

JOURNAL OF THE SENATE,

EXTRA SESSION,

Twenty-sixth General Assembly

OF THE

STATE OF IOWA,

WHICH CONVENEED AT THE CAPITOL AT DES MOINES,

JANUARY 19, 1897.

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THE SENATE OF THE TWENTY-SIXTH GENERAL ASSEMBLY—EXTRA SESSION.

District.	COUNTIES.	NAME.	ADDRESS.
1	Lee.....	John Downey*.....	Charleston.
2	Van Buren and Jefferson.....	Thomas Bell.....	Fairfield.
3	Appanoose and Davis.....	B. F. Carroll.....	Bloomfield.
4	Wayne and Lucas.....	H. L. Byers §.....	Lucas.
5	Union, Decatur and Ringgold.....	G. S. Allyn.....	Mount Ayr.
6	Taylor and Adams.....	W. O. Mitchell §.....	Corning.
7	Fremont and Page.....	William Eaton*.....	Sidney.
8	Mills and Montgomery.....	Joseph M. Junkin.....	Red Oak.
9	Des Moines.....	T. G. Harper*.....	Burlington.
10	Washington and Henry.....	D. J. Palmer* †.....	Washington.
11	Clarke and Warren.....	W. H. Berry.....	Indianola.
12	Poweshiek and Keokuk.....	J. A. Rigger*.....	What Cheer.
13	Wapello.....	H. L. Waterman*.....	Ottumwa.
14	Mahaska.....	L. O. Blanchard §.....	Oskaloosa.
15	Monroe and Marion.....	Samuel Druet.....	Marysville.
16	Adair and Madison.....	L. M. Kilburn*.....	Fontanelle.
17	Audubon, Dallas and Guthrie.....	A. O. Hotchkiss.....	Adel.
18	Cass and Shelby.....	Julian Phelps*.....	Atlantic.
19	Pottawattamie.....	N. M. Pusey.....	Council Bluffs.
20	Muscatine and Louisa.....	C. A. Carpenter*.....	Columbus Junction.
21	Scott.....	C. G. Hipwell*.....	Davenport.
22	Clinton.....	L. A. Ellis*.....	Clinton.
23	Jackson.....	Alfred Hurst*.....	Maquoketa.
24	Jones and Cedar.....	F. O. Ellison.....	Anamosa.
25	Iowa and Johnson.....	C. S. Ranck.....	Iowa City.
26	Linn.....	J. S. Alexander.....	Marion.
27	Webster and Calhoun.....	T. D. Healy.....	Fort Dodge.
28	Marshall.....	J. L. Carney.....	Marshalltown.
29	Jasper.....	J. R. Gorrell*.....	Newton.
30	Polk.....	T. A. Cheshire*.....	Des Moines.
31	Story and Boone.....	O. J. A. Ericson.....	Boone.
32	Woodbury.....	J. S. Lothrop.....	Sioux City.
33	Buchanan and Delaware.....	Daniel A. Young §.....	Manchester.
34	Harrison, Monona and Crawford.....	Rudolph Lehfeldt*.....	Denison.
35	Dubuque.....	Robert Bonson †.....	Dubuque.
36	Clayton.....	John Everall*.....	Farmersburg.
37	Wright, Hardin and Hamilton.....	John E. Rowen*.....	Clarion.
38	Black Hawk and Grundy.....	E. M. Sargent †.....	Grundy Center.
39	Butler and Bremer.....	G. M. Craig.....	Allison.
40	Fayette and Allamakee.....	J. H. Trewin §.....	Lansing.
41	Worth, Mitchell and Winnebago.....	G. S. Gilbertson.....	Forest City.

42	Winneshiek and Howard	C. C. Upton*	Cresco.
43	Hancock, Cerro Gordo and Franklin	W. F. Harriman †	Hampton.
44	Floyd and Chickasaw	W. B. Perrin *	Nashua.
45	Benton and Tama	E. G. Penrose *	Tama.
46	Plymouth, Cherokee and Taylor	A. C. Hobart	Cherokee.
47	Dickinson, Clay, Kossuth, Emmet and Palo Alto	A. B. Funk * ‡	Spirit Lake.
48	Carroll, Sac and Greene	Warren Garst *	Coon Rapids.
49	Lyon, Sioux, Osceola and O'Brien	Henry Hospers §	Orange City.
50	Buena Vista, Humboldt and Pocahontas	G. W. Henderson *	Kolfe.

Republicans, 43 Democrats, 7. Total, 50.

* Hold-overs; were senators in the Twenty-fifth General Assembly. (23)

† Elected to fill vacancy; Thirty-eighth district, J. M. Rea, deceased; Thirty-fifth district, I. W. Baldwin, deceased. (2)

‡ Re-elected; were senators in the Twenty-fifth General Assembly. (2)

§ Were members of the House in the Twenty-fifth General Assembly. (7)

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JOURNAL OF THE SENATE.

SENATE CHAMBER, }
DES MOINES, Iowa, Tuesday, January 19, 1897. }

Pursuant to a call by Gov. Francis M. Drake, the Twenty-sixth General Assembly convened in extra session at 10 o'clock A. M., and the Senate was called to order by Lieutenant-Governor Parrott.

Prayer was offered by the Rev. W. M. Todd, of Des Moines.

Senator Garst moved that the officers of the Twenty-sixth General Assembly present be the temporary officers of the Senate, except the Secretary, and that Mr. Geo. A. Newman be temporary Secretary.

Carried.

The roll of the Senate was called, and the following Senators found to be present:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Upton, Waterman—49.

Absent:

Senator Young—1.

Senator Garst moved that the Senate proceed to permanent organization.

Carried.

Senator Garst nominated George A. Newman, of Black Hawk county, for Secretary of the Senate.

Those voting for George A. Newman were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rikken, Rowen, Sargent, Trewin, Upton, Waterman—48.

Absent or not voting:

Senators Ranck and Young—2.

George A. Newman was declared elected Secretary of the Senate.

Senator Garst nominated for First Assistant Secretary C. H. Talmadge, of Fayette county.

Those voting for Mr. Talmadge were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rikken, Rowen, Sargent, Trewin, Upton, Waterman—48.

Absent or not voting:

Senators Ranck and Young—2.

C. H. Talmadge was declared duly elected First Assistant Secretary of the Senate.

Senator Garst nominated for Second Assistant Secretary S. H. Sibley, of Marshall county.

Those voting for Mr. Sibley were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rikken, Rowen, Sargent, Trewin, Upton, Waterman—48.

Absent or not voting:

Senators Ranck and Young—2.

S. H. Sibley was declared duly elected Second Assistant Secretary of the Senate.

Senator Garst offered the following resolution:

Resolved, That L. E. Hollowell, of Cass county, and G. A. Nichols, of Emmet county, be and are hereby elected Journal Clerks of the Senate and assigned to duty under the Secretary.

Those voting for the resolution were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman—48.

Absent or not voting:

Senators Ranck and Young—2.

L. E. Hollowell and G. A. Nichols were declared duly elected Journal Clerks of the Senate.

Senator Garst nominated Mrs. Carrie G. Sherman, of Benton county, for Engrossing Clerk.

Those voting for Mrs. Sherman were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman—48.

Absent or not voting:

Senators Ranck and Young—2.

So Mrs. Sherman was declared duly elected Engrossing Clerk of the Senate.

Senator Garst nominated for Enrolling Clerk Miss Capitola Mardis, of Clarke county.

Those voting for Miss Mardis were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman—48.

Absent or not voting:

Senators Ranck and Young—2.

So Miss Mardis was declared elected Enrolling Clerk of the Senate.

Senator Garst nominated for Bill Clerk Mrs. Eva Livingston, of Washington county.

Those voting for Mrs. Livingston were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rikken, Rowen, Sargent, Trewin, Upton, Waterman—48.

Absent or not voting:

Senators Ranck and Young—2.

So Mrs. Livingston was declared duly elected Bill Clerk of the Senate.

Senator Garst nominated J. L. Thompson, of Decatur county, for File Clerk.

Those voting for J. L. Thompson were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rikken, Rowen, Sargent, Trewin, Upton, Waterman—48.

Absent or not voting:

Senators Ranck and Young—2.

J. L. Thompson was declared elected File Clerk.

Senator Garst nominated J. B. Satterlee, of Delaware county, for Sergeant-at-Arms.

Those voting for J. B. Satterlee were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin,

Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman—48.

Absent or not voting:

Senators Ranck and Young—2.

J. B. Satterlee was declared elected Sergeant-at-Arms.

Senator Garst nominated W. H. McFarland, of Woodbury county, for Chief Doorkeeper.

Those voting for W. H. McFarland were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk; Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman—48.

Absent or not voting:

Senators Ranck and Young—2.

W. H. McFarland was declared elected Chief Doorkeeper.

Senator Garst offered the following resolution:

Resolved, That E. N. Brown, of Keokuk county, P. E. Greer, of Page county, S. A. Moore, of Davis county, Grant Towasend, of Jasper county, C. S. Hubbard, of Pottawattamie county, G. W. Smith, of Linn county, be and are hereby elected Assistant Doorkeepers, and assigned to duty under direction of the Doorkeeper.

Those voting for the resolution were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman—48.

Absent or not voting:

Senators Ranck and Young—2.

So the resolution was adopted.

Senator Garst nominated for Postmistress Miss Fannie Beebe of Mitchell county.

Those voting for Miss Beebe were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey,

Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman—48.

Absent or not voting:

Senators Ranck and Young—2.

So Miss Beebe was declared duly elected Postmistress.

Senator Garst offered the following resolution:

Resolved, That Jeff Logan and J. W. Thompson be and are hereby elected janitors of the cloak room, and George Burnaugh janitor of the toilet room.

Those voting for the resolution were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman—48.

Absent or not voting:

Senators Ranck and Young—2.

So Jeff Logan and J. W. Thompson were declared duly elected janitors of the cloak room, and George Burnaugh janitor of the toilet room.

Senator Garst moved that the officers of the permanent organization be now sworn in.

Carried.

The President named the following persons as Pages of the Senate:

Edward Murphy, Lieutenant-Governor's Page, C. R. Cowrie, Cecil Dixon, C. A. McClure, Frank Judd, Lee B. Blagburn, Charlie Rowen, Donald Douglas.

The following officers appeared at the bar of the Senate and took the oath of office:

George A. Newman, Secretary; C. H. Talmadge, First Assistant Secretary; S. H. Sibley, Second Assistant Secretary; L. E. Hollowell, Journal Clerk; G. A. Nichols, Journal Clerk; Mrs. Carrie G. Sherman, Engrossing Clerk; Miss Capitola Mardis, Enrolling Clerk; J. B. Satterlee, Sergeant-at-Arms; J. L. Thompson, File Clerk; Eva Livingston, Bill Clerk; Fannie Beebe,

Postmistress; W. H. McFarland, Doorkeeper; E. N. Brown, Assistant Doorkeeper; P. E. Greer, Assistant Doorkeeper; S. A. Moore, Assistant Doorkeeper; Grant Townsend, Assistant Doorkeeper; C. S. Hubbard, Assistant Doorkeeper; George Smith, Assistant Doorkeeper; Jeff Logan, Janitor Cloak Room; J. W. Thompson, Janitor Cloak Room; George Burnaugh, Janitor Toilet Room; Edward Murphy, Page; C. R. Cownie, Page; Cecil Dixon, Page; C. A. McClure, Page; Frank Judd, Page; Lee B. Blagburn, Page; Charlie Rowen, Page; Donald Douglas, Page.

MESSAGE FROM THE HOUSE.

A committee from the House appeared and announced that the House was duly organized.

President Parrott declared the Senate duly organized and ready for business.

Senator Penrose offered the following resolution:

Resolved, That a committee of three be appointed to notify the House that the Senate is permanently organized and ready to receive any communications they may be ready to make.

Adopted.

President appointed on that committee, Senators Penrose, Palmer and Harper.

Senator Ericson moved that a committee of three be appointed to notify the Governor that the Senate was duly organized and ready to receive messages.

President appointed as that committee Senators Ericson, Sargent and Everall.

Senator Cheshire offered the following resolution:

Resolved, That the Senators retain during this session the seats allotted to them at the last session.

Adopted.

Senator Blanchard moved that until otherwise ordered by the President the committees of the last session be continued.

Adopted.

The committee appointed to notify the House reported duty performed.

Senator Berry offered the following resolution:

Resolved, That a committee of three be appointed by the Senate to confer with a committee from the House in relation to the appointment of mail carrier.

Adopted.

Senator Hospers offered the following resolution:

Resolved, That during the extra session of the Twenty-sixth General Assembly the number of committee clerks employed in the Senate shall be as follows:

One clerk for Code Commission; room 23.

One clerk for Judiciary Committee; room 22.

One clerk for Ways and Means Committee; room 24.

One clerk for Committee on Labor, Federal Relations, Retrenchment and Reform; room 16.

One clerk for Committee on Mines and Mining, Building and Loan, Public Lands; room 17.

One clerk for Committee on Suppression of Intemperance, Highways, Horticulture and Forestry; room 18.

One clerk for Committee on Schools, Penitentiary, Pardons, Constitutional Amendments, Claims; room 19.

One clerk for Congressional, Judicial, Senatorial and Representative Districts, Manufactories, Public Buildings, Fish and Game; room 20.

One clerk for Committee on Educational Institutions, Commerce and Railways; room 21.

One clerk for Committee on Agriculture and Military; room 23. Appropriations and Library in room 24.

One clerk for Committee on Charitable Institutions and Rules; room 22. Public Health, Pharmacy and Corporations in room 26.

One clerk for Committee on Insurance, Banks and Elections; room 28.

One clerk for Committee on Cities and Towns, Compensation of Public Officers and Printing; room 29.

Resolved, That the chairmen of the different committees select and appoint the clerk for said committees.

Senator Trewin moved that the resolution be referred to a committee consisting of Senators Junkin, Waterman and Carroll.

Carried.

Committee appointed to notify the Governor reported duty performed.

MESSAGE FROM THE GOVERNOR.

STATE OF IOWA,
EXECUTIVE DEPARTMENT, }
DES MOINES, January 19, 1897. }

MR. PRESIDENT—I am instructed by the Governor to present to the honorable, the Senate, a communication in writing, together with sundry reports.

W. S. RICHARDS,
Acting Private Secretary.

Senator Blanchard moved that the Secretary proceed to the reading of the Governor's message.

Carried.

Message read.

MESSAGE.

To the General Assembly of the State of Iowa:

The span of years allotted to a generation has passed away since last the General Assembly of Iowa was called together in extraordinary session. Fortunately, no questions so momentous and all-pervading as those

which confronted the people and their representatives at that session, and the called session of the year preceding, are now dominant in the public mind. Then the life of the Nation was in peril. Multiplied thousands of Iowa's brave men were absent from their homes contending for the life and the integrity of the republic. Members and people were alike oppressed with anxiety for both country and loved ones; for the later session was held at the darkest hour of the conflict.

Now, in a time of peace, with the fearful struggle of those days long since closed and closed aright, you are assembled to pass in review the statutes of the commonwealth, and to put in concise form the laws which are to begin to have force substantially with the commencement of the state's second half century.

A learned and industrious commission has prepared a revision of existing statutes, and put them, with such changes and modifications as to the commission seemed advisable, in codified form, in which shape the result of their labors has been before you for more than a year. An opportunity has thus been afforded the members of the General Assembly, and to some extent the people at large, to familiarize themselves with the new measures proposed, with the enactments the omission of which is contemplated, with the amendments which are suggested to existing statutes, and with the form which it is proposed to give the body of our statute laws. Therefore, the members of the General Assembly come together prepared, I doubt not, with the aid of the mature deliberation they have been enabled to give to the work, promptly to expedite the business for which the session has been called.

