

W. C. EVANS,

J. H. FREEMAN,

B. J. HALL,

Conferees on the part of the House.

On the question, "Shall the Senate adopt the report of committee of conference?"

The yeas were—

Senators Allen, Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Havens, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Rumble, Russell, Shane, Smith, Taylor, Vale, West, Willett, Wonn, and Young—38.

The nays were—

Senators Atkins, Fitch, and Richards—3.

Absent or not voting—

Senators Gault, Howland, Ireland, Kinne, Leavitt, McCoid, Read, Stone, and Stuart—9.

So the report was concurred in.

Consideration of House amendments to title 10 resumed.

Senator Rumble moved to amend by adding to end of 9th House amendment the words "except as to double damages."

Which was agreed to.

On the question to concur in the 9th amendment as amended.

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Hurley, Kephart, Larrabee, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Miles, Murray, Richards, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, and Wonn—38.

The nays were—

Senators Allen, Atkins, and Young—3

Absent or not voting—

Senators Gault, Howland, Ireland, Kinne, Leavitt, Lovell, Merrill, Read, and Stone—9.

So the amendment was 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 resolutions in which the concurrence of the Senate is asked:

Joint resolution relative to the appointment of an agent to collect moneys due the state of Iowa.

Joint resolution authorizing the Governor to appoint delegates to attend the agricultural congress to be held at Indianapolis, Indiana, May next.

Also the House has adopted concurrent resolution authorizing the commissioners of the Anamosa penitentiary to sell rock that may be taken out by convict labor.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator West moved to reconsider the vote by which the Senate refused to amend 8th House amendment.

Carried.

Question being to strike out after the word "regulation" in 4th line down to and including the word "section" in 6th line of 8th House amendment, was agreed to

On the question "Shall the Senate concur in 7th, 8th, 11th, and 12th, House amendments?"

The yeas were—

Senators Atkins, Beardsley, Boomer, Campbell, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Havens, Hurley, Kephart, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, Miles, Richards, Rumple, Smith, Stuart, Taylor, Vale, West, Willett, and Wonn—32

The nays were none.

Absent or not voting—

Senators Allen, Bemis, Burke, Chambers, Gault, Howland, Ireland, Kinne, Larrabee, Leavitt, McNutt, Merrill, Murray, Read, Russell, Shane, Stone and Young—18.

So the amendments were concurred in.

Senator Converse offered the following resolution:

Resolved, That a committee of investigation be appointed whose duty it shall be to ascertain and report whether the railroad companies have, at any time, been engaged in importing into this state any contagious disease, by which any member of this General Assembly has been prevented from attending to his duties on account of the sickness of any member of his family at a time when the railroad tariff bill was under consideration.

And, also to inquire if said companies, their agents, attorneys or employees, have, at any time, manufactured telegraphic reports to induce any member to leave his post at a time when his vote was necessary to pass a law regulating the charges for transporting freight upon railways.

Senator McCoid moved to refer the resolution to a select committee of which Senator Richards should be chairman.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Boomer, Claussen, McCoid, Taylor, and Young—5.

The nays were—

Senators Allen, Atkins, Beardsley, Bemis, Burke, Campbell, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Hurley, Kephart, Lowry, Maxwell, McCormack, McCulloch, McIntyre, McNutt, Miles, Richards, Rumple, Smith, Stuart, Vale, West, and Wonn—29.

Absent or not voting—

Senators Chambers, Gault, Havens, Howland, Ireland, Kinne, Larrabee, Leavitt, Lovell, Merrill, Murray, Read, Russell, Shane, Stone, and Willett—16.

So the motion to commit was lost.

On motion of Senator Shane the resolution was laid upon the table.

House messages were then taken up.

House File No. 35, A bill for an act to legalize the organization of the town of Missouri Valley, Iowa, and the acts of the trustees, mayor, and recorder of said town, was taken up.

Read first and second times, and on motion of Senator Atkins the 11th rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bemis, Boomer, Burke, Campbell, Converse, Crary, Dague, Dysart, Fairall, Fitch, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, Merrill, Miles, Murray, Richards, Rumble, Smith, Stuart, Vale, West, Willett, and Wonn—34.

The nays were none.

Absent or not voting—

Senators Chambers, Claussen, Dashiell, Gault, Havens, Howland, Ireland, Kinne, Leavitt, McNutt, Read, Russell, Shane, Stone, Taylor, and Young—16.

So the bill passed and the title was agreed to.

H. F. No. 34, "A bill for an act to legalize the sale of lands sold by school fund to Otis Bigelow, in Clayton county, Iowa, was taken up read first and second time and referred to committee on judiciary.

H. F. No. 36, "A bill for an act to legalize certain legal proceedings" was taken up, read first and second time, and referred to committee on judiciary.

Senator Converse, from the committee on enrolled bills, submitted the following report:

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

H. F. No. 33, "A bill for an act to legalize the levy of taxes in the town of Hamburg, Fremont county, Iowa.

S. F. No. 29, "A bill for an act to enable the school directors of the independent school of Muscatine to use a portion of the contingent fund for school house purposes."

S. F. No. 33, "A bill for an act to legalize the formation of the independent school district of Storm Lake, Buena Vista county, Iowa."

Also, joint resolution authorizing the capitol commissioners to employ one of their number as overseer of the work upon the capitol building.

A. CONVERSE, *Chairman*.

House joint resolution in relation to appointment of an agent to

collect claims in favor of the State, was taken up, read first and second time and referred to the committee on judiciary.

Sheator McIntyre moved to prolong the morning session 10 minutes.

Carried.

Senator Vale from the committee of conference on the disagreeing votes of the two houses, on H. F. No. 23, title 23, submitted the following report:

To the President of the Senate:

The committee of conference on the disagreeing votes of the two houses on H. F. No. 23, title 23, relative to compensation of public officers, have met, and after full and free conference, have agreed to and do now report to their respective houses, the following:

1st. That the House recede from its non-concurrence in Senate amendments on section 13, chapter 1.

2d. That the Senate recede from its amendment to section 15, chapter 1, and restore the original text.

3d. That the Senate recede from its amendment, striking out section 16, chapter 1, and restore the section.

4th. That the Senate recede from its amendment to section 17, chapter 1, and restore the original text.

5th. That the Senate recede from its amendment in section 23.

6th. That the Senate recede from its amendment to section 8, chapter 2.

7th. That the House concur in the Senate amendment in line 6, section 4, chapter 3.

8th. That the House concur in the Senate amendment in line 3, section 18, chapter 3.

9th. That the House concur in Senate amendment in line 4, section 18, chapter 3.

J. G. VALE,
SAMUEL McNUTT,
J. S. McCORMACK,

Conferees on part of the Senate.

GEO. H. GEAR,
JOHN BERESHEIM,
L. L. AINSWORTH,

Conferees on part of the House.

On the question, "Shall the report of the conference committee on title 23 be adopted?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bemis, Boomer, Campbell Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch Hurley, Kephart, Larrabee, Lovell, Maxwell, McCoid, McCormack

McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Richards, Rumple, Russell, Shane, Smith, Taylor, Vale, West, Willett, and Young—37.

The nays were none.

Absent or not voting—

Senators Burke, Chambers, Gault, Havens, Howland, Ireland, Kinne, Leavitt, Lowry, Read, Stone, Stuart, and Wonn—13.

So the report was adopted.

House joint resolution in relation to appointing delegate to the agricultural congress at Indianapolis, Indiana, was taken up, read first and second time, and on motion of Senator Fitch, 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, Claussen, Converse, Crary, Dague, Dashiell, Fairall, Fitch, Hurley, Kephart, Lovell, Lowry, McCoid, McIntyre, Merrill, Murray, Richards, Russell, Smith, West, and Young—22.

The nays were—

Senators Bemis, Campbell, Dysart, McCormack, McCulloch, Miles, Shane, Taylor, and Vale—9.

Absent or not voting—

Senators Beardsley, Boomer, Burke, Chambers, Gault, Havens, Howland, Ireland, Kinne, Larrabee, Leavitt, Maxwell, McNutt, Read, Rumple, Stone, Stuart, Willett, and Wonn—19.

So the joint resolution not having received a constitutional majority was lost.

At 12:10 A. M., the Senate adjourned until 2 o'clock.

AFTERNOON SESSION.

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

Subject under consideration being H. F. No. 32, "A bill for an act to provide for the publication, indexing and distributing the code.

The question being on Senator Fairall's amendment to section 12.

Senator Converse offered the following substitute for section 12:

The executive council shall fix the time when the publication of the code must be completed, and it shall be the duty of said state officers to furnish the paper, and of the editor of the code to furnish the copy to the contractor in due time to enable him to complete his work by the time so fixed.

Senator Murray moved a call of the Senate, which was seconded.

Senator Havens was excused, also various Senators were excused, being absent on committee.

Senator Fairall moved that further proceedings under the call be dispensed with.

Carried.

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:

H. F. No. 33, "A bill for an act to legalize the levy of taxes in the town of Hamburg, Fremont county, Iowa."

S. F. No. 29, "A bill for an act to enable the school directors of the independent school district of Muscatine, Iowa," &c.

S. F. No. 33, "A bill for an act to legalize the formation of the independent school district of Storm Lake, Iowa."

Joint resolution authorizing the capitol commissioners to employ one of their number as overseer of the work upon the capitol building.

BENJ. VAN STEINBURG, *First Ass't Clerk*.

On the adoption of Senator Converse's substitute for H. F. No. 32, the yeas and nays were demanded, and

The yeas were—

Senators Bemis, Boomer, Campbell, Chambers, Converse, Dashiell, Lovell, Murray, Richards, Shane, Taylor, Vale, and West—13.

The nays were—

Senators Allen, Atkins, Beardsley, Burke, Claussen, Crary, Dague, Fairall, Fitch, Hurley, Kephart, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Rumple, Russell, Smith, Stuart, Willett, Wonn, and Young—27.

Absent or not voting—

Senators Dysart, Gault, Havens, Howland, Ireland, Kinne, Larabee, Leavitt, Read, and Stone—10.

So the substitute was lost.

On the adoption of Senator Fairall's amendment the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Crary, Dague, Fairall, Fitch, Lowry, McCoid, McIntyre, Murray, Russell, Smith, Taylor, and Wonn—14.

The nays were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Dashiell, Hurley, Kephart, Lovell, Maxwell, McCormack, McCulloch, McNutt, Merrill, Miles, Richards, Rumple, Shane, Stuart, Vale, West, and Willett—25.

Absent or not voting—

Senators Dysart, Gault, Havens, Howland, Ireland, Kinne, Larabee, Leavitt, Read, Stone, and Young—11.

So the amendment was lost.

Senator Beardsley moved to amend Senator Shane's amendment to section 5, as follows: "These copies shall be the first bound by the state binder, and immediately upon their completion the secretary of state shall send them to those entitled thereto" which was adopted.

Senator Converse offered the following substitute for section 5.

The executive council shall secure the publication of said code by letting the contract for printing the same to the lowest and best responsible bidder, the printing to be done with fresh new type of the same kind as that used in the revision of 1860, and the binding shall be done in the same manner, and with the same kind of material, all the work to be done within the state of Iowa.

The person receiving such contract shall execute a bond for the faithful performance of the work in such sum and with such sureties as the executive council may deem necessary.

On this question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Boomer, Converse, Crary, Dague, Fairall, Lovell, McCoid, McCulloch, McNutt, Richards, Russell, Shane, Stuart, Vale, and Wonn—16.

The nays were—

Senators Atkins, Beardsley, Bemis, Burke, Campbell, Chambers, Claussen, Dashiell, Dysart, Fitch, Hurley, Kephart, Larrabee, Lowry, Maxwell, McCormack, McIntyre, Merrill, Miles, Murray, Rumple, Smith, Taylor, West, Willett, and Young—26.

Absent or not voting—

Senators Gault, Havens, Howland, Ireland, Kinne, Leavitt, Read, and Stone—8.

So the substitute was lost.

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 substitute for Senate File No. 27, in which the concurrence of the Senate is asked:

Substitute for Senate File No. 27, A bill for an act to preserve the funds of state institutions.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

By permission, Senator Larrabee from the committee on ways and means, introduced the following bill:

S. F. No. 35, A bill for an act to provide for the per diem, postage and other expenses of the adjourned session of the 14th General Assembly.

Read first and second time and on motion of Senator Larrabee the 11th rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bemis, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Richards, Rumble, Russell, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—40.

The nays were—

Senator Shane—1.

Absent or not voting—

Senators Boomer, Gault, Havens, Howland, Ireland, Kinne, Leavitt, Read, and Stone—9.

So the bill passed and the title was agreed to.

Senator Converse 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:

An act to legalize the acts of the independent district of Maquoketa, Jackson county, Iowa.

Joint resolution in relation to the corner stone of the new capitol.

A. CONVERSE, *Chairman.*

Consideration of H. F. No. 32, relating to the printing, &c., of the code was resumed.

On motion of Senator Hurley, the 11th rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bemis, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Fairall, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Richards, Rumble, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—37.

The nays were—

Senators Atkins, and Fitch—2.

Absent or not voting—

Senators Allen, Dysart, Gault, Havens, Howland, Ireland, Kinne, Leavitt, Read, Russell, and Stone—11.

So the bill passed and the title was agreed to.

On motion of Senator Hurley, joint resolution, relating to the appointment of agents to collect claims in favor of the state, &c., was taken up, and the 11th rule was suspended and the joint resolution read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Atkins, Beardsley, Bemis, Burke, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, Merrill, Miles, Murray, Rumple, Russell, Shane, Smith, Taylor, Vale, West, Willett, Wonn, and Young—35.

The nays were—

Senators Campbell, Richards, and Stuart—3.

Absent or not voting—

Senators Allen, Boomer, Chambers, Gault, Havens, Howland, Ireland, Kinne, Leavitt, McNutt, Read, and Stone—12.

So the joint resolution passed and the title was agreed to.

Senator Hurley, from the committee on judiciary, submitted, the following report:

MR. PRESIDENT—Your committee on judiciary, to whom was referred H. F. No. 36, "A bill for an act to legalize certain judicial proceedings, 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.

JAMES S. HURLEY, *Chairman.*

On motion of Senator Hurley, the bill was taken up and the 11th rule suspended and the bill read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bemis, Campbell, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Hurley, Kephart, Larrabee, Lovell, Maxwell, McCoid, McCormack, McCulloch, McIntyre, McNutt, Merrill, Miles, Murray, Richards, Rumple, Russell, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—36.

The nays were—

Senator Shane—1.

Absent or not voting—

Senators Beardsley, Boomer, Burke, Chambers, Gault, Havens, Howland, Ireland, Kinne, Leavitt, Lowry, Read, and Stone—13.

So the bill passed, and the title was agreed to.

Senator Hurley from the committee on judiciary, submitted the following report:

MR. PRESIDENT :—Your committee on judiciary, to whom was referred House File No. 34, a bill for an act to legalize the sale of land sold by school fund to Otis Bigelow in Clayton 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.

JAS. S. HURLEY, *Chairman.*

On motion of Senator Hurley, the bill was taken up considered, and the 11th rule suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Crary, Dagne, Dashiell, Fairall, Fitch, Hurley, Kephart, Larrabee, Lovell, Lowry, Maxwell, McCoid, McCulloch, McIntyre, Merrill, Miles, Murray, Rumble, Russell, Smith, Taylor Wonn, and Young—26.

The nays were—

Senators Bemis, Campbell, Claussen, Converse, McCormack, Richards, Stuart, Vale, West, and Willett—18.

Absent or not voting—

Senators Boomer, Burke, Chambers, Dysart, Gault, Havens, Howland, Ireland, Kinne, Leavitt, McNutt, Read, Shane, and Stone—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 am directed to inform your honorable body that the House of Representatives has adopted the report of the committee of conference on H. F. No. 23, title 23.

BENJ. VAN STEINBURG, *First Ass't Clerk*.

Senator Converse, 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, to-wit:

H. F. No. 33, A bill for an act to legalize the levy of taxes in the town of Hamburg, Fremont county, Iowa.

S. F. No. 29, A bill for an act to enable the school directors of the independent district of Muscatine, to use a portion of the contingent fund for school house purposes.

S. F. No. 33, A bill for an act to amend chapter 175, of the acts of the 14th General Assembly, approved April 22d, 1872.

S. F. No. 30, A bill for an act to legalize the formation of the independent school district of Storm Lake, Buena Vista county, Iowa.

Also, joint resolution authorizing the capitol commissioners to employ one of their number as overseer of the work upon the capitol building.

A. CONVERSE, *Chairman*.

Senator Dysart, from the committee of conference appointed on the disagreeing votes of both houses, on S. F. No 26, submitted the following report:

MR. PRESIDENT—The committee of conference appointed to consider the disagreement of the two houses on S. F. No. 26, met, and after a full and free conference on the points at issue, were unable to agree.

J. DYSART,
B. F. MURRAY,
W. LARRABEE,
On part of the Senate.

S. T. CALDWELL,
JAS. L. WILLIAMS,
On part of the House.

House messages were taken up.

S. F. No. 27, A bill for an act to preserve the funds of the state institutions, with House amendments thereto, was taken up and considered.

Senator Shane moved that the Senate do not concur in House amendment to section 1.

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 insists on its amendment to title 10, and appoints Messrs. Evans, Freeman, and Hewett, committee of conference on part of the House, and asks a like committee on part of the Senate.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Murray moved to take up House Messages. Carried.

Senator Murray moved a second committee of conference on title 10.

Which was agreed to.

Senator Converse 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 and joint resolution:

Joint resolution in relation to the corner stone of the foundation of the new capitol building.

Also, Senate File No. 28, A bill for an act to legalize the acts of the board of directors of the independent school district of the city of Maquoketa, in Jackson county, state of Iowa.

House File No. 17 title 17, A bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction.

Also, that they have examined the following bill and find the same correctly enrolled:

House File No. 17, title 17, A bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction.

A. CONVERSE, *Chairman*.

Consideration of S. F. No. 27 was resumed.

Senator Shane's motion was agreed to.

On the question, "Shall the Senate concur in the remaining House amendments?"

The yeas were—

Senators Allen, Beardsley, Campbell, Crary, Dague, Hurley, Kephart, Leavitt, Lovell, Lowry, Maxwell, McCormack, McCulloch, McIntyre, Merrill, Miles, Murray, Rumple, Russell, Shane, Smith, Taylor, Vale, West, Willett, Wonn, and Young—27.

The nays were—

Senators Converse, and Richards—2.

Absent or not voting—

Senators Atkins, Bemis, Boomer, Burke, Chambers, Claussen, Dashiell, Dysart, Fairall, Fitch, Gault, Havens, Howland, Ireland, Kinne, Larrabee, McCoid, McNutt, Read, Stone, and Stuart—21.

So the Senate concurred in the remaining House amendments.

The chair announced as committee of conference on the disagreeing votes of the two houses on title 10, Senators Murray Beardsley and Kephart.

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:

H. F. No. 17, title 17, "A bill for an act relating to procedure in courts of original jurisdiction.

Also, House has concurred in Senate amendment to House File No. 32.

Also, the House has appointed Messrs. Beresheim, Van Sann and O'Donnell, committee of conference on S. F. No. 26, and ask appointment of like committee on part of Senate.

BENJ. VAN STEINBURG, *First Ass't Clerk*.

The chair appointed as a committee of conference on S. F. No. 26, Senators McNutt, Crary and, Allen.

Senator Converse, 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:

Title 17, "An act to revise, amend and codify the statutes in relation to courts of original jurisdiction.

A. CONVERSE, *Chairman.*

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 refused to concur in Senate amendments to substitute for S. F. No. 27.

JNO. J. SAFELY, *Chief Clerk.*

The Senate insisted on its amendments to substitute for S. F. No. 27, and the President appointed as a committee on conference, Senators Lowry, Shane and Lovell.

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. Hall, Ainsworth and Leahy, committee of conference on substitute for Senate File No. 27.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Murray submitted the following report from the committee of conference on title 10.

MR. PRESIDENT—The committee of conference on title 10, report that they have met, and have agreed upon the following report:

1st. That the House recede from all its amendments that have not been concurred in by the Senate, except section designated as section 44, included in the 13th amendment of the House.

2d. That the House concur in the Senate amendment to the 9th amendment of the House.

3d. That the Senate concur in the amendment of the House designated as section 44, in 13th amendment of the House.

B. F. MURRAY,
CHARLES BEARDSLEY,
E. B. KEPHART,
On the part of the Senate.

W. C. EVANS,
J. H. FREEMAN,
S. B. HEWETT,
On the part of the House.

On the question, "Shall the Senate concur in the report of the committee of conference?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bemis, Claussen, Converse, Crary, Dague, Dashiell, Fairall, Fitch, Hurley, Kephart, Larrabee, Leavitt, Lovell, Lowry, McCoid, McIntyre, Merrill, Miles, Murray, Russell, Smith, Stuart, Taylor, Wonn, and Young—28.

The nays were—

Senators Burke, Campbell, Dysart, Maxwell, McCormack, McCulloch, Richards, Rumble, Vale, West, and Willett—11.

Absent or not voting—

Senators Boomer, Chambers, Gault, Havens, Howland, Ireland, Kinne, McNutt, Read, Shane, and Stone—11.

So the report was 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 adopted the report of the conference committee on title 10.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Murray moved to adjourn, which was lost.

Senator Lowry, from the committee of conference on S. F. No. 27, submitted the following report:

To the President of the Senate:

The committee of conference on the disagreeing votes of the two houses on substitute for Senate File 27, having met, after a full and free conference, have agreed to and do now report and recommend:

That the Senate recede from its amendment striking out the written part of section 1. And that section 1 be amended by inserting after the word "otherwise" in the 14th line the following:

Provided, That any institution by its properly authorized executive committee may on the 1st day of each month draw not to exceed \$1,000, to meet contingent expenses for the ensuing month, but in no case shall they have on hand at any one time more than \$1,000, including balance of the preceding month unexpended.