It is gratifying to know that many of the existing laws of this commonwealth have been so founded in wisdom as to commend themselves to statesmen and publicists of not only our sister states, but other lands. Our state officers receive not a few testimonials to this effect. I may mention the legislation pertaining to railroads, to insurance, to dairy interests, and to oil inspection. Let us hope that the matters you have in hand will show a still stronger development of legislation thus found to commend itself.

During the year past, our public institutions were visited by an unusual number of casualties through the power of the elements. On the 27th day of March, a severe rain storm did extensive damage to roofs at the School for the Deaf. The repairs necessitated a draft on the appropriation made for "providential contingencies," amounting to \$397.03.

On the 11th day of August the oldest building at the Anamosa penitentiary was destroyed by fire. It contained the dining room, kitchen, chapel and library. The damage amounted to \$13,200. The departments destroyed were furnished with temporary quarters, and nothing has been drawn from the appropriation on account of this disaster. It will not improbably, however, call for action on your part.

On the 21st day of the same month a tornado took off the roof of a wing of the main building of the Normal school and otherwise injured the structure, inflicting damage the repairment of which cost \$541. Again on the 29th day of the same month, lightning struck the main building of the Institution for Feeble Minded Children at Glenwood, set it on fire, and notwithstanding the extraordinary efforts on the part of the officers and

employes, the citizens of Glenwood, and the fire department of Council Bluffs. the edifice was destroyed, except the foundation walls and a portion of the walls of the west wing. Most of the contents of the building were likewise destroyed. A contiguous structure belonging to the institution was also damaged by water, and the rain considerably injured other property which had been removed from other buildings in apprehension of their destruction. The damage done was the most extensive ever suffered by any institution in the State. The building itself had cost, with its contents, rather more than a \$100,000, and the whole damage is estimated at \$125,000.

An extraordinary emergency therefore confronted the Board of Trustees. The dining room, kitchen, school department, the rooms of seventy-five employes, and those of seventy children had disappeared. It should be remembered that prior to the catastrophe the institution was crowded beyond its capacity, and now a large part of the facilities which before were thus inadequate was gone. The members of the Board came before the Executive Council and represented the situation in which they were placed. The appropriation for meeting providential contingencies amounted to only \$10,000, of which sum several hundred dollars had already been expended, and it was manifest that there was not enough of that appropriation remaining to provide for any considerable part of the repairs absolutely indispensable for the maintenance of the institution. It was, moreover, clearly a matter of economy for steps to be taken to preserve the yet standing walls which it was believed could be utilized in rebuilding. The Executive Council, feeling that an occasion had arisen for which adequate provision had not been made, unanimously determined to take the responsibility of authorizing the expenditure of \$25,000, and afterwards of \$15,000 more, in the work of rebuilding; the same being thought to be imperatively necessary for the maintenance of the institution and the preservation of the State's property. For this action on the part of the Executive Council I ask the approval of the General Assembly. A special report of the Trustees of said institution and Dr. Powell, its Superintendent, is herewith submitted.

Fortunately, none of the calamities recited were attended with loss of life, or even personal injury. This will be regarded as the more remarkable when it is taken into consideration the kind of unfortunates that are being cared for in the institution at Glenwood.

The State long since ceased paying premiums of insurance upon its property. Indeed, it never did pay out much for such purpose. But, the need of some sort of provision for meeting the contingencies of fire and other elemental disasters becoming manifest, the General Assembly began several years ago the practice of making an appropriation for "providential contingencies." I find that the amount thus appropriated, down to the present time, aggregates \$134,000, while there is a total of drafts on these appropriations amounting to \$63,678.19, making the excess in amount appropriated over the expenditures \$70,321.81. Had the appropriations been cumulative as the first ones were, the unexpended balance of each appropriation being good for succeeding terms, there would have been, as appears above, a sum ample for making all the repairs at Glenwood that could not wait for the meeting of the General Assembly. In view of the

experience of last year, I submit that prudential considerations require that the State should purchase insurance for its property, or else that provision be made either for the establishment of an insurance fund, or for the adoption of other adequate provision to meet extraordinary emergencies.

I would also recommend a consideration of the propriety of making all State edifices hereafter constructed substantially fire proof. This, while lessening the risk, would obviate the danger of horrors such as have befallen public institutions—none of them, fortunately, in our own State.

A report made to me by the Auditor of State, which is herewith submitted, makes an unpleasant showing of the finances. It appears that, owing to drafts, amounting to \$569,259.18 on the special appropriations made at the regular session of the present General Assembly, there was a net floating indebtedness on the second day of the present month of \$397,075.70, there being \$593,459.10 of warrants outstanding, with \$196,383.40 of cash in the treasury. The Auditor estimates that the receipts for the current year will be \$2,137,445.68, and that the ordinary expenditures will be \$1,723,086.34, while there may be drawn during the year \$519,968.07 of the remaining special appropriations made at the last session. Should they all be drawn, which, however, is not probable, the indebtedness at the close of the present year will be in the neighborhood of \$500,000.

In view of this showing, I recommend that all of last session's special appropriations, any part of which is yet undrawn, be reviewed by the General Assembly, and wherever the same can be done without injury, the expenditure be deferred until the year 1898. And similar examination into all public expenditures might be made, with a view to reduction wherever practicable. Thus may be effectively inaugurated a movement which shall lead eventually to the cancellation of all indorsed warrants, and, let me express the hope, to an abandonment of the practice of indorsing warrants "not paid," a practice not in conformity with sound business principles, even in the matter of running into debt.

On the 29th day of June last, I received the resignation of Hon. A. T. Meservey as a member of the Board of Trustees of the Agricultural College for the Eleventh Congressional District. Upon being advised that the Board had elected as Mr. Meservey's successor, the Hon. Hiram C. Wheeler, of the county of Sac, I issued a commission to that gentleman to hold, as provided by the statute, until the next meeting of the General Assembly. It is now incumbent upon you to elect a Trustee for the remainder of the unexpired term.

It is unnecessary for me to remind the General Assembly that the people of the state are expecting the session to be of brief duration, and I doubt not that you are, as their representatives, in full sympathy with that feeling. Permit me to express the hope that your deliberations will eventuate in a Code of Laws that will give satisfaction to the people, while it will anew commend the legislation of this great Commonwealth to approval beyond our borders.

January 19, 1897.

F. M. DRAKE.

Senator Cheshire moved that report of trustees of the Institution for Feeble Minded Children at Glenwood, Iowa, submitted with the Governor's message be passed on file and ordered printed.

Carried.

REPORT.

IOWA INSTITUTION FOR FEEBLE MINDED CHILDREN, }
GLENWOOD, Iowa, January 1, 1897. }

To His Excellency, Francis M. Drake, Governor of Iowa, and to the Executive Council:

GENTLEMEN—In accordance with your request, we herewith submit a special report relative to the fire which consumed the main or administrative building of the Iowa Institution for Feeble Minded Children, August 29, 1896.

We have the honor to be,

Yours very respectfully,

W. H. HALL,
J. E. WICKHAM,
E. R. MOORE,
Trustees.

F. M. POWELL,
Superintendent.

REPORT.

The main, or Administrative building of the Iowa Institution for Feeble-Minded Children was erected between the years 1884 and 1890, in accordance with provisions made for this purpose by the several General Assemblies, as follows:

1st.—The Twentieth General Assembly appropriated \$50,000. (Chapter 145, Session Laws, 1884.)

2d.—The Twenty-first General Assembly appropriated \$25,000. (Chapter 162, Session Laws, 1886.)

3d.—The Twenty-second General Assembly appropriated \$16,000. (Chapter 119, Session Laws, 1888.)

4th.—The Twenty-third General Assembly appropriated \$2,000 for cold storage [addition to main building]; \$2,000 for bakery and kitchen furniture. (Chapter 80, Session Laws, 1890.)

5th.—The Twenty-fourth General Assembly appropriated \$1,000. (Chapter 92, Session Laws, 1892.)

6th.—The Twenty-second General Assembly also appropriated the sum of \$15,000 for steam heating, \$1,500 for hydrants and fire escapes and \$1,200 for beds and bedding, and the Twenty-third General Assembly a sum of \$5,000 for electric lighting. A large portion of these latter sums were expended on the building under consideration.

It is a difficult matter to adequately estimate the full pecuniary loss to the State by this calamity, for in addition to the sums specifically appropriated for construction and furnishing the building, there have been each year expenditures on the same, and we can not even yet realize clearly all that has been lost to the institution and to the State.

The total amount specifically appropriated and expended in the erection of the building will be seen to be \$96,000. This, with a proportion of the other

sums mentioned, makes an approximate cost of building and furnishing, of not less than \$125,000.

The whole of this building was consumed by the fire, except the foundation walls, the vault and contents, a portion of the walls of the west wing and such material and furniture as was saved at the time of the fire.

Further, the contents of adjoining buildings were badly damaged, or destroyed, it being thought expedient to remove them, owing to the imminent danger of the fire extending. The dry goods store room contained some thousands of dollars worth of material, much of which was ruined in its removal, and by subsequent wetting from the rain storm prevailing at the time.

The main building was the largest and principal one of the several buildings constituting the institution. It was built in the form of a cross, extending north and south 208 feet, and east and west 169 feet; contained cellars, a basement floor, two main stories and an attic floor. The cellars were used for storage purposes in connection with the kitchen department. The basement floor contained kitchen, bakery, dining rooms for children and employes, and a general store room. The first floor provided for offices, living rooms for Superintendent's family, officers and teachers and a class of thirty children. The second floor was utilized entirely by the school department. The attic floor provided room for a class of girls and living rooms for employes. The extreme rear extension contained the cold storage plant and two school rooms.

DETAILS OF THE FIRE.

At 2:15 on the morning of Saturday, the 29th of August, 1896, during a severe rain and electrical storm, the northeast corner of the tower of the administrative building was struck by lightning, and notwithstanding heroic efforts on the part of the Institution staff, the people of Glenwood, and the fire department of Council Bluffs, the entire structure, and much of its contents, was destroyed.

Fire was discovered a few minutes after the lightning struck the building, by employes who slept on the upper floor. They aroused other occupants, sounded the alarm, and put into operation the fire hose. The entire force of the institution quickly responded to the alarm, and the available fire fighting apparatus was speedily brought into action. In addition to this, bath tubs were kept constantly full of water for the use of the bucket brigade, which rendered valuable service.

The first thought and consideration was the safety of the children, who were all quietly and orderly removed to places of safety, in a manner demonstrating the efficiency of Institution discipline.

When first discovered, the fire appeared to be confined to the upper portion of the tower, a square brick structure with heavy partition brick walls separating it from adjoining rooms in the building. Had the lightning, in its destructive path, not touched other parts, doubtless the fire would have been controlled, but it soon became manifest that another portion of the building was ignited, and a fire, far more serious in its nature, was found to be fiercely raging in the roof timbers of the south extension over the chapel. The Institution fire apparatus was speedily supplemented by the fire department of the city of Glenwood.

Slowly but surely the fire crept on. Finally, recognizing the impossibility of saving the building, an extra force was organized to remove the contents. By this time, other buildings were in danger, more especially the one on the west known as the "old building," the distance between the burning building and this structure being only fifteen feet. It was of the utmost importance to intercept the fire at this juncture, as the "old building" was connected with a number of others that must inevitably have been destroyed in the event of a failure to control the fire at this point. Strenuous efforts were accordingly directed to this end, and successfully. The west end of the administrative building was so thoroughly saturated with water that the fire gradually died out within a few feet of the west walls. Had these efforts been unsuccessful only a small portion of the Institution would have been left standing.

Early during the conflagration the fire department of Council Bluffs was telegraphed to for help, and a special train on the Chicago, Burlington & Quincy brought a portion of their department to our aid. They assisted materially in the work of saving the remaining buildings.

The appliances for fire protection consisted in water pipes on each floor with hose attachments, fire buckets and axes, chemical fire extinguishers, outside hydrants and hose carts. The reservoir storage for water is contained in a brick tower, 100 feet high, in which are iron tanks, with a capacity of 1,300 barrels, a portion being kept constantly in reserve, to be drawn on only in the event of fire, until direct pressure can be obtained from the pumps, which have a forcing capacity of 500 barrels an hour. The apparatus stood the test in a gratifying manner. The building was provided with fire escapes on the several extensions.

The Trustees desire to express gratitude to the people of Glenwood and the surrounding country for their efficient assistance. They also wish to record that the officers and employes were active and energetic in their efforts to save the building and care for the children. All were unselfish in that they gave no thought for their own belongings, but cheerfully and willingly labored to save the State's unfortunate charges and property.

The Trustees respectfully call your attention to the personal losses of the employes, they being illy able to bear them.

AFTER THE FIRE.

The fire at once deprived the institution of 60,800 square feet of surface, divided into 100 rooms, every foot of which was utilized in the conduct and management of the affairs of the institution. The consequent embarrassment was very great. To appreciate this, it would be necessary to have been familiar with all the circumstances before and after the fire. In a few hours the institution was deprived of all conveniences for cooking for and dining over 400 children and seventy-five employes; rooms for Superintendent and family; offices for the Executive department; cold storage plant; general store room and school department entire. All this must be temporarily provided for, and that immediately, until permanent provision could be secured. The changes incident to reorganize, deprived a large number of children in the old building of allotted space, which made it necessary to improvise somewhere and somehow. The only resource was to crowd space already occupied. It therefore became necessary to double the classes and use hall space for dormitories and dining rooms.

It was imperative to provide at once temporary quarters for the administrative department to direct and carry on the affairs of the institution under the changed conditions. For this purpose rooms were utilized in the old building, which we had fought so vigorously to save, and which was now thoroughly drenched, from garret to basement, with water from the use of hose during the fire. The same room was brought into requisition as an office that was used for the same purpose twenty years ago at the organization of the institution.

When it is understood that every department was actually crowded before the fire, you may realize the difficulty of solving the problem—how to meet the existing conditions. Yet, the emergency must be met. For feeding and housing the population we depended upon the asylum or custodial building, which had a small kitchen and dining-room for 150 of the lower classes of children, and the use of the kitchen and dining-room at the farm boys' cottage. By bringing into use these limited facilities and by making dining-rooms of halls and providing meals at separate times, the absolute necessities were, in a measure, provided for.

While the experience was a severe one, it was less so than it would have been had the season of the year been unfavorable.

The Superintendent telegraphed the Board of Trustees to come at once and notified the Executive Council of the calamity.

Your honorable body will remember that we met you in council on Wednesday, September 2d, at which time the facts, as above stated, were submitted. In addition to the necessities referred to, your attention was called to the fact that portions of the walls still standing could be saved, if constructive repairs could take place before they were subjected to winter storms and spring thaws. In other words, the State would, in our opinion, save thousands of dollars if it were possible to rebuild at once. As a result of your deliberations, \$25,000 was appropriated to begin work at once, with instructions to rebuild as far as necessary to meet existing emergencies, all to be done substantially, as permanent structure, suitable for the purposes of the Institution when the burnt building shall have been rebuilt as a whole.

You will remember also, that another petition was presented November 12th, asking further assistance to rebuild other portions to meet the requirements of the Institution, and to save the State's property. With the aid rendered by your honorable body, we have been enabled to reconstruct the south extension and portions of the west wing; the former now being partially utilized. In accordance with your suggestions and our own judgment, it has been the endeavor to build substantially, using iron girders and partition brick walls wherever practicable, and in other ways, build with a view of fire protection.

While the work commenced is incomplete, we are confident that the \$40,000 granted is being economically and profitably expended. The relief granted will provide kitchen facilities, dining rooms for girls and employes, and about one-half the former school facilities. It will also provide day and dormitory rooms for a class of girls, and rooms for a number of employes.