ROBERT LOWRY,

JNO. SHANE,

GEORGE W. LOVELL,

Conferees on the part of the Senate.

B. J. HALL,

L. L. AINSWORTH,

M. A. LEAHY,

Conferees on the part of the House.

On the question, "Shall the Senate adopt the report of the conference committee,"

The yeas were—

Senators Atkins, Burke, Claussen, Dague, Fitch, Hurley, Larrabee, Leavitt, Lovell, Maxwell, McCoid, Miles, Russell, Shane, Smith, Vale, West, Wonn, and Young—19.

The nays were—

Senators Beardsley, Bemis, Campbell, Converse, Dashiell, Dysart, Fairall, Kephart, Lowry, McCormack, McCulloch, McIntyre, Murray, Richards, Rumble, Stuart, Taylor, and Willett.—18

Absent or not voting—

Senators Allen, Boomer, Chambers, Crary, Gault, Havens, Howland, Ireland, Kinne, McNutt, Merrill, Read, and Stone—13.

So the Senate refused to adopt the report.

Senator Lowry moved to reconsider the vote by which the Senate refused to adopt the report.

Senator Willett moved to lay the motion to reconsider on the table. Lost.

On Senator Lowry's motion to reconsider, the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Burke, Claussen, Dague, Fairall, Fitch, Hurley, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McCulloch, McIntyre, Miles, Shane, Smith, Vale, West, Wonn, and Young—23.

The nays were—

Senators Bemis, Campbell, Dashiell, McCormack, Murray, Richards, Stuart, Taylor, and Willett—9.

Absent or not voting—

Senators Allen, Boomer, Chambers, Converse, Crary, Dysart, Gault, Havens, Howland, Ireland, Kephart, Kinne, McNutt, Merrill, Read, Rumble, Russell, and Stone—18.

So the motion prevailed.

Senator Converse, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT—The committee on enrolled bills ask leave to report that they have this day presented the following bills to the Governor for his approval:

S. F. No. 31, "A bill for an act to legalize the ordinances of the town of Newton."

S. F. No. 34, "A bill for an act to legalize the incorporation of town of Osage, Iowa, and the election of officers of said incorporation."

Also, that they have examined the following bills and find the same correctly enrolled:

S. F. No. 31, "A bill for an act to legalize the ordinances of the town of Newton."

S. F. No. 34, "A bill for an act to legalize the incorporation of

the town of Osage, Iowa, and the election of officers of said incorporation.

A. CONVERSE, *Chairman*.

The question being on the adoption of the report of the conference committee on S. F. No. 27,

The yeas were—

Senators Allen, Atkins, Beardsley, Boomer, Burke, Claussen, Crary, Dague, Fairall, Hurley, Larrabee, Leavitt, Lovell, Lowry, McCoid, McIntyre, McNutt, Merrill, Miles, Russell, Shane, Smith, Vale, West, Wonn, and Young—26.

The nays were—

Senators Bemis, Campbell, Converse, Dashiell, Dysart, Kephart, Maxwell, McCormack, McCulloch, Murray, Richards, Rumple, Stuart, Taylor, and Willett—15.

Absent or not voting—

Senators Chambers, Fitch, Gault, Havens, Howland, Ireland, Kinne, Read, and Stone—9.

So the report was adopted.

Senator Burke submitted the following report from the investigating committee:

The committee appointed to ascertain and report to the Senate, First: The name of the writer of the following article:

CONSISTENCY! WHAT A JEWEL.

"The Register is continually slangwhanging somebody, either holding office or even private citizens, for holding stock in some railroad, and attempting to raise the insinuation that they are corrupt, and have been bought, &c.; but it is exceeding careful to fly to the defense of its "Dad" when the least insinuation is raised about his complicity with railroads and the legislature. Mr. Allen, who owns the Register, or holds a mortgage on it for twice its value, dictates its columns to work for the lobby interests of the railroads of Iowa. He orders them to defend the encroachments of the Rock Island, and to defend him while owning a million of its stock, and a similar amount in the Northwestern, and being the "Dad" of the Indianola and Winterset roads, to not only vote for and defend the interests he has, but to pay a lobby to defeat every project which the people demand.

Will the Register tell us how much money its "Dad" paid for lobbyist and otherwise to defeat the tariff bill of the people a year ago? Did he not hold and disburse a fund of \$68,000, contributed by the various railroads for the defeat of the tariff bill of last winter, in the Senate? Come now, speak out. Don't be afraid of your "Dad," and be honest.

Let us turn up a little "subsoil." The next Mr. Editor, with your consent, may touch upon the use of the State funds.

ONE THAT KNOWS.

Which article was published in the Des Moines Republican, Feb. 10, 1873.

Second. The facts upon which the writer based the charges therein made, respectfully submit the following report :

The committee examined the following named witnesses:

G. W. Edwards, Editor of the Des Moines Republican, Ex-Gov. Merrill, J. K. Graves, and Geo. C. Tichenor.

The committee were unable to learn that any person or persons other than those above named had any knowledge of the matter under investigation.

Mr. Edwards testified that he did not know who wrote the article in question, that the article was handed to him for publication by a person, whose name he refuses to give. Ex-Gov. Merrill admitted that he knew the author, but he refused to tell who he was. Your committee have therefore been unable to ascertain the name of the writer of the article.

Your committee further report that the evidence taken by them fails to show that the charges made in the article, either directly, or by implication, are true.

The testimony taken by the committee is herewith submitted.

JOHN E. BURKE,
SAMUEL McNUTT,
SAM. H. FAIRALL,
JOSEPH DYSART,
ALBERT BOOMER.

Senator Willett moved that the report be adopted and the committee discharged. Carried.

Senator Chambers, from the committee on conference on title 11, submitted the following report :

MR. PRESIDENT—The committee of conference on the disagreeing vote on Senate and House amendments to title 11, submit the following report, viz: They recommend,

1st. That the following be substituted for section 9, chapter 4, (page 20):

“In the case mentioned in the preceeding section, when one of the owners desires to throw open any portion of his field, not less than twenty feet in width, and leave it uninclosed, to be used in common by the public, he shall first give the other party six months notice thereof.”

2d. That the Senate recede from its amendment to section 20, chapter 4, (page 21.)

3d. That the House recede from its amendment to section 17, chapter 6, (page 26.)

4th. That the Senate recede from its amendments to the following sections, 34, 35, 36, and 38, of chapter 6, (page 30 and 31.)

The committee recommend to strike out of chapter 9, section 1, line 3, the words, "hereafter on the first Monday of January, April, July and October in each year," and strike out of line 4, in same section the words, "on that day," and insert "as hereinafter provided," and strike out "may" in line 5 of section 2, chapter 9, and insert the word "shall."

J. C. CHAMBERS,

H. R. CLAUSSEN,

A. BOOMER,

Conferees on the part of the Senate.

F. T. CAMPBELL,

C. CLOSE,

S. T. CALDWELL,

Conferees on the part of the House.

The President submitted the following communication to the Senate:

CITIZENS NATIONAL BANK, }
DES MOINES, IOWA, February 20, 1873. }

To the President of the Senate:

SIR—For the honor of the state, we should regret very much to find the members of the General Assembly subject to personal inconvenience, for the want of money in the treasury at this juncture. They have honorably refused to give precedence to the warrants for their own pay. We beg you, therefore, to advise the members of your honorable body, that the warrants for their compensation will be cashed at par at the counter of the Citizens National Bank, if presented by members on either Thursday or Friday of this week.

Very respectfully, for the directors of the bank,

SAMUEL MERRILL, *President.*

On the question, "Shall the Senate concur in the report of conference committee on title 11,"

The yeas were—

Senators Beardsley, Bemis, Boomer, Campbell, Chambers, Clausen, Converse, Crary, Dague, Dashiell, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McColloch, McIntyre, Miles, Rumble, Russell, Shane, Smith, Taylor, Vale, West, Willett, Wonn, and Young—29.

The nays were—

Senators Atkins, Burke, Dysart, Fairall, Fitch, Hurley, McCormack, Richards, and Stuart—9.

Absent or not voting—

Senators Allen, Gault, Havens, Howland, Ireland, Kephart, Kinne, McNutt, Merrill, Murray, Read, and Stone—12.

So the report was concurred in.

Senator Richards offered a joint resolution providing for the collection of transportation statistics, &c.

The resolution was read first and second time, and on motion of Senator Maxwell the 11th 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, Bemis, Boomer, Burke, Campbell, Converse, Crary, Dague, Dashiell, Dysart, Fairall, Fitch, Hurley, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McIntyre, Miles, Richards, Rumple, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—37.

The nays were none.

Absent or not voting—

Senators Chambers, Claussen, Gault, Havens, Howland, Ireland, Kephart, Kinne, McNutt, Merrill, Murray, Read, and Stone—13.

So the joint resolution passed, and the title was agreed to.

Senator McNutt from the committee of conference on S. F. No. 26, submitted the following report :

To the President of the Senate,

The committee of conference on the disagreeing votes of the two houses, on Senate File, No. 26, report that they have had the same under consideration, and after a full and free conference report to their respective houses the following:

1st. That the house adopted the Senate bill with the following amendments, viz:

2d. Insert in section 2, of Senate File, after the word "indorsement," in the 6th line, the words, "also keeping a record of the names of the party or parties presenting such warrants, with their post office address."

3d. Insert in the same section, in the 15th line, after the word "government," the words, "and by mailing notice to the holder or holders of such warrants."

SAMUEL MCNUTT,

B. F. ALLEN,

Conferees on the part of the Senate.

JOHN BERESHEIM,

GEO. B. VAN SAUN,

O. W. CRARY,

Conferees on the part of the House.

The question being on the adoption of the report of the committee.

The yeas were—

Senators Allen, Atkins, Beardsley, Bemis, Campbell, Claussen, Crary, Dague, Dashiell, Dysart, Fairall, Hurley, Kephart, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McNutt, Miles, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, West, Willett, Wonn, and Young—34.

The nays were—

Senators Burke and Converse—2.

Absent or not voting—

Senators Boomer, Chambers, Fitch, Gault, Havens, Howland, Ireland, Kinne, McIntyre, Merrill, Murray, Read, Richards, and Stone—14.

So the report 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 refused to adopt the report of the conference on title 11, and has appointed Messrs. Caldwell, Campbell and Close conference committee and ask a like committee on part of the Senate.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

The president appointed as 3d committee of conference on title 11, Senators Chambers, Claussen, and Boomer.

The committee, by leave, withdrew their report and amended it by inserting the words "the House recede from its disagreement to Senate amendments to section 17."

On the question, "Shall the Senate concur in the report of the 3d conference committee?"