From careful estimates procured we conclude that \$75,000 will complete and furnish the remaining portions of the building, which will contain

the administrative offices, dining room for boys, attic rooms for employes, Superintendent's apartments, and complete the school department, all of which is urgently needed to place the institution on the same basis as it was before the fire. Respectfully,

F. M. POWELL,
Superintendent.

W. H. HALL,
J. E. WICKHAM,
E. R. MOORE,
Trustees.

Senator Harper moved that the financial report of the Auditor of State be passed on file and ordered printed.

Carried.

REPORT OF AUDITOR.

STATE OF IOWA,
OFFICE OF AUDITOR OF STATE, }
DES MOINES, January 14, 1897. }

Hon. F. M. Drake, Governor:

DEAR SIR—Complying with your request of the 13th inst., for a financial statement, I have the honor to submit herewith a statement of the receipts and disbursement from January 4, 1896, to January 2, 1897, inclusive; also a statement showing warrants outstanding January 4, 1896, and amount of warrants issued to January 2, 1897; the amount of warrants outstanding and unpaid January 2, 1897; cash in treasury on said date and deficit January 2, 1897; also a statement showing the estimated receipts and expenditures for the year 1897, with probable deficit Jan'y 1, 1898. Also a statement giving the extraordinary appropriations made by the Twenty-sixth General Assembly; the amount available, or that might be drawn in 1896, and the amount of warrants so drawn in the year 1896. It may be observed that while the amount of appropriations available for 1897 may be drawn during the year, it is probable that all of the appropriations will not be drawn. To the extent of this saving, the aggregate amount of deficit will be reduced correspondingly; but it was thought advisable to give the amounts in full, as the law gives the institutions the right to expend these sums, if necessary.

All of which is respectfully submitted,

C. G. MCCARTHY

Auditor of State.

RECEIPTS FROM JANUARY 4, 1896, TO JANUARY 2, 1897,
INCLUSIVE.

From state tax, 2½ mills.....	\$1,361,724.65
From interest on delinquent taxes	15,107.99
From insane dues from counties	368,541.72
From college for the blind, from counties	850.24
From Iowa school for the deaf from counties.....	1,309.24
From feeble-minded children institution, from counties	7,709.16
From orphans' home, from counties.....	19,647.05
From peddlers' licenses, from counties.....	1,480.40
From sale of laws, from counties	129.50
From insurance companies for taxes.....	124,128.62
From auditor of state for fees.....	34,215.50
From auditor of state for fees, building and loan..	880.00
From clerk supreme court for fees.....	2,456.20
From oil inspector for fees.....	3,202.11
From secretary of state for fees	12,722.83
From superintendent of public instruction for fees	884.00
From telegraph companies for taxes.....	15,505.48
From telephone companies for taxes.....	4,935.00
From United States, aid soldiers' home.....	47,868.27
From custodian's sales	89.30
From dairy commissioner's licenses	566.00
From pharmacy commissioner's licenses.....	1,677.90
From sale geological reports.....	15.07
From secretary of state, sale of typewriter.....	30 00
From O'Brien county land sale.....	647.97
From refunds from soldiers' home.....	14,955.65
From refund from Mount Pleasant hospital.....	1,500.00
From refund from Hon. J. T. P. Power, mileage.	5.10
From interest on Lyon county land sale, notes...	1,057.68
Total.....	\$2,033,842.63
Cash in treasury January 4, 1896....	\$ 38,648.02
Cash received to January 2, 1897....	2,033,842 63
Total cash.....	\$2,072,490.65
Warrants redeemed same time.....	\$1,872,228.32
Interest paid on same.....	3,878.93
	<u>1,876,107.25</u>
Bal. in treasury January 2, 1897	\$ 196,383.40

Warrants outstanding January 4, 1896 \$ 33,061.41
 Warrants issued to January 2, 1897. 2,432,626.01

Total warrants..... \$2,465,687.42
 Warrants redeemed..... 1,872,228.32

Warrants outstanding January 2, 1897.....\$ 593,459.10
 Cash in treasury January 2, 1897..... 196,383.40

Deficit January 2, 1897.....\$ 397,075.70
 EXPENDITURES FROM JANUARY 4, 1896, TO JANUARY 2, 1897,

INCLUSIVE.

Adjutant-General's salary.....	\$ 1,500.00
Attorney-General's salary.....	1,500.00
Attorney-General, per diem and expenses.....	1,864.35
Attorney-General, clerks' fund.....	1,515.00
Attorney-General, legal assistance.....	1,580.00
Auditor of State's salary.....	2,200.00
Deputy Auditor of State's salary.....	1,500.00
Auditor of State, executive council.....	500.00
Auditor of State, clerks' fund.....	7,112.58
Clerk supreme court, salary.....	2,200.00
Clerk supreme court, deputy's salary.....	1,500.00
Clerk supreme court, clerks' fund.....	1,664.00
Labor Commissioner's salary.....	1,500.00
Labor Commissioner, deputy's salary.....	691.68
Labor Commissioner's expenses.....	688.66
Pharmacy Commissioner's enforcement fund.....	869.01
Custodian's salary.....	1,500.00
Custodian's expenses.....	31,644.38
Dairy Commissioner's salary.....	1,500.00
Dairy Commissioner's expenses.....	3,642.53
District judges' (51) salaries.....	124,687.71
Fish Commissioner's salary.....	1,200.00
Fish Commissioner's expenses.....	3,374.14
Governor's salary and rent.....	3,600.00
Governor, executive council.....	500.00
Governor, private secretary's salary.....	1,500.00
Governor, contingent fund.....	5,136.44
Janitors' salaries.....	9,960.00
Librarian's and assistant librarians' salaries.....	2,700.00
Mine Inspectors' salaries.....	3,600.00

Mine Inspectors' expenses.....\$	1,623.75
Mine Inspectors clerk's fund.....	1,002.00
Mine Inspectors' board of examiners.....	325.20
Oil Inspectors' salary	2,000.00
Railroad Commissioners' and secretary's salaries..	10,620.96
Railroad Commissioners' expenses.....	4,495.43
Secretary of State's salary	2,200.00
Secretary of State, deputy's salary.....	1,500.00
Secretary of State, executive council.....	500.00
Secretary of State, clerks' fund.....	6,239.00
Secretary of State, clerk land office.....	1,200.00
Superintendent of Public Instruction's salary.....	2,200.00
Supt. of Public Instruction, deputy's salary.....	1,500.00
Supt. of Public Instruction, clerks' fund.....	2,083.16
Supt. of Public Instruction, traveling expenses... ..	250.00
Superintendent Public Weights and Measures ...	20.83
Supreme judges' salaries	24,000.00
Supreme court contingent fund.....	1,310.42
Supreme court reporter's salary and special appro- priation, Raymond \$700, and Salinger \$1,300....	2,000.00
Treasurer of State's salary	2,200.00
Treasurer of State, deputy's salary	1,500.00
Treasurer of State, executive council.....	500.00
Treasurer of State, clerk's fund.....	1,986.60
Veterinary surgeons	3,001.52
Agricultural college financial agent's salary and expense	1,926.14
Agricultural college trustees	3,147.00
Agricultural societies	21,632.25
Arrest of fugitives	5,045.95
Blind college, clothing.....	1,007.80
Blind college, support.....	27,140.00
Blind college, trustees.....	1,247.24
Blind industrial home trustees.....	974.55
Binder	30,075.55
Board of educational examiners.....	600.00
Board of health.....	4,943.25
Code commissioners.....	57.06
Deaf school support.....	64,085.00
Deaf school trustees.....	917.20
Des Moines river lands.....	1,131.32
Farmers' institutes.....	2,439.09

Feeble minded children institution, clothing.....	\$ 8,048.55
Feeble minded children ordinary expenses.....	22,000.00
Feeble minded children support.....	62,020.00
Feeble minded children trustees.....	906.80
Geological survey.....	5,067.11
Geological expenses.....	3,362.69
Historical collection.....	5,450.10
Historical society.....	1,000.00
Horticultural society.....	2,500.00
Cherokee hospital commissioners.....	1,811.77
Clarinda hospital support.....	111,990.00
Clarinda hospital trustees.....	2,262.35
Independence hospital support.....	200,634.00
Independence hospital trustees.....	829.23
Mount Pleasant hospital support.....	188,790.00
Mount Pleasant hospital trustees.....	924.34
Industrial schools support.....	72,750.00
Industrial schools trustees.....	408.43
Non-resident insane.....	822.05
Interest on school fund loans.....	577.58
Weather service.....	2,699.91
University endowment.....	20,000.00
University support.....	39,250.00
University board regents.....	2,273.76
Library books.....	4,044.32
Library repairs.....	500.00
Militia.....	43,267.06
Miscellaneous expenditures.....	63,816.99
Normal school salary—Chap. 102-92 and 148-94... ..	20,250.00
Normal school contingent and repair—Chap. 102-92, \$3,000; 137-96, \$8,000.....	11,000.00
Normal school trustees.....	1,414.40
Orphans' home, support soldiers' orphans.....	31,277.66
Orphans' home, support indigent children.....	18,645.88
Orphans' home, trustees.....	662.61
Penitentiary at Anamosa, officers and guards.....	48,324.29
Penitentiary at Anamosa, support.....	67,117.76
Penitentiary at Ft. Madison, officers and guards..	37,288.60
Penitentiary inspection.....	67.63
State printer.....	42,631.36
Providential contingencies.....	1,920.23
Railroad prosecution.....	272.10

Relief of Hull.....	\$	240.00
Relief of Metz.....		240.00
Reward for murderer.....		300.00
Stationery account.....		1,084.71
Soldiers' home, salary.....		13,600.00
Soldiers' home, support.....		72,620.00
Special appropriation, Twenty-fourth General Assembly.....		70.00
Teachers' institutes.....		4,950.00
Twenty-sixth General Assembly, members' salaries		82,775.00
Twenty-sixth General Assembly, members' mileage		2,133.35
Twenty-sixth General Assembly, visiting Commit- tees.....		766.00
Twenty-sixth General Assembly, officers' salaries.		46,870.50
Commission to investigate insanity.....		21.50
Agricultural College improvement and experimentation—		
On chap. 67-1-80.....	\$	973.25
On chap. 78-1-82.....		2,088.02
On chap. 126-1-88.....		910.06
On chap. 145-1-94.....		11,260.19
		<hr/>
	\$	15,231.52
On chap. 127-1-96.....		18,958.20
		<hr/>
Total.....		34,189.72
Blind College improvements—		
On chap. 143-1-94.....	\$	645.06
On chap. 146-1-96.....		5,744.53
		<hr/>
Total.....		6,389.59
Blind Industrial Home, support, chap. 38-1-96..		10,500.00
Benedict Home—		
On chap. 154-1-94.....	\$	1,296.42
On chap. 157-1-96.....		2,515.15
		<hr/>
Total.....		3,811.57
Deaf School improvements—chap. 129-1-96....		12,100.00
Feeble Minded institution—		
On chap. 140-1-94.....	\$	987.50
On chap. 145-1-96.....		56,200.00
		<hr/>
Total.....		57,187.50

Cherokee Hospital for Insane—

On chap. 136-94.....\$ 50,000.00
 On chap. 140-96..... 24,956.93

Total..... \$ 74,956.93

Clarinda Hospital improvement—On chap. 141-1-96.....

99,649.25

Independence Hospital improvement—

On chap. 134-1-94.....\$ 552.70
 On chap. 143-1-96..... 9,650.00

Total..... 10,202.70

Mt. Pleasant hospital improvement—

On chap. 135-1-94.....\$ 450.00
 On chap. 142-1-96..... 24,550.00

Total..... 25,000.00

Industrial school for boys, improvement—On chap. 132-1-96.....

6,150.00

Industrial school for girls, improvement—On chap. 133-1-96.....

14,700.00

Iowa state university, improvement—

On chap. 152-94 and previous years..\$ 5,433.85
 On chap. 144-2-96..... 7,009.59

Total..... 12,443.44

Library, circulating, 49-8-96; total appropriation.....

4,000.00

Soldiers' monument, 70-92.....

19,140.19

New Orleans exposition, on chap. 170-86.....

100.00

Normal school improvement—

On chap. 102-92 and 148-94.....\$ 1,300.00
 On chap. 137-96..... 3,500.00

Total..... 4,800.00

Normal school teachers—On chap. 137-96.....

3,250.00

Orphans' home improvement—

On chap. 96 and 97-92 and 138-94..\$ 1,832.78
 On chap. 131-96..... 8,936.60

Total..... 10,769.38

Penitentiary at Anamosa, building—

On chap. 149-94.....\$ 5,490.58

On chap. 134-96..... 19,121.07

Total..... \$ 24,611.65

Penitentiary at Anamosa, escaped convicts,
167-84.....

95.70

Penitentiary at Anamosa, transportation—

On chap. 149-94.....\$ 69.65

On chap. 134-96..... 1,847.66

Total..... 1,917.31

Penitentiary at Ft. Madison, building—

Previous years, 150-94.....\$ 1,163.39

135 and 136-96..... 42,570.00

Total..... 43,733.39

Penitentiary at Ft. Madison, transportation—

On chap. 135-96..... 2,000.00

Soldiers' home improvement..... 51,800.00

Burlington centennial..... 10,000.00

Capitol repairs..... 14,315.51

Iowa and Missouri boundary line survey..... 1,588.68

Cedar county, special appropriation—154-1-96.. 1,193.06

Grey uniforms—153-1-96..... 954.75

Shiloh battlefield..... 812.03

Special appropriations, Twenty-sixth General
Assembly.....

21,254.29

Total..... \$2,432,626.01

ESTIMATED RECEIPTS FOR 1897.

From state tax, 2 7-10 mills.....\$1,400,000.00

From special University tax, 1-10 mill..... 55,000.00

From interest on delinquent taxes..... 15,108.00

From insane dues, from counties..... 368,542.00

From college for the blind, from counties..... 850.00

From Iowa school for the deaf, from counties.... 1,309.00

From feeble minded children institution, from co. 7,709.00

From orphans' home, from counties..... 19,647.00

From peddlers' licenses, from counties..... 1,480.00

From sale of laws, from counties..... 130.00

From insurance companies for taxes..... 124,129.00

From auditor of state for fees (insurance)..... 34,216.00

From auditor of state for fees (building and loan). \$	600.00
From clerk supreme court for fees.....	2,456.00
From oil inspector for fees.....	3,202.00
From secretary of state for fees.....	12,723.00
From superintendent of public instruction for fees	884.00
From telegraph companies for taxes.....	15,505.00
From telephone companies for taxes.....	5,682.00
From United States' aid soldiers' home.....	47,868.00
From custodian's sales.....	89.00
From dairy commissioners' licenses.....	566.00
From pharmacy commissioners' licenses.....	1,678.00
From sale geological reports.....	15.00
From interest on Lyon county land notes.....	1,057.68
From sundry sources, miscellaneous.....	17,000.00
Total.....	\$2,137,445.68

ESTIMATED EXPENDITURES FOR 1897.