The yeas were—

Senators Beardsley, Boomer, Burke, Campbell, Chambers, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Hurley, Kephart, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McCulloch, McIntyre, McNutt, Miles, Richards, Rumble, Russell, Shane, Smith, Taylor, Vale, West, Wonn, and Young—33.

The nays were—

Senators Atkins, Fitch, and McCormack—3.

Absent or not voting—

Senators Allen, Bemis, Fairall, Gault, Havens, Howland, Ireland, Kinne, Merrill, Murray, Read, Stone, Stuart, and Willett—14.

So the Senate concurred in the report.

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 adopted the report of the committee of conference on title 11.

Also, S. F. No. 35, "A bill for an act making appropriations for per diem and expenses of the 14th General Assembly, with the following amendments:

Section 4. Insert after "fees" in second line, the words, "and other expenses," and add at the end of said section, "to be paid on certificate of the chairman or clerk of said committee."

Section 5. Add at the end thereof the words "to be paid on certificate of chairman or clerk of said committee."

Section 9. Amend by striking out all after the word "company" and insert "the amount due for telegrams ordered in the Rankin investigation, to be paid on certificate of chairman of said committee."

Section 10. Add at end of section the following: "For ninety-seven subscriptions for school journals, supplied to county superintendents under school law, one hundred and one dollars and five cents."

Section 11. Strike out section 11 and insert the following: To the postmaster at Des Moines for postage on transient matter delivered to members of the 14th General Assembly at the adjourned session the amount necessary therefor, to be paid upon a voucher in due form, sworn to by said postmaster.

Add the following sections:

Section 14 $\frac{1}{4}$. For mileage of C. C. Wilson, member of the House from Keokuk county, \$30.00, of E. R. Duffy, member of the House from Sac county, \$42.00, of A. Yerger, member of the House from Greene county, \$18.00, of D. B. Hanan, member of the House from Chickasaw county, \$67.50.

Section 14 $\frac{1}{2}$. For compensation of Ed Wright, chief of enrolling corps, at the rate of ten dollars per day, and of extra enrolling clerks, at the rate of five dollars per day, the amount necessary therefor to be paid out of the amount appropriated in section two of this act on certificate of Ed Wright aforesaid.

Section 14 $\frac{3}{4}$. For expenses of short hand reporter in the third Senate investigating committee for three days, the sum of twenty-four dollars.

BENJ. VAN STEINBURG, *First Ass't Clerk*.

House messages taken up.

S. F. No. 35, A bill for an act to provide for the per diem, etc., of the members of the adjourned session of the 14th General Assembly with House amendments was taken up.

Senator Larrabee moved to amend section 14 $\frac{1}{4}$, House amend-

ments, by inserting the names of Senators Lovell and Rumple as entitled to mileage; Senator Rumple, \$30.00; Senator Lovell, \$66.00; which was agreed to.

Senator Burke moved to amend section 14½ by adding \$10.00 for copy furnished by short hand reporter. Carried.

Senator Larrabee offered an additional section allowing \$72.00 to postmaster for pay due last session.

Adopted.

On the question, "Shall the Senate concur in the House amendments as amended?"

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Burke, Claussen, Converse, Crary, Dague, Dashiell, Dysart, Fitch, Hurley, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McCulloch, McIntyre, Miles, Rumple, Russell, Smith, Taylor, Vale, West, Willett, Wonn, and Young—31.

The nays were—

Senators Campbell, McCormack, Richards, and Shane—4.

Absent or not voting—

Senators Allen, Chambers, Fairall, Gault, Havens, Howland, Ireland, Kephart, Kinne, McNutt, Merrill, Murray, Read, Stone, and Stuart—15.

So the Senate concurred in the House amendments as amended,

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 refused to adopt the report of the second conference committee on Senate File No. 26.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

House Messages taken up.

Chair appointed as committee of conference on S. F. No. 26, Senators Leavitt, Atkins and Richards.

Senator Larrabee introduced S. F. No. 36, A bill for an act to provide for the erection of a new capitol.

Read first and second time.

Senator Campbell moved to postpone consideration of the bill until to-morrow morning. Carried.

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 adopted the Senate amendment to House amendments to S. F. No. 35, and has appointed

Messrs. Beresheim, Clarke of Iowa, and Cadwell, conference committee on part of the House, on S. F. No. 26.

BENJ. VAN STEINBURG, *First Ass't Clerk*.

Senator Richards moved to reconsider the vote by which the consideration of S. F. No. 36 was postponed until to-morrow morning, pending which, at 6:15 P. M., on motion of Senator Taylor, the Senate adjourned.

SENATE CHAMBER,
DES MOINES, February 20, 1873. }

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

Prayer by the Rev. Dr. Murphy.

On motion of Senator Fairall, 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 in which the concurrence of the Senate is asked:

H. F. No. 37, A bill for an act to legalize the acts of the independent district of Rutland, Iowa.

H. F. No. 38, A bill for an act to legalize the acts of the Logan Town Company.

BENJ. VAN STEINBURG, *First Ass't Clerk*.

Senator Lowry offered the following resolution, which was unanimously adopted.

Resolved, That the thanks of the Senate are justly due, and are hereby tendered to the President of the Senate, Lieutenant Governor Bulis, for the courteous, impartial and able manner in which he has discharged his duties as presiding officer of the Senate.

Senator Shane offered the following resolution:

1. *Resolved*, That the thanks of the Senate are due, and are hereby cheerfully and heartily tendered to Capt. J. A. T. Hull, Secretary of the Senate, and to Col. W. L. Vestal, and Capt. C. V. Gardiner, 1st and 2d assistant Secretaries, for the able and faithful performance of their duties, and for their gentlemanly and courteous conduct in the discharge of these duties.

2. *Resolved*, That these resolutions be spread upon the journals of the Senate.

Resolution unanimously adopted.

Senator Leavitt, from the committee on conference on S. F. No. 26, submitted the following report:

MR. PRESIDENT—Your committee of conference, on the disagreeing votes of the two houses, on S. F. No. 26, after a full conference, agreed to report, and do report as follows:

That the accompanying substitute be adopted in lieu of the bill and House substitute, and do pass.

JOHN H. LEAVITT,
B. B. RICHARDS,
CHAS. ATKINS.

On part of the Senate.

P. CADWELL,
JOHN BERESHEIM,
J. C. CLARKE,

On part of the House.

On the question, "Shall the report of the committee be adopted?"

The yeas were—

Senators Atkins, Beardsley, Bemis, Burke, Campbell, Chambers, Claussen, Crary, Dysart, Fairall, Havens, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McNutt, Miles, Murray, Richards, Rumble, Russell, Shane, Smith, Taylor, Vale, West, Willett, Wonn, and Young—33.

The nays were—

Senator Boomer—1.

Absent or not voting—

Senators Allen, Converse, Dague, Dashiell, Fitch, Gault, Howland, Hurley, Ireland, Kephart, Kinne, McIntyre, Merrill, Read, Stone, and Stuart—16.

So the report of the conference committee was adopted.

Senator Wonn offered the following resolution which was adopted.

Resolved, That we commend our messenger boys and paper-folders for the fidelity and punctuality which they have shown in their places during the session, and trust they will prove as true to the duties of life.

H. F. No. 38, A bill for an act to legalize the incorporation of the town of Logan, Harrison county, was taken up, read first and second times, and on motion of Senator Atkins, the 11th rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Burke, Campbell,

Chambers, Claussen, Crary, Dashiell, Dysart, Fairall, Havens, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McNutt, Miles, Murray, Richards, Rumple, Russell, Shane, Smith, Taylor, Vale, Willett, Wonn, and Young—34.

The nays were none.

Absent or not voting—

Senators Allen, Converse, Dague, Fitch, Gault, Howland, Hurley, Ireland, Kephart, Kinne, McIntyre, Merrill, Read, Stone, Stuart, and West—16.

So the bill passed and the title was agreed to.

Senator McCoid offered the following resolution:

Resolved, That we follow with falling tears the out going Senators, as they go to that home from which *none* but grangers ever return "If you get there before we do, look out for us, we are coming to."

The resolution was unanimously adopted.

Senator Beardsley offered the following resolution, which was adopted.

Whereas, The General Assembly has had employed as permanent and temporary clerks several ladies, all of whom have discharged their respective duties in a thoroughly prompt and efficient manner, therefore, *Resolved*, That we cheerfully bear testimony to the ability and faithfulness of these clerks and express our judgment that the employment of ladies in this capacity is no longer an experiment, and that we cordially commend their employment to future general assemblies.

H. F. No. 37, A bill for an act to legalize the acts of the independent school district of Rutland township, Humboldt county, Iowa, was taken up, read first and second time, and on motion of Senator Dysart, the 11th rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bemis, Boomer, Campbell, Chambers, Claussen, Crary, Dashiell, Dysart, Fairall, Havens, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McNutt, Miles, Murray, Richards, Rumple, Russell, Shane, Smith, Stuart, Vale, Willett, Wonn, and Young—33.

The nays were none.

Absent or not voting—

Senators Allen, Burke, Converse, Dague, Fitch, Gault, Howland, Hurley, Ireland, Kephart, Kinne, McIntyre, Merrill, Read, Stone, Taylor, and West—17.

So the bill passed and the title was agreed to.

A joint resolution relating to excluding temporary acts passed at the adjourned session of the 14th General Assembly from the code, was read first and second time, and on motion of Senator

Maxwell, the 11th rule was suspended and the joint resolution read the third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Allen, Atkins, Bemis, Boomer, Campbell, Chambers, Claussen, Crary, Dashiell, Dysart, Fairall, Havens, Larrabee, Leavitt, Lovell, Lowry, Maxwell, McCoid, McCormack, McCulloch, McNutt, Miles, Murray, Richards, Rumble, Russell, Shane, Smith, Stuart, Taylor, Vale, Willett, Wonn, and Young—34.

The nays were none.

Absent or not voting—

Senators Beardsley, Burke, Converse, Dague, Fitch, Gault, Howland, Hurley, Ireland, Kephart, Kinne, McIntyre, Merrill, Read, Stone, and West—16.

So the joint resolution passed and the title was agreed to.

S. F. No. 36, A bill for an act to provide for the erection of a new capitol was taken up and on motion of Senator Maxwell the bill was indefinitely postponed.

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. 35, A bill for an act making appropriations for the per diem and expenses of the Fourteenth General Assembly, adjourned session, and for the other purposes.

Also, joint resolution in relation to the state agent, his duties, etc.

Senate File No. 31, A bill for an act to legalize the ordinances of the town of Newton.

Senate File No. 34, A bill for an act to legalize the incorporation of the town of Osage, Iowa, and the election of officers of said incorporation.

House File No. 36, A bill for an act to legalize certain judicial proceedings.

House File No. 35, A bill for an act to legalize the organization of the town of Missouri Valley, Iowa, and the acts of the trustees, mayor and recorder of said town.

House File No. 32, A bill for an act to provide for the publication, indexing and distributing the code passed at the adjourned session of the 14th General Assembly.

BENJ. VAN STEINEURG, *First Ass't Clerk.*

Senator Converse, 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, joint resolution in relation to publication of laws.

Also, a bill for an act legalizing the formation of an independent school district in Rutland township, Humboldt county, Iowa.

Also, that they have examined the following joint resolution and find the same correctly enrolled:

Joint resolution relative to the publication of the laws.

House File No. 37, A bill for an act legalizing the formation of an independent school district in Rutland, Humboldt county, Iowa.

A. CONVERSE, Chairman.

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

S. F. No. 9, title 10, A bill for an act to amend and codify the statutes in relation to internal improvements.

S. F. No. 22, title 12, A bill for an act to amend and codify the statutes in relation to education.

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

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

H. F. No. 35, A bill for an act to legalize the organization of the town of Missouri Valley, and the acts of the trustees, mayor and recorder of said town.

S. F. No. 35, A bill for an act making appropriations for the per diem and expenses of the 14th General Assembly, and for other purposes.

H. F. No. 34, A bill for an act to legalize the sale of land sold by school fund to Otis Bigelow.

H. F. No. 36, A bill for an act legalizing certain proceedings.

H. F. No. 32, A bill for an act to provide for the publication, indexing, and distributing of the code.

And a joint resolution relative to the appointment of an agent to collect from the United States certain moneys, etc.

A. CONVERSE, Chairman.

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 :

Resolution relating to printing the school law.

Also, the following :

MR. PRESIDENT—I herewith present for your signature the

following bills and joint resolution which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Title No. 11, A bill for an act in relation to the police of the state.

Title 12, A bill for an act in relation to education.

Title 23, A bill for an act in relation to compensation of officers.

H. F. No. 38, A bill for an act to legalize the acts of the town of Logan, in Iowa.

Joint resolution authorizing the Governor to procure statistics on the subject of railroads, &c.

Title No. 6, A bill for an act relating to revenue.

Title No. 10, A bill for an act relating to internal improvements.

H. F. No. 37, A bill for an act to legalize the formation of independent school district, in Rutland township, Humbolt county, Iowa.

Also, joint resolution to omit certain acts from the code.

JOHN J. SAFELY, *Chief Clerk.*

Senator Vale offered the following resolution, which was adopted:

WHEREAS, This General Assembly has failed to accomplish by legislative enactment a railroad rate of tariff law, and,

WHEREAS, the seventy thousand of honest, industrious producers of Iowa making this request has been unheeded by this Senate; and,

WHEREAS, these petitions are indicative of a "*power behind the throne*," therefore, be it

Resolved, by the Senate, That those petitions be delivered by the chairman of the committee on railroads to the Secretary of State, to be presented to the several members of the Senate of the 15th General Assembly from the districts from whence these petitions emanated, that this request may then be heard, heeded and granted by willing hands and generous hearted representative men of the people.

Senator Lowry offered the following resolution, which was adopted:

Resolved, That the thanks of the Senate are due and are hereby tendered to the newspaper reporters of the Senate for the efficient and impartial manner in which they have reported the proceedings of the Senate.

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 resolutions, in which the concurrence of the Senate is asked:

Joint resolution legalizing local acts.

Also, House has adopted joint resolution to enable the Governor to procure statistics on the subject of railroads.

Also, that the House has adopted the accompanying concurrent resolution, thanking Gen. Ed Wright and his corps of enrolling clerks for the efficient manner in which they have discharged their duties.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Fairall offered a concurrent resolution, providing for the printing and distribution of 10,000 copies of the school law.

Senator Maxwell moved to amend by inserting, "and road law." Lost.

Senator Fairall's resolution was adopted.

Senator Murray offered the following resolution, which was adopted:

Resolved, That from the depths of our depleted pockets, where the last dime now lies singing, "how sweetly I sleep here alone," we return to Ex-Gov. Merrill, our sincere thanks, for his generous offer to cash our State warrants at par, and that when this Senate adjourns, we will wait on said Ex.-Gov. Merrill in a body, singing, "This is the man we long have sought, and mourned because we found him not."

Resolved, That the Senator from Polk be requested to conduct the procession, and lead in singing.

The House concurrent resolution, tendering the thanks of the General Assembly, to Gen. Ed. Wright, and his corps of assistants, was taken up, and unanimously adopted.

Senator Vale offered the following resolution, which was adopted:

Resolved by the Senate, That the thanks of the Senators are due J. E. Guild, Janitor of the Senate, for the faithfulness with which he has discharged his duty as janitor in providing and using all the means at his command, to preserve the lives, promote the health, and contribute to the comfort of the members of the same.

A committee from the House announced that the House was ready to adjourn.

On motion of Senator Lowry, a like committee was appointed to inform the House that the Senate was ready to adjourn.

The President appointed Senators Lowry and Fairall as that committee.

A like committee, consisting of Senators Converse and Richards was appointed to wait upon the Governor.

The committee appointed to wait upon the House, reported that they had discharged that duty.

The committee appointed to wait upon the Governor, reported that they had performed the duty assigned them, and that he had no further communications to lay before the Senate.

The President of the Senate, Lieut. Gov. H. C. Bulis, addressed the Senate as follows:

SENATORS—I cannot permit this occasion to pass without attempting to express my gratitude for the kindness and consideration with which you, one and all, treated me since I entered upon the duties of presiding officer of this honorable body. In taking leave of you to-day, words fail to convey the emotions of my heart. During the two sessions of this General Assembly it has been my good fortune to so discharge my duties that no appeal has ever been taken from my decisions. I am not presuming enough to attribute this to the correctness of my rulings on all occasions, but rather to that sense of forbearance on your part that led you to pass unnoticed my errors rather than cause me pain by giving them consideration. It has been my earnest endeavor to act with the most strict impartiality on all occasions. On the various important questions coming before this body for its consideration, I have studiously abstained from urging any views or opinions of my own. Indeed so earnest has been my desire to avoid even the appearance of partiality or prejudice, that I have on one or two occasions when I knew the intense feeling that existed on both sides, declined to exercise my constitutional prerogative of voting rather than incur even the suspicion of inclining to one or the other party. For this I have been censured outside of this body, but I have the satisfaction of believing that every Senator on this floor will give me credit for having acted from honest motives, and with a desire to do exact justice to all, and I am content to leave my vindication in your hands.

By reason of sickness in my family I was deprived of the privilege of being with you during the closing hours of the regular session, but, although absent, you did not forget me on that occasion and I received your beautiful and valuable memorial of silver, with the accompanying resolutions, for which I now desire to extend to each one and all of you my heart felt thanks. I shall treasure them up as mementos of the time spent in your society, the most agreeable, the pleasantest in my life. For this other evidence of your approbation—this chair—also accept my thanks. I will preserve it, and when in after years any one of you honor my home with your welcome presence—as I hope and expect many of you will, and often—you will be permitted, while reclining amid its luxurious folds to fight over again the battles of tariffs and taxation, of railroad monopolies, and unjust discriminations, with no five-minute rule to restrain those sublime flights of rhetoric which the theme will call forth, and no call of—"Mr. President, I rise to a point of order," to break in upon those thrilling, soul-stirring sentences, and destroy all the force and effect of that long restrained eloquence. To the officers and employes of the Senate, I feel deeply indebted for the respectful and considerate manner with which they have ever treated me. To Secretary Hull and his gentlemanly assistants, Messrs.

Vestal and Gardner, I am under lasting obligations. They have done much, very much, to lighten the cares of my position, for which I desire to make this public acknowledgement. To the reporters on this floor who have so faithfully and impartially discharged their duties, often under very trying circumstances, I desire especially to express my thanks. In conclusion, permit me to hope that in after years, as accident or chance may recall to your minds the remembrance of some scene connected with the regular or adjourned session of the 14th General Assembly, in which I was an actor, you will entertain only kind recollections, as I ever shall of you. *Senators, gentlemen, friends*, all, I bid you farewell.

At 10 o'clock, A. M. the Senate adjourned *sine die*.
Attest.

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

INDEX.

ABSENCE, LEAVE OF—

To Senator Allen.....	17
Dashiell.....	24, 266
Fairall.....	204
Gault.....	17, 99
Havens.....	325
Howland.....	109, 313
Hurley.....	99
Ireland.....	12, 156
Kephart.....	27, 259
Kinne.....	266
Leavitt.....	17, 266
Maxwell.....	109
McCoid.....	27
McCulloch.....	265
Merrill.....	33, 170
Miles.....	87, 109
Read.....	307
Rumple.....	259, 262
Russell.....	106, 262
Stone.....	109, 196
Stuart.....	17
Vale.....	17
Willett.....	17

AGRICULTURAL COLLEGE—

Chapter 3, title 12.....	193 to 195, 202
--------------------------	-----------------

ALLEN, SENATOR.....	219, 281
---------------------	----------

APPRAISEMENT—

Senator West's amendment relative to.....	109, 113
Senator Converse's amendment relative to.....	128

ASSESSORS—

Townships.....	31
Two in a township.....	52

ASSESSMENT—

Boards of in cities and incorporated towns.....	64
---	----

ATKINS, SENATOR.....	323, 344
----------------------	----------

B.

BEARDSLEY, SENATOR.....	8, 11, 15, 19, 20, 22, 24, 30
31, 34, 35, 42, 44, 49, 51, 53, 54, 56, 58, 60, 66, 68, 72, 75, 76	
83, 85, 89, 91, 95, 97, 102, 106, 107, 112, 126, 128, 139, 149	
151, 152, 153, 154, 156, 157, 158, 163, 164, 165, 166, 167, 168	
185, 187, 188, 190, 191, 193, 202, 203, 204, 205, 211, 214, 215	
216, 217, 229, 257, 262, 270, 272, 279, 281, 286, 219, 314, 327	
	345
BEMIS, SENATOR.....	190
BONDS—	
Amount of state officers.....	35
Penalty for not giving.....	35
BOOMER, SENATOR.....	73, 218, 226, 319
BULIS, H. C.—	
Resolution presenting chair to.....	211
Resolution returning thanks to.....	343
Address of, to the Senate.....	349
BURKE, SENATOR.....	26, 31, 35, 38, 40, 44, 55, 56, 58
61, 123, 195, 206, 210, 217, 225, 330, 231, 248, 249, 254, 256	
	279, 281, 336, 342

C.

CAMPBELL, SENATOR.....	7, 12, 15, 16, 21, 22, 25, 37
38, 39, 41, 45, 46, 47, 51, 52, 53, 54, 61, 67, 72, 73, 75, 98, 101	
107, 112, 116, 133, 137, 140, 144, 145, 151, 152, 160, 163, 203	
206, 209, 215, 223, 229, 249, 258, 259, 261, 265, 267, 274, 277	
	284, 290, 297, 311, 312, 317, 342
CAPITAL PUNISHMENT—	
McCoid's amendment for restoration of.....	203, 204
CHAMBERS, SENATOR.....	19, 39, 52, 65, 121, 165, 217
	222, 224, 228, 272, 275, 337
CITY—	
Annexation of contiguous territory.....	44
Annexing one contiguous city to another.....	45
CLAUSSEN, SENATOR.....	29, 35, 46, 70, 80, 99, 115, 116
118, 119, 121, 122, 149, 152, 186, 204, 205, 208, 209, 210, 222	
	224, 226, 229, 247, 275, 285, 286
COMMITTEES—	
Assignment of new members to standing.....	21
COMMITTEES OF CONFERENCE—	
On H. F. No. 28.....	91
Report on H. F. No. 28.....	117
On H. F. No. 13, title 13.....	141
Report on title 13.....	184

COMMITTEES OF CONFERENCE—CONTINUED.