Adjutant-General's salary.....	\$ 1,500
Attorney-General's salary.....	1,500
Attorney-General's per diem and expenses.....	1,900
Attorney-General's clerks' fund and legal assistance	3,044
Auditor of State's salary.....	2,200
Auditor of State's deputy's salary.....	1,500
Auditor of State's clerk's fund.....	10,816
Clerk of supreme court's salary.....	2,200
Clerk of supreme court's deputy's salary.....	1,500
Clerk of supreme court's clerk's fund.....	1,653
Commissioner of labor statistics' salary.....	1,500
Deputy commissioner of labor statistics' salary....	1,000
Commissioner of labor statistics, expenses.....	500
Commissioners of pharmacy, enforcement fund...	1,000
Custodian's salary.....	1,500
Custodian's expenses.....	32,000
Dairy commissioner's salary.....	1,500
Dairy commissioner's expenses.....	4,856
District judges' salaries (fifty-one judges).....	127,500
Executive council fund.....	2,000
Farmers' institutes.....	2,500
Fish commissioner's salary.....	1,200
Fish commissioner's expenses.....	3,500
Governor's salary and house rent.....	3,600
Governor's contingent fund.....	5,276

Governor's contingent fund, to pay additional counsel.....\$	2,000
Governor's private secretary's salary.....	1,500
Janitors' and watchmen's salaries.....	9,284
Librarian's salary.....	1,200
Librarians assistants' salaries.....	1,500
Mine inspectors' salaries (three inspectors).....	3,600
Mine inspectors' expenses.....	1,700
Mine inspectors' clerks' fund.....	1,000
Oil inspector's salary.....	2,000
Railroad commissioners' salaries.....	9,000
Railroad commissioners' secretary's salary.....	1,500
Railroad commissioners' expenses.....	4,776
Railroad prosecution by state.....	500
Secretary of State's salary.....	2,200
Secretary of State's deputy's salary.....	1,500
Secretary of State's land office clerk's salary.....	1,200
Secretary of State's clerk's fund.....	5,000
Superintendent of public weights and measures....	100
Superintendent of public instruction's salary.....	2,200
Superintendent of public instruction's deputy's salary.....	1,500
Superintendent of public instruction's clerks' fund.	2,377
Superintendent of public instruction's traveling expenses.....	250
Supreme judges' salaries (six judges).....	24,000
Supreme court contingent expenses.....	1,752
Supreme court reporter's salary.....	2,000
Treasurer of State's salary.....	2,200
Treasurer of State's deputy's salary.....	1,500
Treasurer of State's clerks' fund.....	2,311
Veterinary surgeon's per diem and expenses.....	3,000
Adjusting school fund and revenue accounts.....	200
Agricultural college trustees' per diem and mileage	3,150
Agricultural college financial agent.....	2,000
Agricultural societies.....	26,367
Arrest of fugitives.....	5,050
Blind industrial home support.....	7,500
Blind industrial home trustees' per diem and mileage.....	1,200
College for blind, clothing.....	1,010
College for blind, support.....	42,860

College for blind trustees' per diem and expenses.\$	1,250
Hospitals for insane, support.....	402,000
Hospitals for insane, trustees' per diem and mileage.....	4,250
Insane, non-resident, removal of.....	1,000
Industrial schools, support.....	72,800
Industrial schools, trustees' per diem and mileage	550
Iowa school for deaf, clothing.....	2,080
Iowa school for deaf, support.....	61,000
Iowa school for deaf, trustees' per diem and mileage.....	1,000
Institution for feeble minded, clothing.....	8,000
Institution for feeble minded, support and ordinary expenses.....	84,100
Institution for feeble minded, trustees' per diem and mileage.....	907
Normal school directors' per diem and mileage...	1,500
Orphans' home, soldiers' orphans.....	32,000
Orphans' home, indigent children.....	20,000
Orphans' home, per diem and mileage.....	750
Penitentiary at Anamosa, support.....	67,200
Penitentiary at Anamosa, officers and guards....	48,500
Penitentiary at Anamosa, transportation of discharged convicts.....	1,152
Penitentiary at Ft. Madison, officers and guards..	37,300
Penitentiary at Ft. Madison, transportation of discharged convicts.....	2,000
Penitentiary inspection.....	100
Relief of Jos. Metz.....	240
Relief of F. M. Hull.....	240
Soldiers' home support.....	72,620
Soldiers home, salaries of officers and employes..	12,600
State binding.....	30,000
State printing.....	43,000
State board of educational examiners.....	600
State board of health.....	5,000
State historical society.....	1,000
State historical collection.....	7,908
State horticultural society.....	2,500
State library.....	6,456
State militia.....	62,854
State university endowment fund.....	20,000

State university regents' per diem and mileage...\$	3,000
Stationery contracts.....	10,000
Teacher's institutes.....	5,000
Iowa weather service.....	3,376
Miscellaneous expenditures.....	45,000
Providential contingencies.....	9,080
Interest on school fund loans.....	798
Geological survey expense.....	3,500
Murderers, arrest of.....	500
Insanity, to investigate.....	100

Memorial building.....	25,000.00
Interest on state warrants.....	10,000.00
Agricultural college improvements, etc.....	66,187.36
College for blind, improvement.....	11,469.35
Benedict home, improvement and support.....	6,684.85
Iowa school for the deaf, improvement.....	5,000.00
Des Moines river lands.....	618.95
Institution feeble minded children, improvement..	10,450.00
Geological survey.....	6,167.95
Hospital, Cherokee, building.....	75,043 07
Hospital, Clarinda, building.....	99,650.75
Hospital, Independence, building.....	6,650.00
Hospital, Independence, contingent fund.....	3,000.00
Hospital, Mount Pleasant, building.....	21,605.54
Hospital, Mount Pleasant, contingent fund.....	9,750.00
Industrial school for boys, building.....	12,850 00
Industrial school for girls, building.....	2,300.00
Iowa state university, building, etc.....	15,865.97
Iowa state university, support.....	66,373.74
Soldiers' monument.....	13,786.59
New Orleans exposition deficit.....	12,050.00
Normal school, improvement.....	7,101.20
Normal school, teachers' salaries.....	40,375.00
Normal school, contingent and repair.....	10,375.00
Orphans' home, improvement.....	11,499.48
Penitentiary, Anamosa, improvement.....	43,957.88
Penitentiary, Anamosa, escaped convicts.....	33.27
Penitentiary, Fort Madison, improvements.....	18,130.00
Prisoner's aid association.....	704.65
Soldiers' home, improvement.....	294.67

Spirit Lake monument.....	\$	2.30
Twenty-fifth Gen'l Assembly, special appr'n, flags		1,072.10
Twenty-sixth Gen'l Assembly, special appropria'n		238.75
Gray uniforms.....		1,545.25
Shiloh battlefield.....		58.25
Capitol building, repairs.....		284.49
University building special tax.....		55,000.00
Total.....		\$2,243,072.41

If there be an appropriation made by the special session for Glenwood, of \$101,202.00, as I am informed will be asked for, and if the special session cost \$100,000.00, as I estimate it will, the above footing will be increased to.....\$2,444,274.41

EXTRAORDINARY APPROPRIATIONS MADE BY THE TWENTY-SIXTH GENERAL ASSEMBLY.

Chap. 49, Twenty-sixth General Assembly, traveling library	\$	4,000.00
Available in 1896, \$4,000; all drawn.		
Chap. 103, Iowa national guards, additional.....		10,400.00
Available in 1896, \$5,200; all drawn.		
Chap. 115, memorial hall site.....		25,000.00
Available in 1896, \$25,000; none drawn.		
Chap. 116, Burlington centennial.....		10,000.00
Available in 1896, \$10,000; all drawn.		
Chap. 117, B. I. Salinger.....		800.00
Available in 1896, \$800; all drawn.		
Chap. 118, battleship.....		5,000.00
Available in 1896, \$5,000; none drawn.		
Chap. 120, Spirit Lake dam.....		1,000.00
Available in 1896, \$1,000; \$628.50 drawn.		
Chap. 126-3, railroad commissioners' maps.....		900.00
Available in 1896, \$900; \$862.50 drawn.		
Chap. 126-6, providential contingencies.....		10,000.00
Available in 1896, \$5,000; \$1,920.23 drawn.		
Chap. 126-9, McClain's codes.....		1,377.00
Available in 1896, \$1,377; all drawn.		
Chap. 126-14, Iowa Printing company.....		472.80
Available in 1896; \$472.80; all drawn.		
Chap. 126-15, L. Harbach.....		628.00
Available in 1896, \$628; all drawn.		

Chap. 126-17, L. L. Babcock.....\$	7.50
Available in 1896, \$7.50; all drawn.	
Chap. 126-18, Ida Kittleman.....	7.50
Available in 1896, \$7.50; all drawn.	
Chap. 126-19, J. L. Thompson.....	8.00
Available in 1896, \$8; all drawn.	
Chap. 126-20, W. H. Fleming.....	15.00
Available in 1896, \$15; all drawn.	
Chap. 126-24, Iowa and Missouri boundary line...	2,500.00
Available in 1896, \$2,500; \$1,588.68 drawn.	
Chap. 126-25, roof for arsenal, etc.....	500.00
Available in 1896, \$500; \$185.60 drawn.	
Chap. 126-26, superintendent of weights and meas- ures.....	250.00
Available in 1896, \$250; none drawn.	
Chap. 126-27, extra to employes.....	75.00
Available in 1896, \$75; all drawn.	
Chap. 126, net increase clerks' fund.....	8,000.00
Available in 1896, \$4,000; all drawn.	
Two additional judges.....	10,000.00
Available in 1896, \$5,000; \$2,429.64 drawn.	
Chap. 127, agricultural college.....	54,500.00
Available in 1896, \$54,500; \$18,958.20 drawn.	
Chap. 128, agricultural society.....	7,000.00
Available in 1896, \$7,000; all drawn.	
Chap. 129, Iowa school for the deaf.....	17,100.00
Available in 1896, \$17,100; \$12,100 drawn.	
Chap. 130, soldiers' home.....	51,800.00
Available for 1896, \$51,800; all drawn.	
Chap. 131, soldiers' orphans' home.....	18,800.00
Available in 1896, \$9,400; \$8,936.60 drawn.	
Chap. 132, Iowa industrial school, boys'.....	18,500.00
Available in 1896, \$9,250. \$6,150 drawn.	
Chap. 133, industrial school, girls'.....	17,000.00
Available in 1896, \$15,450; \$14,700 drawn.	
Chap. 134, Anamosa penitentiary.....	66,198.00
Available in 1896, \$33,099; \$20,968.73 drawn.	
Chap. 135 and 136, Ft. Madison penitentiary.....	64,200.00
Available in 1896, \$57,700; \$44,570 drawn.	
Chap. 137, normal school.....	48,000.00
Available in 1896, \$22,500; \$14,750 drawn.	

Chap. 138, industrial home for the blind.....\$	18,000.00
Available in 1896, \$10,500; all drawn.	
Chap. 139, Cherokee hospital, land.....	12,140.00
Available in 1896, \$12,140; all drawn.	
Chap. 136, Twenty-fifth General Assembly, Cherokee hospital building	\$100,000.00
Chap. 140, Twenty-sixth General Assembly.....	50,000.00
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Total.....	150,000.00
Available in 1896, \$75,000; \$74,956.93 drawn.	
Chap. 141, Clarinda hospital building.....	199,300.00
Available in 1896, \$99,650; \$99,649.25 drawn.	
Chap. 142, Mount Pleasant hospital.....	49,100.00
Available in 1896, \$24,550; all drawn.	
Chap. 143, Independence hospital.....	19,300.00
Available in 1896, \$9,650; all drawn.	
Chap. 144, state university.....	36,500.00
Available in 1896, \$16,750; \$16,259.59 drawn.	
Chap. 145, institution for feeble-minded children..	65,800.00
Available in 1896, \$57,150; \$56,200 drawn.	
Chap. 146, college for the blind.....	10,500.00
Available in 1896, \$7,000; \$5,744.53 drawn.	
Chap. 147, visiting committees, members.....	766.00
Available in 1896, \$766; all drawn.	
Chap. 148, fish commission expenses.....	6,000.00
Available in 1896, \$6,000; \$2,750.64 drawn.	
Chap. 149, Trans-Mississippi exposition.....	10,000.00
Available in 1897, \$10,000: none drawn.	
Chap. 150, Scott county non-resident insane.....	412.89
Available in 1896, \$412.89; all drawn.	
Chap. 151, New Orleans exposition.....	12,000.00
Available in 1896, \$12,000; none drawn.	
Chap. 152, badges, Twenty-sixth General Assembly.....	59.00
Available in 1896, \$59; all drawn.	
Chap. 153, Gray uniforms.....	2,500.00
Available in 1896, \$2,500; \$954.75 drawn.	
Chap. 154, Cedar county, Stella Lupton.....	1,193.06
Available in 1896, \$1,193.06; all drawn.	
Chap. 155, L. O. Hatch.....	228.50
Available in 1896, \$228.50; all drawn.	

Chap. 156, Woodbury county orphans' home.....	\$ 1,069.76
Available in 1896, \$1,069.76; none drawn.	
Chap. 157, Benedict home.....	9,200.00
Available in 1896, \$4,600; \$2,515.15 drawn.	
Chap. 158, weather service.....	5,400.00
Available in 1896, \$2,700; \$2,699.91 drawn.	
Chap. 159, repairs on capitol.....	17,100.00
Available in 1896, \$17,100; \$14,315.51 drawn.	
Chap. 160, inauguration.....	276.96
Available in 1896, \$276.96; all drawn.	
Chap. 161, Shiloh battlefield.....	870.28
Available in 1896, \$870.28; \$812.03 drawn.	
Chap. 162, G. A. West, mail carrier 25th G. A....	15.00
Available in 1896, \$15; all drawn.	
Chap. 163, F. McClelland.....	275.00
Available in 1896, \$275; all drawn.	
Chap. 164, J. L. Brown.....	4,000.00
Available in 1896, \$4,000; all drawn.	
Chap. 165, N. B. Raymond.....	700.00
Available in 1896, \$700; all drawn.	
Chap. 166, H. H. Jelley.....	2,500.00
Available in 1896, \$2,500; all drawn.	

Total amount appropriated by 26th G. A. . . .	\$1,089,245.25
Amount available in 1896, \$719,206.25, of which amount.....	\$ 569,259.18
were drawn and expended; leaving available for 1897 expenditures.....	\$ 519,986.07

SUMMARY.

Warrants outstanding January 2, 1897.....	\$ 593,459.10
Estimated expenditures for 1897.....	2,243,072.41
Total estimated warrants for 1897.....	\$2,836,531.51
Cash in treasury January 2, 1897.....	\$ 196,383.40
Estimated receipts for 1897.....	2,137,445.68
Total resources.....	\$2,333,829.08
Estimated deficit January 1, 1898.....	502,702.43
Total.....	\$2,836,531.51

Deficit, January 2, 1897.....	\$ 397,075.70
Additional deficit estimated for 1897	105,626.73
	502,702.43
Total.....	\$ 502,702.43

If the appropriation for the institution for the feeble minded children be made, as noted on the bottom of my estimate for expenditures, of \$101,202.00, and if the special session of the Twenty-sixth General Assembly cost \$100,000.00, as I estimate it will, the deficit, January 1, 1898, will probably be.....\$ 703,904.43

The loss by fire at Glenwood is estimated at \$125,000.00 by the officers of the institution. The executive council has already advanced them \$23,798.78 to meet the pressing necessities, leaving \$101,202.00 in round numbers, as above stated.

Senator Ellis offered the following resolution:

Resolved, That all bills for acts involving new subjects of legislation, except those embraced in the call for this special session, will not be acted upon by the Senate without reference to the appropriate committee, nor until the work of the revision and codification of the laws is accomplished, without the consent of the Senate expressed by two-thirds vote.

Laid over.

Senator Trewin moved that the rules of the Twenty-sixth General Assembly be the rules of the extra session until further ordered, except that portion of the rules relating to the apportionment of committee clerks.

Carried.

Senator Ellis offered the following:

CONCURRENT RESOLUTION.

Be it resolved by the Senate, the House concurring, That a committee of eight from the House and seven from the Senate be appointed by the respective presiding officers of each body to select and determine the titles or parts of titles of the Code reported by the Code Commission, to be introduced in each body as House bills and Senate bills, and recommend a course of procedure to facilitate the business of this legislature.

Laid over.

President announced as the Joint Committee on the part of the Senate to confer with like committee from the House, the following:

Senators Berry, Palmer and Rikken.

Senator Trewin moved that the Senate adjourn until 10 o'clock A. M. to-morrow.

Carried.

Senate adjourned.

SENATE CHAMBER. }
 DES MOINES, Iowa, Wednesday, January 20, 1897. }

Senate met in regular session at 10 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Joseph Stephens, of Dunlap, Iowa.