On S. F. No. 4, title 4.....	162
Report on title 4.....	166
On title 25.....	231
Report on title 25.....	248
On title 24.....	233
Report on title 24.....	246
On H. F. No. 11.....	277
Report on title 11.....	312
Second committee on title 11.....	317
Second report on title 11.....	337
Third committee on title 11.....	340
Third report on title 11.....	340
On title 12.....	282
Report on title 12.....	314
On title 6.....	307
Report on title 6.....	320
On S. F. No. 26.....	307
Report on S. F. No. 26.....	330
Second committee on S. F. No. 26.....	332
Second report on S. F. No. 26.....	339
Third committee on S. F. No. 26.....	342
Third report on S. F. No. 26.....	344
On H. F. No. 23.....	307
Report on title 23.....	324
On title 10.....	332
Report on title 10.....	333
On S. F. No. 27.....	333
Report on S. F. No. 27.....	334

COMMITTEES, SPECIAL—

To investigate and report upon the work of the code commissioners.....	9
Report of.....	11
To investigate and report on the defalcation of Samuel E. Rankin.....	15
Report of Rankin investigating committee.....	59, 172
To investigate management of State institutions.....	15
On report of the Rankin investigating committee.....	60, 62, 65
To prepare a bill for publication of the new code.....	75
On section 16, 17, 18, and 19, chapter 11, title 24.....	204
Report of.....	206
Resolution providing for a committee to investigate the \$68,000 charge.....	241
Appointment of committee.....	246
Report of \$68,000 investigating committee.....	254
On withdrawal of Senator McNutt from \$68,000 investigating committee.....	259
Second report of \$68,000 investigating committee.....	279

COMMITTEES, SPECIAL—CONTINUED.

Third report of \$68,000 investigating committee.....	336
To inform the House that the Senate is ready to adjourn <i>sine die</i>	349
To wait upon the Governor.....	349
CONVERSE, SENATOR.....	17, 42, 43, 48, 60, 64, 69, 73
74, 76, 80, 83, 90, 92, 97, 98, 102, 105, 109, 114, 119, 121, 124	
127, 128, 129, 130, 133, 140, 157, 169, 171, 186, 187, 195, 208	
211, 214, 216, 221, 227, 230, 232, 233, 247, 257, 263, 265, 266	
267, 280, 282, 286, 295, 306, 307, 310, 315, 322, 323, 325, 327	
328, 330, 332, 335, 346	
CRARY, SENATOR.....	70, 114, 118, 140, 227

D.

DAGUE, SENATOR.....	272
DASHIELL, SENATOR.....	67, 76, 155, 156, 159
DYSART, SENATOR.....	7, 11, 35, 38, 40, 58, 77, 79, 140
152, 156, 160, 163, 165, 193, 202, 205, 215, 245, 307, 330, 345	

E.

EDUCATION—

Senator Beardsley's amendment providing for compulsory 191

EDWARDS, G. W.—

Contempt of..... 256

Refusal to give parole..... 260

ENROLLED BILLS—

Senator Bemis added to committee on..... 171

F.

FAIRALL, SENATOR.....	30, 31, 32, 33, 35, 40, 41, 42, 47
71, 73, 75, 76, 78, 85, 86, 89, 108, 114, 115, 117, 120, 122, 123	
125, 126, 129, 132, 150, 155, 156, 157, 158, 162, 194, 195, 220	
229, 244, 245, 247, 249, 257, 259, 281, 284, 287, 289, 292, 297	
308, 309, 317, 326, 343, 349	
FITCH, SENATOR.....	31, 77, 78, 80, 90, 96, 103, 106, 107
133, 157, 163, 185, 186, 188, 217, 220, 221, 233, 244, 259, 260	
264, 268, 283	

G.

GAULT, SENATOR.....	96, 206
---------------------	---------

GENERAL ASSEMBLY—

Section 8, chapter 2, title 1, relative to pay of..... 17, 18, 21

GOVERNOR—

Communication from, relative to resignation of Senators

Ketcham and McKean..... 6

Relative to vacancy in the Iowa Hospital for the Insane

at Independence..... 190

H.

HAVENS, SENATOR.....	54
HOMESTEAD—	
To limit value of to \$5,000.....	117
HOUSE FILES—	
H. F. No. 1, title 1, A bill for an act to revise, amend, and codify the statutes in relation to the sovereignty and jurisdiction of the state and the legislative department 15, 16, 34, 41,	21 43
H. F. No. 3, title 3, A bill for an act to revise, amend, and codify the statutes in relation to the judicial department 16, 25, 26, 29, 60, 62,	15 64
H. F. No. 5, title 5, A bill for an act to revise, amend, and codify the statutes in relation to elections and officers....	26 83
H. F. No. 6, title 6, A bill for an act to revise, amend, and codify the statutes in relation to revenue...182, 187, 240, 253 260, 262, 263 to 265, 268, 288, 291, 292, 319, 347, 348	
H. F. No. 7, title 7, A bill for an act to revise, amend, and codify the statutes in relation to highways, ferries, and bridges.....	26, 28, 77 to 80, 95, 103, 105
H. F. No. 9, title 9, A bill for an act to revise, amend, and codify the statutes in relation to corporations....	43, 54, 92 95, 96, 108, 119, 120
H. F. No. 11, title 11, A bill for an act to revise, amend, and codify the statutes in relation to the police of the State... 115 124, 162, 171, 214, 217, 219, 221, 222, 224, 230, 231, 232, 244 to 246, 274 to 277, 314, 340, 341, 347, 348	
H. F. No. 13, title 13, A bill for an act to revise, amend, and codify the statutes in relation to the rights of property... 55, 64, 110, 116, 119, 139, 141, 142, 155, 184, 210, 214	
H. F. No. 15, title 15, A bill for an act to revise, amend, and codify the statutes in relation to the domestic relations... 66 69, 110, 121, 123, 158, 159, 171, 182, 187	
H. F. No. 17, title 17, A bill for an act to revise, amend, and codify the statutes in relation to procedure in courts of original jurisdiction.....	101, 105, 197, 247, 251 to 253, 273 331, 332
H. F. No. 19, title 19, A bill for an act to revise, amend, and codify the statutes in relation to proceedings to reverse, vacate or modify judgments, etc....	101, 105, 169, 205, 222 228, 231, 232
H. F. No. 21, title 21, A bill for an act to revise, amend, and codify the statutes in relation to justices of the peace and their courts.....	116, 124, 169, 205, 227, 231, 232
H. F. No. 23, title 23, A bill for an act to revise, amend, and codify the statutes in relation to compensation of public officers.....	126, 141, 228, 269 to 273, 296, 330, 347, 348

HOUSE FILES—CONTINUED.

- H. F. No. 25, title 25, A bill for an act to revise, amend, and codify the statutes in relation to criminal procedure. . . . 133
141, 199, 208, 213, 229, 230, 286, 288
- H. F. No. 27, A bill for an act to add chapter 13 to title 4 of the code. 95, 98
- H. F. No. 28, A bill for an act to appropriate moneys for the postage of 14th General Assembly, adjourned session. . . 62, 64
81, 87, 90
- H. F. No. 29, A bill for an act to appropriate moneys for the postage of the 14th General Assembly, adjourned session
164, 186
- H. F. No. 30, A bill for an act to repeal chapter 41 of the acts of the 14th General Assembly. 242, 250, 257, 267
- H. F. No. 31, A bill for an act authorizing incorporated cities and towns to lay out and establish market grounds, etc. . . 263
265, 281, 286, 293
- H. F. No. 32, A bill for an act to provide for the publication, binding, and distributing of the code. . . . 293, 308 to 310, 325
326, 328, 346, 347
- H. F. No. 33, A bill for an act to legalize the levy of taxes in the town of Hamburg. 293, 308, 323, 326, 330
- H. F. No. 34, A bill for an act to legalize certain school lands. 318, 323, 329, 330, 347
- H. F. No. 35, A bill for an act to legalize the organization of the town of Missouri Valley, &c. 318, 323, 346, 347
- H. F. No. 36, A bill for an act to legalize certain legal proceedings. 318, 323, 329, 346, 347
- H. F. No. 37, A bill for an act to legalize the acts of the independent district of Rutland. 343, 345, 347, 348
- H. F. No. 38, A bill for an act to legalize the acts of the Logan Town company. 343, 344, 348
- HOWLAND, SENATOR. 18, 24, 27, 36, 45, 53, 54, 59
75, 80, 85, 105, 162, 168, 217, 267, 271
- HURLEY, SENATOR. 14, 25, 26, 31, 33, 39, 42, 44, 51
52, 53, 56, 65, 66, 68, 92, 98, 109, 115, 116, 129, 132, 133, 149
159, 161, 169, 181, 187, 196, 197, 202, 204, 205, 208, 246, 247
251, 252, 281, 297, 308, 328, 329

I.

INDEBTEDNESS—

- Senator Shane's amendment to section 12 chapter 1, of title 4, relative to county. 29, 30

INTEMPERANCE—

- Committee report on chapter 6, title 11. 162
- Senator Chambers' amendment. 224
- Chapter 6, title 11. 223 to 227
- IRELAND, SENATOR. 151

K.

KEPHART, SENATOR.....	25, 56, 57, 62, 69, 72, 78, 85
90, 96, 124, 128, 129, 144, 162, 163, 164, 165, 167, 184, 188	
	282, 310
KINNE, SENATOR.....	145

L.

LARRABEE, SENATOR.....	6, 7, 11, 12, 14, 15, 17, 22, 24
28, 31, 32, 33, 35, 36, 42, 43, 47, 49, 50, 51, 52, 53, 54, 55, 56	
58, 60, 61, 62, 63, 65, 67, 68, 70, 72, 73, 75, 79, 80, 81, 83, 87	
97, 98, 99, 107, 109, 120, 126, 130, 137, 140, 144, 149, 152	
153, 154, 157, 159, 161, 165, 185, 186, 188, 191, 193, 194, 196	
203, 207, 208, 211, 214, 216, 222, 225, 226, 240, 243, 245, 253	
258, 261, 263, 264, 267, 268, 269, 273, 284, 285, 288, 292, 307	
	313, 319, 320, 327, 328, 341, 342
LEAVITT, SENATOR.....	211, 344
LOVELL, SENATOR.....	10, 36, 76
LOWRY, SENATOR.....	6, 9, 10, 14, 16, 29, 36, 45, 48, 58
60, 84, 100, 109, 113, 124, 126, 130, 142, 155, 161, 189, 194	
218, 227, 249, 259, 261, 266, 274, 285, 298, 310, 311, 319, 334	
	335, 343, 348, 349

M.