PETITIONS AND MEMORIALS.

Senator Carney presented petition of citizens of Marshall county against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Rowen presented petition of Society of Friends, passed at their quarterly meeting held at Marietta, Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Carpenter, of the Code Revision Committee, offered the following resolution:

Resolved, That no bills shall be introduced or considered except parts of the proposed revision of the Code and substitutes therefor introduced by the respective committees, and bills for editing and publishing the Code, and such bills as may be necessary under the recommendation of the Governor in his message in regard to public institutions. All rules inconsistent herewith are hereby suspended.

Laid over.

Senator Trewin offered the following resolution:

Resolved, That the proposed revision of the Code be referred to the Committee on Code Revision, which shall subdivide said report and assign different parts, titles and chapters thereof to the proper standing committees, and shall duly report such assignments to the Senate. Said Code Revision Committee may confer with any like committee of the House and may concur in reports to the respective bodies.

Adopted.

Senator Ellis asked leave to withdraw concurrent resolution relative to introduction of bills, laid over from Tuesday.

Senator Ellis withdrew his objection to resolution by Senator Carpenter relative to the introduction of bills, and the resolution was taken up for consideration and adopted.

Senator Berry from Joint Committee on Mail Carrier, presented the following report:

MR. PRESIDENT—Your committee appointed by the House and Senate to select a mail carrier for the extra session of the Twenty-sixth General Assembly, beg leave to report that we have selected Henry Cain for that position.

W. H. BERRY,
Chairman for Senate;
W. S. ALLEN,
Chairman for House.

Those voting for the resolution were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfelddt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Rowen, Sargent, Trewin, Upton, Waterman—47.

Absent or not voting:

Senators Bonson, Hipwell, Young—3.

So the resolution was declared adopted.

President Parrott announced for the information of senators that under the resolution by Senator Blanchard the committees as constituted last session would remain the same this session, or at least until it appeared that changes would be necessary to facilitate the business of the session.

The Journal of Tuesday was taken up, read, corrected and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Resolved by the House, the Senate concurring, That a joint committee consisting of five members of the House, to be appointed by the Speaker, and five from the Senate, to be appointed by the President of the Senate, be appointed to arrange the division of the proposed Code into bills for the purpose of introduction into the respective Houses.

JAMES D. ROWEN,
Chief Clerk.

Ordered passed on file.

Senator Junkin, from Committee on Resolutions, by Senator Hospers, relating to committee clerks, presented the following report:

MR. PRESIDENT—Your committee appointed to recommend to the Senate an assignment of committee clerks for the Senate committees for the

extra session of the Twenty-sixth General Assembly, beg leave to report the following:

That the Judiciary, Cities and Towns, Enrolled Bills, and Code Revision Committees each be entitled to one committee clerk, and that the other committees be grouped, as follows, and each group be entitled to one clerk:

Ways and Means, and Appropriations.

Railways, and Claims.

Agriculture, and Forestry and Horticulture.

Insurance, and Military.

Schools, and Federal Relations.

Highways, Suppression of Intemperance, and Fish and Game.

Elections, and Charitable Institutions.

Educational Institutions, and Corporations.

Banks, and Penitentiaries and Pardons.

Mines and Mining, Labor, and Public Buildings.

Commerce, Public Lands, and Public Libraries.

Pharmacy, Public Health, Congressional and Judicial Districts.

Printing, Rules, and Engrossed Bills.

Building and Loan, Retrenchment and Reform, and Manufactures.

Compensation of Public Officers, Constitutional Amendments and Suffrage, and Senatorial and Representative Districts.

The members of the Senate who are not chairmen shall be entitled to one clerk. Respectfully submitted,

J. M. JUNKIN,
H. L. WATERMAN,
B. F. CARROLL.

The report was adopted.

Senator Riggen moved that the Senate take up House messages.

Carried.

HOUSE MESSAGES.

House concurrent resolution relative to the appointment of joint committee to consider plans of handling the code was taken up, and on motion of Senator Trewin was referred to Committee on Code Revision.

Senator Harriman moved that the Senate do now adjourn until 2:30 o'clock P. M.

Carried.

Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 2:30 o'clock P. M., President Parrott presiding.

REPORTS OF COMMITTEES.

Senator Carpenter, from the Code Revision Committee, presented the following report.

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House concurrent resolution relative to the appointment of a joint committee to consider plans of handling the Code, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be concurred in.

C. A. CARPENTER,
Chairman.

Adopted.

Senator Byers presiding.

Senator Garst offered the following resolution and moved its adoption:

Resolved, That Senator A. B. Funk be and is hereby elected President *pro tem* of the Senate.

Adopted.

Senators Healy and Downey were appointed committee to conduct President *pro tem* Funk to the chair.

Senator Funk, President *pro tem*, presiding.

President Parrott presiding.

President appointed as Joint Committee on the part of the Senate, under House concurrent resolution relative to Code work, Senators Pusey, Waterman, Berry, Funk and Ranck.

The following persons appeared at the bar of the Senate and were sworn in as committee clerks:

Nellie C. Goodrich, Clerk of Ways and Means and Appropriation Committees.

Miss A. E. Hawkins, Clerk of Cities and Towns Committee.

E. R. Hutchins, Clerk of Judiciary Committee.

Mrs. Fred. McCausland, Clerk of Joint Committee.

Clara E. Sunderland, Clerk of Educational Institutions and Corporations Committee.

M. A. Campbell, Clerk of Committee on Agriculture, Horticulture and Forestry.

F. C. McCutchen, Clerk of Committees on Constitutional Amendments, Compensation of Public Officers and Senatorial and Representative Districts.

Mrs. Jennie Rowen, Clerk of Committees on Banks and Banking and Penitentiary and Pardons.

F. W. Bicknell, Clerk of Committees on Elections and Charitable Institutions.

Senator Carroll moved that the Senate do now adjourn until 10 o'clock A. M., to-morrow.

Carried.

Senate adjourned.

SENATE CHAMBER, }
DES MOINES, Iowa, Thursday, January 21, 1897. }

Senate met in regular session at 10 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Clinton Douglas, of Des Moines.

PETITIONS AND MEMORIALS.

Senator Perrin presented three remonstrances of the churches of Nora Springs against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Everall presented remonstrance of all the churches of Volga, Clayton county, against the passage of a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Penrose presented remonstrance of Methodist Episcopal church and Sunday school at Montour against the passage of a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Palmer presented remonstrance of Theo. Russell and others, of Winfield, against the passage of a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Harriman presented remonstrance of citizens of Hampton against the passage of a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

INTRODUCTION OF BILLS.

By Senator Trewin, Senate file No. 1, a bill for an act to provide for the annotation, indexing, publication, distribution and sale of the Code and statutes hereafter enacted, and the appointment of a supervising committee and the election of an editor thereof and prescribing their duties.

Read first and second time and referred to Committee on Code Revision.

By Code Revision Committee, Senate file No. 2, a bill for an act to revise, amend and codify the statutes in relation to city and town government.

Read first and second time and referred to Committee on Cities and Towns.

By Code Revision Committee, Senate file No. 3, a bill for an act to revise, amend and codify the statutes in relation to county and township government.

Read first and second time and referred to Committee on Code Revision.

By Code Revision Committee, Senate file No. 4, a bill for an act to revise, amend and codify the statutes in relation to practice in courts of original jurisdiction.

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

By Code Revision Committee, Senate file No. 5, a bill for an act to revise, amend and codify the statutes in relation to insurance.

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

By Code Revision Committee, Senate file No. 6, a bill for an act to revise, amend and codify the statutes in relation to roads, bridges and ferries.

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

By Code Revision Committee, Senate file No. 7, a bill for an act to revise, amend and codify the statutes in relation to the Judiciary department.

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

By Code Revision Committee, Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to revenues.

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

By Code Revision Committee, Senate file No. 9, 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 Code Revision.

By Code Revision Committee, Senate file No. 10, a bill for an act to revise, amend and codify the statutes in relation to election of officers.

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

By Code Revision Committee, Senate file No. 11, a bill for an act to revise, amend and codify the laws in relation to rail-ways.

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

By Code Revision Committee, Senate file No. 12, a bill for an act to revise, amend and codify the laws in relation to banks and banking institutions.

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

By Code Revision Committee, Senate file No. 13, 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 Corporations.

By Code Revision Committee, Senate file No. 14, a bill for an act to revise, amend and codify the statutes in relation to certain corporations.

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

Senator Pusey, from Joint Committee on Revision of Code, presented the following report:

MR. PRESIDENT—Your committee appointed as a joint committee with a similar one of the House to devise a plan for the introduction of the proposed Code in the form of bills, beg leave to report that said joint committee has agreed upon a plan for the division of the proposed Code into bills, and has made a partial division of the same, as follows:

Title 2 as one bill.

Title 3 as one bill.

Title 4 as one bill.

Title 5 as one bill.

Title 6 as one bill.

Title 7 as one bill.

Title 8 as one bill.

Chapters 1 and 2 of title 9 as one bill.

Chapter 3 of title 9 as one bill.

Chapters 4, 5, 6, 7, and 8 of title 9 as one bill.

Chapters 9, 10 and 11 of title 9 as one bill.

Chapter 12 of title 9 as one bill.

Your committee asks to be continued to enable it to further complete their work.

Respectfully submitted,

N. M. PUSEY,
Chairman.

Senator Pusey moved that the Committee on Code Revision report bills as recommended in the report to the Senate.

Carried.

Senator Funk offered the following resolution:

Resolved, That the Committee on Ways and Means be increased to twenty members, the additional members to be appointed by the Lieutenant-Governor.

Adopted.

President Parrott announced as additional members of Committee on Ways and Means, Senators Waterman, Garst, Alexander and Harriman.

Senator Trewin moved that a committee of three be appointed to arrange a schedule of times and places of meetings of various committees.

Carried.

The President announced as that committee Senators Trewin, Perrin and Eaton.

Senator Ericson moved that a committee of three be appointed on mileage.

Carried.

The President appointed as such committee Senators Ericson, Lothrop and Allyn.

Senator Penrose moved that the Secretary be authorized to assign seats to reporters.

Carried.

The Journal of Wednesday was taken up, read, corrected and approved.

On motion of Senator Trewin 500 copies of Senate File No. 1 were ordered printed.

The following persons appeared at the bar of the Senate and were sworn in:

Vina E. Clark, Clerk of Insurance and Military Committees.

Harold Young, Clerk of Schools and Federal Relations Committees.

Lillie Anderson, Clerk of Committee on Enrolled Bills.

D. E. Moon, Clerk of Code Revision Committee.

E. C. Collins, Clerk of Highways, Suppression of Intemperance and Fish and Game Committees.

A. L. Druet, Clerk of Retrenchment and Reform, Manufactures and Building and Loan Committees.

Senator Blanchard moved that the Senate do now adjourn until 10 o'clock A. M. to-morrow.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, January 22, 1897. }

Senate met in regular session at 10 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. W. A. Black, of Des Moines.

PETITIONS AND MEMORIALS.

Senator Pusey presented remonstrance of Mrs. Geo. Carson and others against the passage of a manufacturers' bill.

Referred to Committee on Suppression of Intemperance.

Senator Allen presented remonstrance of citizens of Ringgold county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Ericson presented petition of Fielding Mutual Insurance company asking that no change be made in existing laws in reference to mutual insurance and asked to have it read.

Referred to Committee on Insurance.

Senator Harriman presented remonstrance of H. J. Mitchell and seventy-eight others of Franklin county, against the passage of a manufacturers' bill.

Referred to Committee on Suppression of Intemperance.

Senator Blanchard presented petition of dairymen of Oskaloosa relative to inspection laws.

Referred to Committee on Agriculture.

Senator Penrose presented remonstrance of Rev. Henry Avery and others against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Hotchkiss presented remonstrance of citizens of Guthrie county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Rowen presented remonstrance of J. G. Belknap and 134 other citizens of Wright county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Palmer presented remonstrance of Alfred Meacham and 147 other citizens of Washington county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Hospers presented remonstrance of J. Stoller and 225 other citizens of Lyon county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Mitchell presented remonstrance of Wm. C. Chappell and 150 other citizens of Adams and Taylor counties on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Blanchard presented remonstrance of Geo. W. Thompson and 122 other citizens of Mahaska county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Upton presented remonstrance of J. P. Trotter and 211 citizens of Howard county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Rowen presented remonstrance of W. H. Barnes and 224 other citizens of Hardin county on same subject.

Referred to Committee on Suppression of Intemperance.

INTRODUCTION OF BILLS.

By Code Revision Committee, Senate file No. 15, a bill for an act to revise, amend and codify the statutes relating to the militia.

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

By Code Revision Committee, Senate file No. 16, a bill for an act to revise, amend and codify the statutes in relation to the settlement and support of the poor.

Read first and second time and referred to Committee on Charitable Institutions.

By Code Revision Committee, Senate file No. 17, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of telegraph and telephone lines.

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

By Code Revision Committee, Senate file No. 18, a bill for an act to revise, amend and codify the statutes in relation to the regulation of carriers by railways.

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

By Code Revision Committee, Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to the Board of Railway Commissioners.

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

By Code Revision Committee, Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of railways.

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

By Code Revision Committee, Senate file No. 21, a bill for an act to revise, amend and codify the statutes in relation to taking private property for works of internal improvement.

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

By Code Revision Committee, Senate file No. 22, a bill for an act to revise, amend and codify the statutes in relation to internal improvement.

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

By Code Revision Committee, Senate file No. 23, a bill for an act to revise, amend and codify the statutes in relation to domestic Animals.

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

By Code Revision Committee, Senate file No. 24, a bill for an act to revise, amend and codify the statutes in relation to lost goods.

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

By Code Revision Committee, Senate file No. 25, a bill for an act to revise, amend and codify the statutes in relation to fences.

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

By Code Revision Committee, Senate file No. 26, a bill for an act to revise, amend and codify the statutes in relation to intoxicating liquors.

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

By Code Revision Committee, Senate file No. 27, a bill for an act to revise, amend and codify the statutes in relation to care of the insane.

Read first and second time and referred to Committee on Charitable Institutions.

By Code Revision Committee, Senate file No. 28, a bill for an act to revise, amend and codify the statutes in relation to fire companies.

Read first and second time and referred to Committee on Cities and Towns.

By Code Revision Committee, Senate file No. 29, a bill for an act to revise, amend and codify the statutes in relation to mines and mining.

Read first and second time and referred to Committee on Mines and Mining.

By Code Revision Committee, Senate file No. 30, a bill for an act to revise, amend and codify the statutes in relation to Dairy Commissioner and imitation dairy products.

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

By Code Revision Committee, Senate file No. 31, a bill for an act to revise, amend and codify the statutes in relation to Geological Survey.

Read first and second time and referred to Committee on Mines and Mining.

By Code Revision Committee, Senate file No. 32, a bill for an act to revise, amend and codify the statutes in relation to inspection of petroleum products.

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

By Code Revision Committee, Senate file No. 33, a bill for an act to revise, amend and codify the statutes in relation to Bureau of Labor Statistics.

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

By Code Revision Committee, Senate file No. 34, a bill for an act to revise, amend and codify the statutes in relation to inspection of passenger boats.

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

By Code Revision Committee, Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish.

Read first and second time and referred to Committee on Fish and Game.

By Code Revision Committee, Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry.

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

By Code Revision Committee, Senate file No. 37, a bill for an act to revise, amend and codify the statutes in relation to the practice of medicine.

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

By Code Revision Committee, Senate file No. 38, a bill for an act to revise, amend and codify the statutes in relation to the practice of pharmacy.

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

By Code Revision Committee, Senate file No. 39, a bill for an act to revise, amend and codify the statutes in relation to the State Board of Health.

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

By Code Revision Committee, Senate file No. 40, a bill for an act to revise, amend and codify the statutes in relation to the Soldiers' Home.