MAXWELL, SENATOR.....	13, 19, 30, 32, 58, 74, 78, 85,
101, 102, 111, 156, 157, 162, 167, 171, 185, 186, 189, 191, 194	
206, 207, 213, 220, 221, 222, 270, 272, 279, 282, 294, 310, 339	
	346, 349
McCOID, SENATOR....	40, 44, 46, 51, 52, 60, 63, 66, 69, 72, 73, 78
79, 81, 83, 86, 87, 89, 96, 101, 102, 108, 117, 120, 123, 132, 142	
144, 154, 157, 190, 191, 202, 204, 205, 206, 208, 209, 213, 225	
226, 231, 234, 245, 251, 253, 257, 288, 289, 309, 311, 322, 345	
McCORMACK, SENATOR.....	31, 165, 166, 168, 250
McCULLOCH, SENATOR.....	87, 89, 106, 265
McINTYRE, SENATOR.....	21, 28, 31, 40, 44, 48, 61, 62, 63
68, 150, 154, 159, 244, 253, 257, 261, 265, 266, 269, 271	
McNUTT, SENATOR.....	4, 6, 7, 10, 16, 17, 18, 20, 22, 23, 24
25, 28, 30, 31, 32, 34, 35, 38, 39, 40, 42, 49, 51, 52, 56, 64	
66, 72, 73, 75, 81, 83, 86, 87, 91, 104, 117, 118, 130, 131, 132	
134, 142, 144, 145, 168, 183, 185, 190, 191, 193, 194, 208, 217	
219, 229, 255, 259, 261, 267, 283, 307, 311, 339	
MERRILL, SAMUEL—	
Presented at bar of the Senate.....	281
Communication from, relative to pay of 14th General Assembly.....	338

MERRILL, SENATOR.....	213
MILES, SENATOR.....	77, 151, 157, 166, 190, 221, 222, 245
MISSISSIPPI, WISCONSIN AND FOX RIVERS—	
Senator Larrabee's amendment relative to.....	49
MURRAY, SENATOR....	7, 60, 82, 84, 102, 113, 138, 153, 162
216, 217, 225, 226, 252, 254, 260, 262, 263, 270, 271, 290, 313	
325, 331, 333, 334, 349	

O.

OFFICERS—

Section 8, chapter 2, title 1, fixing pay of.....	12, 13, 16, 17
18,	21

P.

PERSONAL PROPERTY—

Motion to strike out of section 19, chapter 1, title 6, the words.....	63, 67
Amendment to section 19, relative to.....	102, 104, 105
To provide for appraisement of.....	128
Motion to insert the words in section 19.....	263

PETITIONS AND MEMORIALS—

From the Society of Friends in relation to capital punishment.....	38
Asking that life insurance companies be exempted from tax on gross receipts.....	62
Of the Iowa industrial convention.....	70
Asking the passage of a law to protect sheep from the ravages of dogs.....	76
Asking an amendment to chapter 102 of the 13th General Assembly.....	76
Relative to schools....	114
From State Grange of Patrons of Husbandry.....	125
Asking for passage of a law regulating railroad tariffs....	140
162, 182, 190, 217, 221, 229, 258, 267, 284,	310
Asking for a more stringent law to prevent thefts of timber.....	182
Asking a change in the law for equalization of taxes by township trustees.....	190
Of Anton Sontag.....	259
Of N. B. Baker, asking an appropriation for additional clerk hire.....	285, 311

PLATTING—

To provide for, chapter 12, title 4.....	52, 53, 54
--	------------

POINTS OF ORDER—

On Senator Stone's amendment to section 8, chapter 2, title 1.....	19
--	----

POINTS OF ORDER—CONTINUED.

On Senator McNutt's amendment to title 2.....	22
On Senator West's amendment to commerce resolution..	48
Call of the Senate not in order pending a call of the roll.	58
A prisoner adjudged guilty of contempt is not qualified to make a statement to the Senate.....	257
On allowing Ex-Governor Merrill to make statement to the Senate.....	281

PRIVILEGE—

Senator Allen to question of.....	219
-----------------------------------	-----

PROTEST—

On passage of title 24.	213
------------------------------	-----

PUBLICATION OF LAWS—

Senator Stone's amendment to title 1, providing for the..	19
	20, 40

R.

RAILROADS—

Liable to owners of land for damage in laying down, etc., of pipes.....	130
In relation to collection of subscribed stock.....	132, 134
Liable for damage in not complying with the law.....	133
Transfer of stock voted in aid of.....	134
Shall be subject to regulation by the General Assembly..	132
	137, 144

RANKIN, SAMUEL E.—

Communication from.....	5
Resolution providing for committee of investigation of the official acts of.....	8, 11
Appointment of committee to investigate official acts of.	15
House resolution requesting Attorney-General to conduct investigation of defalcation of.....	27, 28
First report of committee on defalcation of.....	59, 60
Second report of committee on defalcation of.....	172

READ, SENATOR.....	25, 35, 36, 98, 101, 102, 120, 121, 123
	128, 207, 245, 250, 254, 257, 261, 262, 268, 272

RESOLUTIONS—

To ascertain the condition of the work of the code commissioners.....	8
Relative to amending journal of 15th January, 1873....	10
Relative to amending journal of Senate, of March 14th, 1873.....	10
Relative to reading titles by sections.....	26
Requiring bills on 2d reading to be held over one day before being put upon their passage.....	30
In relation to amendments to House bills.....	33
Relative to referring bills to a committee before considering in Senate..	47

RESOLUTIONS—CONTINUED.

Providing that members shall only speak once on same subject.....	54
Relative to one session each day.....	90
Relative to two sessions each day.....	99
Requesting the House to take up title 6.....	106
Requiring the secretary to call the order of business for the ensuing day.....	107
Relative to restoring appraisement of personal property	112
Instructing committee on ways and means in relation to undrawn appropriations.....	118
Relative to amendments to the code.....	190
Requesting members of the House to assist enrolling clerks.....	208
To investigate the \$68,000.00 charge.....	241
Declaring G. W. Edwards guilty of contempt of the Senate.....	255
Relative to confining G. W. Edwards in county jail of Polk county.....	257
Relative to Senate suspending its judgment on G. W. Edwards.....	259
Granting President Welch of the Agricultural College the use of the Senate Chamber.....	268
Enlarging the \$68,000 investigating committee.....	269
Instructing the \$68,000 investigating committee.....	269
Declaring Samuel Merrill guilty of contempt.....	280
Authorizing and requesting the President of the Senate to take his chair at close of the session.....	311
Relative to investigating conduct of railroad companies in certain cases.....	322
Returning thanks of the Senate to Lieut. Governor H. C. Bulis.....	343
Returning thanks of the Senate to the Secretaries.....	243
Commendatory of messengers and paper folders of the Senate.....	344
Expressing sympathy with the out going Senators.....	345
Commending female clerks of the 14th General Assembly.....	345
Relative to disposition of petitions for a railroad tariff law.....	348
Tendering thanks of the Senate to the newspaper reporters.....	348
Returning thanks of Senate to Ex-Governor Samuel Merrill, for tendering cash for State warrants.....	349
Returning thanks of the Senate to J. E. Guild, Janitor of the Senate.....	349

RESOLUTIONS, CONCURRENT—

Relative to appointment of committee to investigate Rankin defalcation.....	8, 11
---	-------

RESOLUTIONS, CONCURRENT—CONTINUED.

Relative to appointment of a committee to investigate the financial condition of the State institutions.....	9, 11,	14
Relative to consideration of titles of code.....	14,	15
Granting certain powers to Rankin investigation committee.....	25, 27,	28
House resolution requesting the Attorney-General to conduct the Rankin investigation.....	27,	28
In relation to certified lists of lands on which are conflicting claims.....	34, 60, 71,	74
Authorizing committees on enrolled bills to employ additional clerks.....	42,	51
Authorizing committee on financial affairs of State institutions to employ a clerk.....	42,	50
Providing for committee to provide for the publication of the code.....	53,	71
Requiring Attorney-General to prosecute Samuel E. Rankin.....	56,	64
Relative to furnishing newly elected Senators with certain documents.....	57,	64
Relative to printing report of and evidence taken by the committee to investigate State institutions.....	161,	184
Notifying the Senate that the House had completed the work on the code assigned it.....		203
Relative to striking certain passages from the report of the Rankin investigating committee.....	229, 286,	310
Providing that the 14th General Assembly adjourn <i>sine die</i> on February 19, 1873.....		249
Relative to instructing the postmaster of the 14th General Assembly to remain one week after adjournment.....		250
Relative to consideration of local bills.....		267
Relative to adjourning <i>sine die</i> on February 19th, 1873.....		277
	285,	293
Instructing the Attorney General to make certain investigations relative to the Rankin defalcation.....	285,	310
Authorizing commissioners of the Anamosa penitentiary to sell rock.....	311,	321
Relative to printing school laws.....		347
Returning thanks to General Ed Wright and his corps of enrolling clerks.....		349
Providing for printing 10,000 copies of school law.....		349

RESOLUTIONS, JOINT—

Relative to Congress passing a law regulating railroad tariffs.....	29, 36, 48, 69, 71,	74
Relative to publication of laws and code.....	64, 65, 68,	69
	71,	74
Directing the Governor to telegraph the President of the United States, to interpose his veto on the bill granting land to railroads within this state.....	72, 76,	82

RESOLUTIONS, JOINT—CONTINUED.

- To provide for printing report of Rankin investigating committee.....83, 92, 97, 103, 106
- Relative to examination of Samuel E. Rankin....59, 87, 90
92, 126, 127
- Authorizing the Governor to appoint a committee to investigate the condition of the penitentiaries of the State.....169, 205, 218, 228, 231
- Asking Congress to grant 160 acres of land to honorably discharged soldiers and sailors.....170, 187, 203, 210, 214
- Relative to final adjournment of the 14th General Assembly.....221, 257, 261, 267
- Appointing a trustee for the Iowa Hospital for the Insane at Independence.....222, 228, 231
- Requesting the Governor to report to the next General Assembly what legislation is necessary, and amount of money required, for removal of dams in Des moines river.....242, 250, 257, 261, 267
- In relation to payment for certain service to Iowa soldiers and their heirs.....249, 263, 282, 286, 288
- Relative to corner stone of the new capitol building.... 267
279, 293, 294, 314, 315, 328, 331
- Authorizing the appointment of one of the capitol commissioners as overseer of the work on new capital building.....310, 311, 323, 326, 330
- Relative to appointment of an agent to collect moneys due the state.....321, 323, 328, 347
- Authorizing the Governor to appoint delegates to the Agricultural Congress.....321, 325
- Providing for collection of transportation statistics, &c. 339
349
- Excluding temporary acts from the new code.....345, 346
- Legalizing local acts.....348
- RICHARDS, SENATOR.....129, 132, 134, 140, 159, 164
168, 201, 214, 220, 231, 232, 248, 252, 255, 339, 343
- RUMPLE, SENATOR.....6, 26, 27, 31, 39, 62, 64, 67, 108
116, 123, 157, 165, 168, 193, 204, 245, 251, 321
- RUSSELL, SENATOR.....32, 42, 43, 45, 63, 78, 79, 80, 87
90, 96, 144, 216, 223, 225, 226, 230, 241, 244, 255

S.