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

By Code Revision Committee, Senate file No. 41, a bill for an act to revise, amend and codify the statutes in relation to regents and trustees of state institutions.

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

By Code Revision Committee, Senate file No. 42, a bill for an act to revise, amend and codify the statutes in relation to the State Veterinary Surgeon.

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

Senator Ellison offered the following resolution and moved its adoption:

Resolved, That the Secretary of State be instructed to furnish to each member of the Senate two copies of the laws of the Twenty-fifth and Twenty-sixth General Assemblies and two copies of the proposed revision of the Code and two copies of the Code Commission's report.

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 has passed the following bills, in which the concurrence of the Senate is asked:

House file No. 4, 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.

House file No. 6, a bill for an act providing for the publication and construction of the statutes.

House file No. 7, a bill for an act relating to the Code and its operation.

House file No. 8, a bill for an act relative to the submission of constitutional amendments.

JAMES D. ROWEN,
Chief Clerk.

Ordered passed on file.

Senator Pusey, from Joint Committee on Revision of Code, presented the following report:

MR. PRESIDENT—Your committee appointed as a joint committee with a similar one of the House to devise a plan for the introduction of the proposed Code in the form of bills, beg leave to report that said joint committee has made further partial division of the same into bills, as follows:

Title 10, chapters 1, 2, 3, as one bill.

Title 10, chapter 4, as one bill.

Title 10, chapter 5, as one bill.

Title 10, chapter 6, as one bill.

Title 10, chapter 7, as one bill.

Title 10, chapter 8, as one bill.

Title 11 as one bill.

Title 12, chapter 1, as one bill.

Title 12, chapter 2, as one bill.

Title 12, chapter 3, as one bill.

Title 12, chapter 4, as one bill.

Title 12, chapter 5, as one bill.

Title 12, chapter 6, as one bill.

Title 12, chapter 7, as one bill.

Title 12, chapter 8, as one bill.

Title 12, chapter 9, as one bill.

Title 12, chapter 10, as one bill.

Title 12, chapter 11, as one bill.

Title 12, chapter 12, as one bill.

Title 12, chapter 13, as one bill.

Title 12, chapter 14, as one bill.

Title 12, chapter 15, as one bill.

Title 12, chapter 16, as one bill.

Title 12, chapter 17, as one bill.

Title 12, chapter 18, as one bill.

Title 12, chapter 19, as one bill.

Title 12, chapter 20, as one bill.

Title 12, chapter 21, as one bill.

Your committee asks to be further continued to complete its work.

Respectfully submitted,

N. M. PUSEY,

Chairman.

Adopted.

The President presented a communication from the Iowa Woman's Suffrage association and asked that it be read.

Senator Trewin, from Committee on Assignment of Committee Rooms and Times of Meetings, presented the following report:

MR. PRESIDENT—Your committee appointed to arrange times and places for meetings of committees, beg leave to report that they have had the matter under consideration and recommend that the attached schedule be adopted, subject to such changes as to time as the committees may agree upon

	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
ROOM 16—						
Printing.....						
Forestry and Horticulture.....		1 30 pm				
Commerce.....			4.00 pm		4.00 pm	
Public Lands.....						
Public Libraries.....						
ROOM 17—						
Mines and Mining.....	1 30 pm			1.30 pm		
Labor.....		9.00 am				
Public Buildings.....						
Fish and Game.....	4.00 pm		4.00 pm			
ROOM 18—						
Highways.....	2.00 pm		2.00 pm	2.00 pm		
Suppression of Intemperance.....		3.00 pm			3.00 pm	
Compensation Public Officers.....						
Constitutional Am'dm'ts and Suffrage.....						
Senatorial and Representative Dists.....						
ROOM 19—						
Schools.....		4 00 pm		4 00 pm		1.30 pm
Federal Relations.....						
Building and Loan.....						
Retrenchment and Reform.....						
Manufacturing.....						
ROOM 20—						
Pharmacy.....		1.30 pm		1.30 pm		
Public Health.....			1.30 pm		1.30 pm	
Congressional and Judicial Districts.....						
ROOM 21—						
Railways.....	2.00 pm			2.00 pm	2.00 pm	
Claims.....						
Military.....						
ROOM 22—						
Judiciary.....	2.00 pm	2.00 pm	2.00 pm	2.00 pm	2.00 pm	
Charitable Institutions.....						
ROOM 23—						
Code Revision.....	1.30 pm	1.30 pm	1 30 pm	1.30 pm	1.30 pm	
Agriculture.....	4 00 pm			4.00 pm		4.00 pm
Rules.....						
Engrossed Bills.....						
ROOM 24—						
Ways and Means.....	3 30 pm	3 30 pm	3 30 pm		3 30 pm	
Insurance.....		1.30 pm		1.30 pm		1 30 pm
Appropriations.....						
ROOM 26—						
Enrolled Bills.....						

	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
ROOM 25— Secretary and Journal Clerks.....						
ROOM 28— Cities and Towns.....	3.00 pm		3.00 pm	3.00 pm		1.30 pm
Elections.....		4.00 pm			4.00 pm	
ROOM 29— Corporations.....			3.00 pm		3.00 pm	
Banks.....		2.00 pm		2.00 pm		2.00 pm
Educational Institutions.....						
Penitentiaries and Pardons.....						

J. H. TREWIN,
 WM. B. PERRIN,
 WM. EATON,
Committee.

Adopted.

The Journal of Thursday was taken up, read, corrected and approved.

Senator Carroll moved that two hundred and fifty copies of the lists of committees and assignments of rooms with times of meeting be printed under the direction of the Committee on Printing.

Carried.

Senator Everall moved to take up House messages.

Carried.

HOUSE MESSAGES.

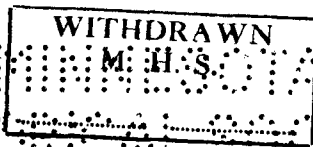
House file No. 8, a bill for an act relative to the submission of constitutional amendments was taken up, read first and second time and referred to Committee on Code Revision.

House file No. 7, a bill for an act relating to the Code and its operation was taken up, read first and second time and referred to Committee on Code Revision.

House File No. 6, a bill for an act providing for the publication and construction of the statutes was taken up, read first and second time and referred to Committee on Code Revision.

House file No. 4, a bill for an act to revise, amend and codify the statutes in relation to the sovereignty and jurisdiction of the state and legislative departments, was taken up, read first and second time and referred to Committee on Code Revision.

The following persons appeared at the bar of the Senate and were sworn in:



V. C. Miller, Clerk Commerce, Public Lands and Public Libraries Committee; C. A. Hilton, Clerk Railways and Claims Committee; J. R. Howard, Clerk Pharmacy, Public Health and Congressional and Judicial Districts Committee.

Senator Pusey asked that Senator Carney be excused until Monday.

Senator Penrose moved that the Senate do now adjourn until 10 o'clock A. M. tomorrow.

Carried.

Senate adjourned.

ALCOHOL
VITAMIN B COMPLEX

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, January 23, 1897. }

Senate met in regular session at 10 o'clock A. M., President Parrott presiding.

Prayer was offered by the Rev. J. D. Forsythe of Des Moines.

PETITIONS AND MEMORIALS.

Senator Hospers presented remonstrance of John Stewart and fifty-one others of Sioux county against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Harriman presented remonstrance of Rev. J. T. Bryant and eighty-nine others of Cerro Gordo county on same subject.

Referred to same committee.

Senator Kilburn presented remonstrance of L. Walgamott and fifty-nine others of Adair county on same subject.

Referred to same committee.

Senator Craig presented remonstrance of L. N. Adams and seventy-seven others of Butler county on same subject.

Referred to same committee.

Senator Waterman presented remonstrance of S. A. Miller and twenty-two others of Wapello county on same subject.

Referred to same committee.

Senator Mitchell presented remonstrance of J. P. Sparks and ninety others of Adams county on same subject.

Referred to same committee.

Senator Ericson presented remonstrance of A. H. Rusk and twenty-two others of Boone county on same subject.

Referred to same committee.

Senator Phelps presented remonstrance of Dr. A. P. Macomber and fifty-five others of Cass county on same subject.

Referred to same committee.

Senator Ellison presented remonstrance of Prairie Grove Society of Friends on same subject.

Referred to same committee.

Senator Ellison presented remonstrance of R. N. Earhart and fifty other citizens of Jones county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Funk presented four remonstrances of W. E. Stanton and eighty-three others of Palo Alto county, H. G. Pettinger and fifty-six others of Emmett county, E. H. Crandall and 100 others of Clay county, W. C. Drummond and eighty-nine others of Dickinson county, all on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Palmer presented remonstrance of W. P. Stoddard and 184 others of Henry county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Perrin presented remonstrance of Rev. H. H. Beach and 136 others of Floyd county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Bell presented remonstrance of W. R. Mendenhall and thirty-eight others of Jefferson county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Gorrell presented remonstrance of M. Warner and ninety-seven others of Jasper county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Trewin presented two remonstrances of C. E. Flower and 182 others of Fayette county and T. V. Hunt and fifty-seven others of Allamakee county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Bonson presented remonstrance of Rev. R. W. Coates and 151 others of Dubuque county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Upton presented remonstrance of Frank Elliott and 159 others of Winneshiek county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Allyn presented remonstrance of R. Henderson, Jr., and seventy-three others of Union county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Hotchkiss presented remonstrance of Rev. J. F. Davis and other citizens of Menlo on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Eaton presented remonstrance of J. J. Latimar and other citizens of Fremont county, and also protest of Ministers' association, Clarinda, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Alexander presented remonstrance of Rev. J. G. Vaness and 346 other citizens of Linn county on same subject.

Referred to Committee on Suppression of Intemperance.

INTRODUCTION OF BILLS.

By Code Revision Committee, Senate file No. 43, a bill for an act to revise, amend and codify the statutes in relation to domestic relations.

Read first and second time and referred to Committee on Code Revision.

By Code Revision Committee, Senate file No. 44, 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 Code Revision Committee, Senate file No. 45, a bill for an act to revise, amend and codify the statutes in relation to the system of common schools.

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

By Code Revision Committee, Senate file No. 46, a bill for an act to revise, amend and codify the statutes in relation to State Historical society.

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

By Code Revision Committee, Senate file No. 47, a bill for an act to revise, amend and codify the statutes in relation to the school fund.

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

By Code Revision Committee, Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to state library.

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

By Code Revision Committee, Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendents.

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

By Code Revision Committee, Senate file No. 50, a bill for an act to revise, amend and codify the statutes in relation to the Educational Board of Examiners.

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

By Code Revision Committee, Senate file No. 51, a bill for an act to revise, amend and codify the statutes in relation to the Superintendent of Public Instruction.

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

By Code Revision Committee, Senate file No. 52, a bill for an act to revise, amend and codify the statutes in relation to State College of Agriculture and Mechanical Arts.

Read first and second time and referred to Committee on Educational Institutions.

By Code Revision Committee, Senate file No. 53, a bill for an act to revise, amend and codify the statutes in relation to Industrial Home for the Blind.

Read first and second time and referred to Committee on Charitable Institutions.

By Code Revision Committee, Senate file No. 54, a bill for an act to revise, amend and codify the laws in relation to the Institute for Feeble Minded.

Read first and second time and referred to Committee on Charitable Institutions.

By Code Revision Committee, Senate file No. 55, a bill for an act to revise, amend and codify the law in relation to Orphans' Home and Home for Destitute Children.

Read first and second time and referred to Committee on Charitable Institutions.

By Code Revision Committee, Senate file No. 56, a bill for an act to revise, amend and codify the statutes in relation to industrial schools.

Read first and second time and referred to Committee on Charitable Institutions.

By Code Revision Committee, Senate file No. 57, a bill for an act to revise, amend and codify the statutes in relation to the College for the Blind.

Read first and second time and referred to Committee on Charitable Institutions.

By Code Revision Committee, Senate file No. 58, a bill for an act to revise, amend and codify the statutes in relation to the country high schools.

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

By Code Revision Committee, Senate file No. 59, a bill for an act to revise, amend and codify the statutes in relation to the School for the Deaf.

Read first and second time and referred to Committee on Charitable Institutions.

By Code Revision Committee, Senate file No. 60, a bill for an act to revise, amend and codify the statutes in relation to normal schools.

Read first and second time and referred to Committee on Educational Institutions.

By Code Revision Committee, Senate file No. 61, a bill for an act to revise, amend and codify the statutes in relation to State University.

Read first and second time and referred to Committee on Educational Institutions.

By Code Revision Committee, Senate file No. 62, a bill for an act to revise, amend and codify the statutes in relation to mechanics' liens.

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

By Code Revision Committee, Senate file No. 63, a bill for an act to revise, amend and codify the statutes in relation to tender.

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

By Code Revision Committee, Senate file No. 64, a bill for an act to revise, amend and codify the statutes in relation to assignments for creditors.

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

By Code Revision Committee, Senate file No. 65, a bill for an act to revise, amend and codify the statutes in relation to limited partnership.

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

By Code Revision Committee, Senate file No. 66, a bill for an act to revise, amend and codify the statutes in relation to sureties.

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

By Code Revision Committee, Senate file No. 67, a bill for an act to revise, amend and codify the statutes in relation to private seals.

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

By Code Revision Committee, Senate file No. 68, a bill for an act to revise, amend and codify the statutes in relation to weights, measures and inspection.

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

By Code Revision Committee, Senate file No. 69, a bill for an act to revise, amend and codify the statutes in relation to money of account and interest.

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

By Code Revision Committee, Senate file No. 70, a bill for an act to revise, amend and codify the statutes in relation to notes and bills.

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

By Code Revision Committee, Senate file No. 71, a bill for an act to revise, amend and codify the statutes in relation to warehousemen, carriers, hotel keepers, livery stable keepers and herders.

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

By Code Revision Committee, Senate file No. 72, a bill for an act to revise, amend and codify the statutes in relation to estates of decedents.

Read first and second time and referred to Committee on Code Revision.

On request of Senator Harriman, leave of absence was granted Senator Young until Monday.

On request of Senator Lothrop, leave of absence was granted Senator Druet until Monday.

On request of Senator Mitchell, leave of absence was granted Senator Ellis until Monday.

On request of Senator Garst, leave of absence was granted Senator Cheshire until Monday.

Senator Harper offered the following resolution and moved its adoption:

Resolved, That the Secretary of the Senate be and is hereby directed to furnish the Secretary of the State with a copy of Joint Resolution No. 18, passed at the regular session of the Twenty-sixth General Assembly as found printed in the Senate Journal of 1896, on page 867, wherein said Secretary of State was directed and required to supply Senator John Downey with a copy of McClain's Code to replace the copy stolen from his desk prior to the passage of said joint resolution.

Adopted.

Senator Pusey, from Joint Committee on Revision of Code, presented the following report:

MR. PRESIDENT—Your committee appointed as a joint committee with a similar one of the House to devise a plan for the introduction of the proposed Code in the form of bills, beg leave to report that said joint committee has made further partial division of the same into bills, as follows:

□ Title 13, chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, into one bill each.

Title 13, chapters 14 and 15, into one bill.

Title 14, into one bill.

Title 15, chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, into one bill each.

Title 16 into one bill.

Title 17 into one bill.

Your committee asks to be further continued to complete its work.

Respectfully submitted,

N. M. PUSEY,
Chairman.

Adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Relative to furnishing public documents for use of members of the House and Senate.

Also:

Concurrent resolution relative to the appointment of a committee to visit the Institution for the Feeble Minded at Glenwood.

JAMES D. ROWEN,
Chief Clerk.

Passed on file.

Senator Funk asked that 500 copies of revenue bill be ordered printed.

Senator Waterman moved to take up House messages.
Carried.

HOUSE MESSAGES.

House concurrent resolutions relative to furnishing public documents for use of the members of the House and Senate was taken up and adopted.

House concurrent resolution relative to appointment of committee to visit the Institution for Feeble Minded, at Glenwood, was taken up and adopted.

Senator Trewin from the Committee on Code Revision submitted the following report:

REPORTS OF COMMITTEES.

MR. PRESIDENT—Your committee on Code Revision, to whom was referred House file No. 4, 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 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 title be amended so as to read as follows: "A bill for an act to revise, amend and codify the statutes in relation to sovereignty and jurisdiction of the state and legislative departments," and that the bill as so amended do pass.

J. H. TREWIN,
Chairman, pro tem

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 8, a bill for an act relative to the submission of constitutional amendments, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that the title be amended so as to read as follows: "A bill for an act to revise, amend and codify the statutes in relation to the submission of constitutional amendments," and that the same pass as amended.

J. H. TREWIN,
Chairman, pro tem.

Ordered passed on file.

Senator Ericson, from the Committee on Mileage, submitted the following report:

MR. PRESIDENT—Your Committee on Mileage beg leave to report that they find the members of the Senate of the extra session of the General Assembly of 1897 are entitled to mileage as follows:

NAME.	Miles.	Amount.	NAME.	Miles.	Amount.
Lieut.-Gov. Parrott.....	212	\$ 10.60	Healy.....	170	\$ 8.50
Alexander.....	300	15.00	Henderson.....	220	11.00
Allyn.....	240	12.00	Hipwell.....	350	17.50
Bell.....	286	11.80	Hobart.....	350	17.50
Berry.....	36	1.80	Hospers.....	360	18.00
Blanchard.....	128	6.40	Hotchkiss.....	44	2.20
Bonson.....	412	20.60	Hurst.....	416	20.80
Byers.....	214	10.70	Junkin.....	295	14.75
Carney.....	110	5.50	Kilburn.....	276	13.80
Carpenter.....	314	15.70	Lehfeldt.....	394	14.70
Carroll.....	206	10.30	Lothrop.....	460	23.00
Cheshire.....	346	17.30	Mitchell.....	272	13.60
Craig.....	418	20.90	Palmer.....	250	12.50
Downey.....	128	6.40	Penrose.....	184	9.20
Druet.....	390	19.50	Perrin.....	380	14.00
Eaton.....	450	22.50	Phelps.....	170	8.50
Ellis.....	352	17.60	Pusey.....	284	14.20
Ellison.....	80	4.00	Ranck.....	242	12.10
Ericson.....	550	27.50	Riggen.....	180	9.00
Everall.....	400	20.00	Rowen.....	214	10.70
Funk.....	180	9.00	Sargent.....	200	10.00
Garst.....	304	15.20	Trewin.....	700	35.00
Gilbertson.....	70	3.50	Upton.....	538	26.90
Gorrell.....	350	17.50	Waterman.....	190	9.00
Harper.....	280	12.50	Young.....	304	15.20

Respectfully submitted,

C. J. A. ERICKSON,

J. L. LOTHROP,

GEO. S. ALLYN,

Committee on Mileage.

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 has passed the following bill, House file No. 5, in which the concurrence of the Senate is asked:

House file No. 5, a bill for an act to revise, amend and codify the statutes in relation to General Assembly.

JAMES D. ROWEN,

Chief Clerk.

BILLS ON THIRD READING.

On motion of Senator Trewin House file No. 4, 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, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

Senator Trewin moved that the figures on marginal lines and figures in brackets and underscoring be stricken out.

Carried.

Senator Trewin moved that the rule be suspended, and that the bill be considered engrossed and read a third time now, which motion prevailed.

Senator Trewin moved to reconsider the vote by which House file No. 4 was ordered to a third reading.

Carried.

Senator Ranck moved to amend the bill by inserting the words "chapter one."

Senator Healy moved to refer the subject matter of amendments to House file No. 4, to special Committee on introduction of Code bills.

Carried.

Senator Healy offered the following concurrent resolution:

Be it resolved, by the Senate the House concurring, That the joint committee heretofore appointed to consider the consideration of code work report to each House a common plan for adoption of the titles and chapters of the proposed code.

Adopted.

Senator Trewin moved that the bill, House file No. 4 be recommitted to Committee on Code Revision.

Carried.

The Journal of Friday was taken up, read, corrected and approved.

The President announced as member of the committee on the part of the Senate to visit the Institute for Feeble Minded Children of Glenwood, Iowa, Senator Carroll.

Senator Berry moved that the Senate do now adjourn until 11 o'clock a. m., Monday.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Monday, January 25, 1897. }

Senate met in regular session at 11 o'clock A. M., President Parrott presiding.

Prayer was offered by Senator J. E. Rowen.

PETITIONS AND MEMORIALS.

Senator Henderson presented remonstrance of citizens of Humboldt county against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Carney presented remonstrance of 400 citizens of Marshall county on same subject.

Referred to same committee.

Senator Penrose presented remonstrance of A. Lamberson and 293 others of Tama county on same subject.

Referred to same committee.

Senator Druet presented remonstrance of Lafe S. Collins and other citizens of Marion county on same subject.

Referred to same committee.

Senator Craig presented remonstrance of W. H. Stringers and 123 others of Butler county on same subject.

Referred to same committee.

Senator Junkin presented two remonstrances of C. H. Halbert and forty-two others of Montgomery county, also of E. M. Hoff and 245 others of Page county on same subject.

Referred to same committee.

Senator Gilbertson presented two remonstrances of J. C. Olsen and 217 others of Winnebago county and W. I. Hall and 247 others of Mitchell county on same subject.

Referred to same committee.

President Parrott presented remonstrance of T. A. Younkin and twenty-five others of the state of Iowa on same subject.

Referred to same committee.

Senator Harriman presented remonstrance of C. R. Wood and 112 others of Hancock county on same subject.

Referred to same committee.

Senator Berry presented remonstrances of Loren Hadley and A. L. Balis and others of Clark and Warren counties on same subject.

Referred to same committee.

Senator Hobart presented two remonstrances of Fred C. Winton and 149 others of Buena Vista county and A. S. Creasey and others of Plymouth county on same subject.

Referred to same committee.

Senator Pusey presented remonstrance of Dr. Dean and others of Pottawattamie county against law legalizing the practice of osteopathy.

Referred to Committee on Pharmacy.

On request of Senator Trewin, leave of absence was granted Senator Carroll indefinitely.

Senator Lothrop offered the following resolution:

Resolved, That the Committee on Code Revision be requested to prepare or cause to be prepared, a list of Code bills introduced into this Senate from that committee, which list shall show the title of the bill, the title or titles and chapter or chapters composing the same, and the page of the proposed Code revision at which such bills respectively commence. That such list be printed for information of the Senators, and that like lists be prepared and printed upon each subsequent introduction of bills from same committee.

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 has passed the following bill in which the concurrence of the Senate is asked:

House file No. 28, a bill for an act to revise, amend and codify the statutes in relation to the settlement and support of the poor.

JAS. D. ROWEN,

Chief Clerk.

Passed on file.

The Journal of Saturday was taken up, read, corrected and approved.

Senator Henderson moved that House messages be taken up. Carried.

HOUSE MESSAGES.

House file No. 28, a bill for an act to revise, amend and codify the statutes in relation to the settlement and support of the poor, was read first and second time and referred to Committee on Code Revision.

House file No. 5, a bill for an act to revise, amend and codify the statutes in relation to the General Assembly, was read first and second time and referred to Committee on Code Revision.

Senator Upton moved that the Senate do now adjourn until tomorrow at 10 o'clock A. M

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, January 26, 1897. }

Senate met in regular session at 10 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. R. W. Hughes of Des Moines.

On request of Senator Ellison, leave of absence was granted Senator Trewin.

PETITIONS AND MEMORIALS.

President Parrott presented petition of Le Grand Byington of Johnson county which was read by request.

Referred to Committee on Retrenchment and Reform.

Senator Penrose presented two remonstrances of H. D. Beal and other citizens of Benton and Tama counties against the passage of a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Byers presented remonstrance of Lot Sample and eighteen other citizens of Wayne county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Rigger presented remonstrance of Rev. F. Confort and forty-three other citizens of Keokuk county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Gorrell presented the following resolution and asked that it be read and referred to the Committee on Federal Relations:

WHEREAS, The patriots of Cuba are now, and have been for some years past, engaged in a laudable struggle for independence from tyrannical oppression of Spain, with the avowed purpose of securing and maintaining a position among the republics of the earth; and,

WHEREAS, The people of Cuba, after a struggle of almost unparalleled heroism have demonstrated a due conception of the rights of man, the recognized methods of modern civilized warfare, and the principle of liberty, fraternity and equality, petitioning time and again for recognition by the United States government as a belligerent and independent power; and,

WHEREAS, The government of the United States through unexampled forbearance, has so far neglected such appeals and ignored the demands of our people who have been aroused to a just sympathy with the cause of the oppressed Cubans, withholding the recognition asked; and,

WHEREAS, The instinct of justice is outraged at the delay, while humanity is suffering, while innocent blood is being shed, while treasure is being wilfully wasted, and while ruin, desolation, destitution, slaughter and stagnation follow the footsteps of the Spanish soldiery; and,

WHEREAS, All this needless sacrifice is perpetrated at the instance of a power that has for hundreds of years claimed a leading position among civilized nations; a power that was once a terror of the Cæsars; a power whose invincible Armada once roved the seas almost unchallenged; a power once ruled by the gentle queen whose generous sacrifice won the admiration of all time; a power that furnished a Columbus whose accomplishment we honor as the greatest peace achievement of the years; and,

WHEREAS, This power has endorsed the atrocities of its soldiery, the brutalities of its generals, and ignored the well defined principles of modern warfare upheld under the most trying conditions by its heroic opponents; entrapping by treachery, butchery without provocation, imprisoning without cause, and executing without trial, generals, soldiers, pacifics, aliens, women and children alike; and,

WHEREAS, Forbearance on the part of the American people has so long ceased to be a virtue that every stab and slash of the machete leaves a scar upon our honor, and every drop of innocent blood shed leaves a stain upon our flag; therefore, be it

Resolved, by the Senate of the State of Iowa, the House concurring therein, That the Congress of the United States be informed that it is the express wish of the Legislature of Iowa that Cuba be at once recognized as a free and independent power.

So referred.

Senator Cheshire, on the request of Alonzo H. Stewart, presented to the President of the Senate a gavel for the use of the presiding officer of the Senate, and to be retained in the permanent possession of that body. The wood from which the head of the gavel was made was taken from the vice-president platform of the United States Senate, and the wood composing the handle is from the floor under the desk of Hon. William B. Allison.

President Parrott accepted the gavel with the pledge to comply with the wishes of the donor.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following concurrent resolution, in which the concurrence of the House was asked:

Relative to the adoption of a common plan for the consideration of Code work.

JAMES D. ROWEN,
Chief Clerk.

Passed on file.

Also:

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

For the appointment of a committee to designate where the laws of the Twenty-sixth General Assembly shall be incorporated in the proposed Code.

JAMES D. ROWEN,
Chief Clerk.

Passed on file.

REPORTS OF COMMITTEES.

Senator Pusey, from the Committee on Plan to Divide the Code, submits the following report:

MR. PRESIDENT—Your committee appointed as a joint committee with a similar one of the House to devise a plan for the introduction of the proposed Code in the form of bills and to whom was referred concurrent resolution to report with respect to the retention in the bills of the chapters, titles, etc., beg leave to report that said joint committee has taken the matter under consideration and has instructed me to report the following, viz.:

Retain all chapters and chapter numbers together with the statement of the subject of the chapter, in each bill, wherever they occur.

Insert in parentheses after each chapter the words "of title ——" filling in the blank with appropriate number of the title so found in proposed Code.

Strike out all marginal numbers and references at end of sections to McClain's Code or Acts of the General Assembly.

N. M. PUSEY,
Chairman.

Adopted.

Senator Carpenter, from the Committee on Code Revision, submits the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 28, a bill for an act to revise, amend and codify the statutes in relation to the settlement and support of the poor, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be referred to the Committee on Charitable Institutions.

C. A. CARPENTER,
Chairman.

Ordered passed on file.

Senator Carpenter, from the Committee on Code Revision, presented the following report:

MR. PRESIDENT--Your Committee on Code Revision, to whom was referred Senate file No. 3, a bill for an act to revise, amend, and codify the statutes in relation to county and township 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 following amendments:

Strike out all line numbers, words and figures at ends of sections and all underscorings.

Page 85, section 1, line 1, insert after the word "county" and before the word "for" the words "is a body corporate;" also, same line strike out after the word "purposes" the words "is a body corporate;" also, same section, line 2, strike out the word "proper" after the word "all," and before the word "contracts," and insert after the word "contracts," the word "necessary."

Page 85, section 3, line 3, strike out the word "three" and insert in lieu thereof the word "five."

Page 85, section 4, line 7, add at the end of the section the words, "and shall be filed with the auditor at least sixty days before the June session of the board."

Page 85, section 5, line 2, strike out the words "presented to such board," and insert in lieu thereof the words "filed with the auditor ten days prior to the date fixed by the notice hereinafter provided for."

Page 86, section 6, line 1, strike out the whole of the line and insert the following in lieu thereof: "Section 6. Upon the filing of such petition sixty days' notice thereof and of the date of hearing shall be given by the auditor by three insertions."

Page 86, section 7, line 1, strike out the word "presentation" after the word "the" and before the word "of," and insert in lieu thereof the word "hearing."

Page 86, section 8, line 1, strike out the words "ballot shall state that it was cast for the county seat, and name the place voted for" and insert in lieu thereof the following; "proposition to be submitted shall be 'Shall the proposition to change the county seat to (naming the town to which the change is proposed) be adopted?'"

Page 86, section 9, line 1, strike out the words "the point designated in the petition obtained;" also, same line, insert after the word "cast" the words "be in favor of the proposition;" also, same section, line 2, strike out the word "same" after the word "the" and before the word "to" and insert in lieu thereof the words "town named therein."

Page 86, section 10, line 5, strike out the word "fifteen" and insert in lieu thereof the word "twenty."

Page 88, section 13, line 4, strike out the words "and the principal when it matures" and insert in lieu thereof the words "and such proportion of the principal that at the end of eight years the sum raised from such levies shall at least equal fifteen per cent of the amount of bonds issued; at the end of ten years at least thirty per cent of the amount, and at or before the date of maturity of the bonds shall be equal to the whole amount of the principal and interest."

Page 89, section 1, lines 6 and 7, strike out the words "the question, 'Shall the number of supervisors be increased to five' or 'seven,'" and insert in lieu thereof the words "one of the following propositions, as such board may elect in the absence of a petition or as may be requested in said petition, 'Shall the proposition to increase the number of supervisors to five be adopted?' or 'Shall the proposition to increase the number of supervisors to seven be adopted?'" also, line 8, strike out the words "the increase of the number" and insert in lieu thereof the words "for the proposition so submitted;" also, lines 13 and 14, strike out the words "the question, 'Shall the number of supervisors be reduced to five' or 'three?'" and insert in lieu thereof the words "one of the following propositions as the same be requested in such petition, 'Shall the proposition to reduce the number of supervisors to five be adopted?' or 'Shall the proposition to reduce the number of supervisors to three be adopted?'"

Page 90, section 5, line 2, insert after the word "shall" the words "at its next meeting thereafter."

Page 92, section 13, line 32, strike out the words "in this chapter" and insert in lieu thereof the words "by law."

Page 94, section 21, line 1, strike out the words "one-half" and insert in lieu thereof the words "three-tenths of one."

Page 96, section 27, line 4, insert after the word "voted" the words "who shall each give bonds in such amount as shall be fixed by the board."

Page 98, section 35, line 3, strike out all of the line and insert the following words: "submit one of the following questions of police regulation;" also, same section, strike out lines 10 and 11 and insert in lieu thereof the words "the word 'stock' as used in this section shall have the same meaning as in the chapter of this Code relating to domestic animals."