SCHOOL LAWS—

- Chapter 9, title 11.....165 to 168, 182, 184 to 186, 187
to 189, 191, 192, 193

SENATE FILES—

- S. F. No. 1, title 1, A bill for an act to revise, amend and codify the statutes in relation to the sovereignty and jurisdiction of the State and legislative department, 11, 164

SENATE FILES—CONTINUED.

S. F. No. 2, title 6, A bill for an act to revise, amend and codify the statutes in relation to revenue....6, 56 to 59, 61 to 64, 65, 66, 70 to 74, 75, 81, 83, 86,	101
S. F. No. 3, title 5, A bill for an act to revise, amend and codify the statutes in relation to elections and officers...	6
S. F. No. 4, title 4, A bill for an act to revise, amend and codify the statutes in relation to county, township, town and city government....6, 28, 30, 37, 38, 42, 43, 51,	88
90, 114, 151, 158, 162, 166, 184, 227, 231,	232
Report on chapter 12 of.....	54
S. F. No. 5, title 3, A bill for an act to revise, amend and codify the statutes in relation to the judicial department.....	7
S. F. No. 6, title 8, A bill for an act to revise, amend and codify the statutes in relation to the militia..7, 21, 75,	88
92, 96,	97
S. F. No. 7, title 9, A bill for an act to revise, amend and codify the statutes in relation to corporations.....	7
S. F. No. 8, title 7, A bill for an act to revise amend and codify the statutes in relation to highways, ferries and bridges.....	7
S. F. No. 9, title 10, A bill for an act to revise, amend and codify the statutes in relation to internal improvements,	7
77, 85, 100, 129, 138, 142 to 150, 234, 248, 288, 294 to 296	296
313, 315, 319, 321, 321, 331, 334, 347,	348
S. F. No. 10, title 6, A bill for an act to revise, amend and codify the statutes in relation to revenue.....7,	11
S. F. No. 11, title 25, A bill for an act to revise, amend and codify the statutes in relation to criminal procedure....	7
S. F. No. 12, title 15, A bill for an act to revise, amend and codify the statutes in relation to the demestic relations..	7
S. F. No. 13, title 14, A bill for an act to revise, amend and codify the statutes in relation to trade and commerce..	7
76, 85, 95, 97,	124
S. F. No. 14, title 11, A bill for an act to revise, amend and codify the statutes in relation to the police of the State,	7
S. F. No. 15, title 2, A bill for an act to revise, amend and codify the statutes in relation to the executive department.....7, 22, 32, 33, 34, 39, 60, 62,	64
S. F. No. 16, title 16, A bill for an act to revise, amend and codify the statutes in relation to estates of decedents.....8, 93, 98, 100, 130, 139, 169, 182,	187
S. F. No. 17, title 13, A bill for an act to revise, amend and codify the statutes in relation to rights of property	—
S. F. No. 18, title 26, A bill for an act to revise, amend and codify the statutes in relation to prisons, etc..8, 87,	106
114, 115, 129, 141,	151
S. F. No. 19, title 18, A bill for an act to revise, amend	

SENATE FILES—CONTINUED.

- and codify the statutes in relation to attachments, executions and supplementary proceedings.....68, 94, 107, 113
114, 128, 183, 186, 196, 228, 231, 232
- S. F. No. 20, title 20, A bill for an act to revise, amend and codify the statutes in relation to procedure in particular cases.....69, 109, 114, 115, 118, 138, 140, 155, 169, 182, 187
- S. F. No. 21, title 22, A bill for an act to revise, amend and codify the statutes in relation to evidence.....69, 181
214, 242, 267, 274, 282
- S. F. No. 22, title 12, A bill for an act to revise, amend and codify the statutes in relation to education.....91, 111
151, 152, 153, 159, 160, 162, 163, 171, 182, 187, 189, 191
277, 318, 346, 348
- Report of chapter 3 of withdrawn.....140
- S. F. No. 23, A bill for an act relating to the penalty on delinquent taxes levied in the year 1872.....125, 126
- S. F. No. 24, A bill for an act to provide for the publication, indexing and distributing of the code, &c....187, 306
- S. F. No. 25, title 24, A bill for an act to revise, amend and codify the statutes in relation to crimes and punishment...202 to 204, 206, 207, 223, 232, 246, 267, 273, 282
- S. F. No. 26, A bill for an act to repeal sections 4 and 5, chapter 4, title 2, of the code of 1873, &c....258, 279, 286
293, 332, 342
- S. F. No. 27, A bill for an act to preserve the funds of State institutions.....266, 307, 327, 331, 332, 333, 336
- S. F. No. 28, A bill for an act to legalize the acts of the independent school district of the city of Maquoketa in Jackson county, Iowa.....282, 293, 314, 315, 328, 331
- S. F. No. 29, A bill for an act to enable the directors of the independent district of Muscatine to use certain money for school purposes.....283, 293, 323, 326, 330
- S. F. No. 30, A bill for an act to legalize the formation of independent school district of Storm Lake....283, 293, 323
326, 330
- S. F. No. 31, A bill for an act to legalize the ordinances of the town of Newton.....284, 297, 318, 335, 346
- S. F. No. 32, A bill for an act to legalize the organization of the independent school district of New Hampton..284
293
- S. F. No. 33, A bill for an act to amend chapter 175, of the acts of the 14th General Assembly.....284, 293, 330
- S. F. No. 34, A bill for an act to legalize the incorporation of the town of Osage.....307, 318, 335, 346
- S. F. No. 35, A bill for an act to provide for the per diem postage, &c., of the 14th General Assembly, adjourned session.....327, 341, 342, 346, 347

SENATE FILES—CONTINUED.

S. F. No. 36, A bill for an act to provide for the erection of a new capitol.....	342, 343, 346
SHANE, SENATOR.....	3, 8, 13, 14, 19, 22, 26, 28, 30, 31, 59
60, 66, 83, 100, 107, 108, 119, 121, 122, 123, 130, 133, 140, 158	
162, 163, 168, 170, 172, 193, 194, 203, 207, 212, 215, 217 241	
244, 225, 252, 264, 266, 268, 273, 275, 307, 309, 323, 331, 343	
SMITH, SENATOR.....	68, 70, 98, 159, 189, 193, 221, 310
STATE INSTITUTIONS—	
Resolution for a committee to investigate financial condition of the various.....	9, 11, 14
Appointment of committee to investigate management of	15
Report on.....	298
STATE PRINTER—	
Senator West's ameddment relative to making office of elective.....	23, 24
STAY OF EXECUTION—	
Senator Converse's amendment relative to.....	109
STONE, SENATOR....	14, 18, 19, 22, 26, 28, 40, 48, 49, 98, 102
	127, 149, 156
STUART, SENATOR...52, 53, 55, 68, 79, 86, 193, 220, 273, 282	
SUPERVISORS—	
Senator McNutt's amendment relative to increase of members of.....	38
Board of.....	40
Reducing number of.....	53

T.

TARIFFS ON RAILROADS—

Senator Beardsley's amendment relative to.....	49
Joint resolution relative to.....	29, 36, 48, 69, 71, 74
McNutt's amendments to title 10 relative to.....	134
McCoid's amendments to title 10 relative to.....	142
House amendments to title 10 relative to.....	234 to 240
TAYLOR, SENATOR....	3, 13, 31, 35, 40, 42, 43, 46, 87, 96, 119
	120, 159, 162, 168, 217, 220, 229, 271, 272, 343

TAXES—

Senator Beardsley's resolution relative to delinquency and penalty of.....	102, 103, 104
S. F. No. 23, A bill for an act relative to delinquent.....	125

TRANSFER BOOKS—

Motion to abolish.....	116
------------------------	-----

TREASURY—

Examination of State.....	32, 33, 34
Of State institutions.....	35
Examination of county.....	40, 73

V.

VALE, SENATOR....	98, 103, 115, 119, 120, 124, 133, 140, 165
-------------------	--

VALE, SENATOR—CONTINUED.

166, 168, 193, 209, 213, 222, 233, 234, 245, 247, 261, 267, 272
281, 289, 310, 324, 348, 349

W.

WEST, SENATOR....10, 12, 13, 16, 17, 18, 21, 23, 24, 39, 48
59, 64, 66, 67, 73, 74, 75, 77, 83, 85, 96, 102, 106, 109, 112
113, 117, 124, 126, 130, 131, 154, 155, 156, 157, 162, 164, 165
168, 170, 171, 186, 188, 189, 190, 205, 206, 207, 216, 217, 220
233, 234, 245, 247, 250, 254, 255, 256, 258, 269, 290, 295, 296
310, 313, 314, 321

WILLETT, SENATOR....77, 78, 86, 96, 99, 101, 105, 115, 118
123, 149, 159, 163, 164, 184, 194, 211, 212, 216, 217, 220, 251
260, 272, 274, 280, 281, 285, 289, 307, 317, 319, 335, 337

WONN, SENATOR.....59, 92, 114, 158, 265, 344

Y.

YEAS AND NAYS—

On Publication of the laws..... 20
On striking out the words, personal property..... 63, 67
On making taxes delinquent in April..... 70
On passage of title 6..... 74
On making penalty attach to delinquent taxes in May... 84
On striking out section 19, chapter 1, title 6..... 84
On passage of title 6.....85, 105
On restoring appraisement law.....109, 112, 113
On adoption of section 30, railroad tariff amendments of
Senator McNutt 146
On the adoption of section 31, railroad tariff amendment
of Senator McNutt..... 147
On adoption of section 32, railroad tariff amendment of
Senator McNutt..... 147
On adoption of sections 33 to 43, railroad tariff amend-
ment of Senator McNutt..... 147
On adoption of sections 43, 44 and 45, railroad tariff.... 148
On restoring capital punishment for treason..... 203
On restoring death penalty for murder in the first degree 204
On inserting the words "personal property," in section 19,
chapter 1, title 6.... 263
On passage of H. F. No. 6..... 268
On House amendments to title 10.....290, 294 to 296, 314
On receding from "personal property" amendment to sec-
tion 19, chapter 1, title 6..... 291
On reconsidering the vote by which the Senate refused to
concur in House sections 31½ to 40 inclusive..... 313
On amendment to sections 41, 42, 43 and 44... 316
On section 45, House amendment..... 317
YOUNG, SENATOR17, 21, 35, 38, 43, 59, 65, 66, 69
70, 72, 73, 91, 96, 98, 113, 116, 152, 166, 186, 201, 205, 225
256, 261, 264, 265, 268, 271, 289, 295, 307, 311, 313