Page 98, section 38, line 1, strike out the word "a" and insert the word "any;" also, strike out the word "so" after the word "question" and before the word "submitted."

Page 101, section 54, line 5, insert after the word "name" and before the word "which" the word "by;" also, strike out the word "by" in line 6.

Page 103, chapter 3, section 4, amend section 4, by adding the following: "The county auditor is hereby authorized to collect and receive all money due their respective counties, except when otherwise provided by law, and shall be responsible for all public funds received or collected by them."

Page 105, section 4, line 2, insert after the word "payment" the words "or presents for payment a warrant in excess of the funds in the treasury."

Page 112, section 5 add as line 9, "A. B. , Coroner of County."

Page 113, add to section 14 the words: "The coroner shall report to the clerk of the district court all cases of death which may come under his supervision, with the cause or mode of death, in accordance with forms furnished by the state board of health."

Page 113, section 15, insert in the first line after the word "coroner" the words "except as otherwise provided by law."

Page 113, section 17, line 1, insert after the word "coroner" the words "or justice of the peace, as the case may be."

Page 114, add as sections 20 and 21 to chapter 7 the following:

"Sec. 20. Any property or money found with or upon the person of deceased, if there be no person authorized to receive the same, shall forthwith be turned over by the coroner to the clerk of the district court to be held until disposed of according to law."

"Section 21. A failure to comply with the preceding section shall be deemed a misdemeanor."

Page 114, section 2, line 2, insert after the word "laud" the words "if there be any in his office or that of the auditor."

Page 116, section 1, strike out lines 5 and 6 and insert in lieu thereof the following: "As to divide any school township or district unless a majority of the voters of said school township or district shall petition therefor."

Your committee recommends that when the above amendments are adopted the bill do pass.

C. A. CARPENTER,
Chairman.

HOUSE MESSAGES.

Senate concurrent resolution relative to the adoption of a common plan for consideration of Code work, was read and passed on file.

House concurrent resolution relative to appointment of joint committee of three on the part of the house and two on the part of the Senate, to designate the parts of the acts of the Twenty-sixth General Assembly to be incorporated in the proposed Code, was read.

Senator Funk moved to so amend the resolution as to increase the number of the joint committee to six, giving three members to the House and three to the Senate.

Senator Harriman moved that the resolution as submitted be concurred in.

Senator Cheshire moved as a substitute for the concurrent resolution "that the laws of the Twenty-sixth General Assembly be referred to the Code Revision Committee, to be by them distributed to the proper committees."

Senator Ellis moved that the concurrent resolution and the substitute be referred to the Code Revision Committee with instructions to report to-morrow.

Senator Harriman moved to amend the motion by striking out "Code Revision Committee" and inserting "Joint Committee on the Introduction of Code bills."

On this a division was called for and the amendment was adopted.

The motion as amended was carried.

BILLS ON THIRD READING.

On motion of Senator Carpenter, Senate file No. 3, a bill for an act to revise, amend and codify the statutes in relation to county and township government, with report of committee recommending certain amendments, was taken up and considered.

The bill was read by sections.

On motion by Senator Carpenter all line numbers, words and figures at ends of sections and all underscorings were stricken out.

Senator Carpenter moved to amend section 1, line 1, by inserting after the word "county" and before the word "for," the words "is a body corporate;" also, same line, strike out after the word "purposes," the words "is a body corporate;" also, same section, line 2, strike out the word "proper," after the word "all," and before the word "contracts," and insert after the word "contracts" the word "necessary."

Adopted.

Senator Carpenter moved to amend section 3 by striking out the word "three" and inserting in lieu thereof the word "five."

Adopted.

Senator Carpenter moved to amend section 4 by adding at the end of the section the words "and shall be filed with the auditor at least sixty days before the June session of the board."

Adopted.

Senator Carpenter moved to amend section 5 by striking out the words "presented to such board" and inserting in lieu thereof the words "filed with the auditor ten days prior to the date fixed by the notice hereinafter provided."

Adopted.

Senator Carpenter moved to amend section 6, line 1, by striking out the whole of the line and insert the following in lieu thereof: "Section 6. Upon the filing of such petition sixty days' notice thereof and of the date of hearing shall be given by the auditor by three insertions."

Adopted.

Senator Carpenter moved to amend section 7, line 1, by striking out the word "presentation," after the word "the" and before the word "of," and insert in lieu thereof the word "hearing."

Adopted.

Senator Carpenter moved to amend section 8, line 1, by striking out the words "ballot shall state that it was cast for the county seat, and name the place voted for," and insert in lieu thereof the following: "proposition to be submitted shall be 'Shall the proposition to change the county seat to (naming the town to which the change is proposed) be adopted?'"

Adopted.

Senator Carpenter moved to amend section 9, line 1, by striking out the words "the point designated in the petition obtain;" also, same line, insert after the word "cast" the words "be in favor of the proposition;" also, same section, line 2, strike out the word "same" after the word "the" and before the word "to" and insert in lieu thereof the words "town named therein."

Adopted.

Senator Carpenter moved to amend section 10, line 5, by striking out the word "fifteen" and insert in lieu thereof the word "twenty," and in the 11th and 31st lines strike out the figures "18."

Adopted.

Senator Carpenter moved to amend section 13, line 4, by striking out the words "and the principal when it matures" and insert in lieu thereof the words "and such proportion of the principal that at the end of eight years the sum raised from such levies shall at least equal 15 per cent of the amount of bonds issued; at the end of ten years at least 30 per cent of the amount, and at or before the date of maturity of the bonds shall be equal to the whole amount of the principal and interest."

Adopted.

Senator Carpenter moved to amend section 1, lines 6 and 7, by striking out the words "the question, 'Shall the number of supervisors be increased to five' or 'seven?'" and insert in lieu thereof the words "one of the following propositions, as such board may elect in the absence of a petition or as may be requested in said petition: 'Shall the proposition to increase the number of supervisors to five be adopted?' or 'Shall the proposition to increase the number of supervisors to seven be adopted?'" also line 8, strike out the words "the increase of the number" and insert in lieu thereof the words "for the proposition so submitted;" also, lines 13 and 14, strike out the words "the question 'Shall the number of supervisors be reduced to

five' or 'three?'" and insert in lieu thereof the words "one of the following propositions as the same may be requested in such petition, 'Shall the proposition to reduce the number of supervisors to five be adopted?' or 'Shall the proposition to reduce the number of supervisors to three be adopted?'"

Adopted.

Senator Carpenter moved to amend section 5, line 2, by inserting after the word "shall" the words "at its next meeting thereafter."

Adopted.

Senator Carpenter moved that the Senate do now adjourn until 2 o'clock P. M.

Senator Garst moved to amend by striking out the words "2 o'clock P. M." and inserting in lieu thereof the words 9 o'clock A. M. tomorrow.

Carried.

The motion as amended prevailed.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, January 27, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding,

Prayer was offered by Rev. Amos Crum of Webster City.

PETITIONS AND MEMORIALS.

Senator Cheshire presented remonstrance of H. S. Condit and 248 others of Polk county against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Blanchard offered the following resolution:

WHEREAS, The number of doorkeepers in the Senate, by reason of absence and sickness, has been reduced from eight to five and the remaining force is insufficient to perform the duties required of them; therefore,
Resolved, That William Kirkpatrick be and he is hereby elected as an additional doorkeeper of the Senate.

Lost.

REPORTS OF COMMITTEES.

Senator Pusey, from Joint Committee on Division of Code into Bills, submits the following report:

MR. PRESIDENT—Your Committee on Division of Code into bills, to whom was referred concurrent resolution No. 5 of the House relative to appointment of a Joint Committee to designate where the laws of the Twenty-sixth General Assembly shall be incorporated in the proposed Code as amendments to same, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the Senate do not concur therein.

N. M. PUSEY,
Chairman.

Adopted.

Senator Carpenter, from the Committee on Code Revision, presented the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred Senate file No. 43, a bill for an act to revise, amend and codify the

statutes in relation to domestic relations, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the following amendments:

Strike out all marginal numbers, reference numbers at end of sections, and marginal lines.

Page 651, section 2, strike out all of lines 4 and 5.

Page 652, section 10, strike out all of the remainder of the section after the word "unmarried" in the third line.

Page 652, section 15, line 5, strike out the word "the" after the word "in" and before the word "real" and insert in lieu thereof the word "said;" also strike out of lines 5 and 6, the same section, the words "of the petitioner described in the petition."

Page 652, section 16, line 5, insert after the word "any" and before the word "defense" the words "legal or equitable;" also strike out in lines 5 and 6, the words "which ought to be done in the same manner defenses may be made by those who are sane."

Page 653, section 2, line 6, strike out the words "and that the petitioner is now and expects to remain a resident thereof."

Page 653, section 4, strike out lines 6 and 7.

Page 657, section 18, line 2, after the word "court" and before "the" add the words "or judge;" also add words "or judge" at end of section 18.

Page 660, strike out section 34 and insert the following in lieu thereof. "Section 34. Whenever the sale or mortgage of the real estate of such ward is necessary for his support, or for the support of his family, or the payment of his debts, or will be for the interest of the estate or his children, the guardian may sell or mortgage the same under like proceedings as required by law to authorize the sale of real estate by the guardian of the minor. The court shall, if necessary, set off to the wife and children under fifteen years of age of the insane person or to either, sufficient of his property of such kind as it shall deem appropriate, to support them for twelve months from the time he was adjudged insane."

Page 660, strike out sections 38 and 39.

Page 660, section 35, line 2, insert after the word "the" and before the word "contracts" the word "real;" also line 4, same section, insert after the word "the" and before the word "contracts" the word "real."

Your committee recommends that when the amendments are adopted the bill do pass.

C. A. CARPENTER,

Chairman.

The Journal of Monday was taken up, read, corrected and approved.

Senator Ranck moved to strike out the words "Reform Party" and insert the words "Le Grand Byington" in lieu thereof, in the seventh line of Tuesday's Journal.

Carried.

The Journal of Tuesday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 3.

Senator Pusey moved to amend section 13, line 32, by striking out the words "in this chapter" and insert in lieu thereof the words "by law."

Adopted.

Senator Pusey moved to adopt the committee's amendments to section 21, line 1, by striking out the words "one-half" and insert in lieu thereof the words "three tenths of one."

On this the yeas and nays were called.

On the question, "Shall the amendments be adopted?" the yeas were:

Senators Alexander, Allyn, Berry, Craig, Garst, Gorrell, Harper, Harriman, Henderson, Junkin, Kilburn, Perrin, Sargent—13.

The nays were:

Senators Bell, Blanchard, Bonson, Byers, Carroll, Cheshire, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Gilbertson, Healy, Hobart, Hospers, Hotchkiss, Lothrop, Mitchell, Palmer, Penrose, Phelps, Ranck, Rikken, Rowen, Trewin, Upton, Young—29.

Absent or not voting:

Senators Carney, Carpenter, Funk, Hipwell, Hurst, Lehfeldt, Pusey, Waterman—8.

So the amendment was lost.

Senator Pusey moved to amend section 26 by striking out "and at," line 4, to and including "against taxation," line 5, and insert the following in lieu thereof: "The board shall cause the proposition to be printed and placed upon the ballots, and the election shall be conducted in the manner provided in case of elections on like propositions in the chapter on elections;" also, strike out "in favor of taxation," line 6, and insert in lieu thereof "in favor of the adoption of the proposition."

Adopted.

Senator Perrin moved to amend the bill by striking out sections 26 and 27.

On this the yeas and nays were called.

On the question, "Shall the amendments be adopted?" the yeas were:

Senators Allyn, Blanchard, Bonson, Downey, Druet, Gorrell, Healy, Henderson, Kilburn, Lothrop, Perrin, Phelps, Rikken, Upton—14.

The nays were:

Senators Alexander, Bell, Berry, Byers, Carroll, Cheshire, Craig, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Harper, Harriman, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Mitchell, Palmer, Penrose, Pusey, Ranck, Rowen, Sargent, Trewin, Waterman, Young—32.

Absent or not voting:

Senators Carney, Carpenter, Hipwell, Lehfeldt—4.

So the amendment was lost.

Senator Ellison moved to amend section 26 by striking out of the second line the words "members of the Grand Army Posts therein," and insert the words "one-fourth of the legal voters of said county."

Senator Ellis moved to amend the amendment by striking out the words "majority of legal voters of the county," and inserting in lieu thereof "one-fourth the legal voters of the county."

On this a division was called for and the amendment to the amendment prevailed.

On the question, "Shall the amendment as amended prevail?" a division was called for and the amendment was lost.

Senator Waterman moved to amend section 26, line 2, by striking out the word "post" and inserting in lieu thereof the word "posts."

Senator Rigger moved as a substitute for the amendment by Senator Waterman to insert after "post," in second line, the words "as ex-union soldiers living."

Lost.

The amendment was adopted.

Senator Pusey moved to amend section 27, line 4, by inserting after the word "voted" the words "who shall each give bond in such amount as shall be fixed by the board."

Adopted.

Senator Waterman moved to amend section 32 by striking out all after the word "county," in line 2, down to and including the word "papers," in line 10, and insert "one from each of the two political parties casting the greatest number of votes at the preceding general election."

Senator Perrin moved to amend the amendment by Senator Waterman by striking out after the word "year," in first line, to

“papers” in tenth line, and insert the following: “Shall contract for the printing of the proceedings of the Boards of Supervisors, the schedule bills allowed and the report of the county treasurer, including schedule of receipts and expenditures, to the lowest responsible bidder living within the county.” Strike out the remainder of the section after the word “years,” in thirteenth line, and insert the following: “The proceedings shall be mailed by the auditor to every property holder of the county as shown by the poll and plat books in his office, immediately after each session of the Board of Supervisors.”

Senator Hospers moved the previous question.

On the question “Shall the previous question be put?” the motion prevailed.

On the question of the amendment to the amendment, the amendment was lost.

The question recurring on the amendment by Senator Waterman, the amendment was lost.

Senator Waterman moved to amend the bill by striking out section 32.

Lost.

Senator Funk, President *pro tem.*, presiding.

Senator Pusey moved to amend section 35, line 3, by striking out all of the line and insert the following words: “submit one of the following questions of police regulation;” also, same section, strike out lines 10 and 11 and insert in lieu thereof the words, “the word ‘stock’ as used in this section shall have the same meaning as in the chapter of this Code relating to domestic animals.”

Adopted.

Senator Pusey moved to amend section 38, line 1, by striking out the word “a” and insert the word “any;” also strike out the word “so” after the word “question,” and before the word “submitted.”

Adopted.

Senator Pusey moved to amend by inserting in line 10, section 39, after the words “dollar of” the words “the assessed.”

Adopted.

Senator Ranck moved to amend section 49 by striking out all words after the word “shall,” in lines 3 and 4 of said section, and add in lieu thereof the following: “be paid in the general county fund.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Concurrent resolution relative to furnishing McClain's Code, supplements thereto and session laws to Walter I. Hayes.

Also:

House file No. 9, a bill for an act to revise, amend and codify the statutes in relation to the executive department.

Also:

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

House file No. 22, a bill for an act to revise, amend and codify the statutes in relation to taking private property for works of internal improvement.

Also:

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

House file No. 51, a bill for an act to revise, amend and codify the statutes in relation to the State University.

Also:

House file No. 53, a bill for an act to revise, amend and codify the statutes in relation to the Normal School.

JAMES D. ROWEN,
Chief Clerk.

Passed on file.

Senator Ranck moved that the Senate do now adjourn until 9 o'clock A. M. to-morrow.

Carried.

Senate adjourned.

SENATE CHAMBER
DES MOINES, Iowa, Thursday, January 28, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Hon. Geo. H. Van Houten of Lenox, Iowa.

On request of Senator Everall, leave of absence was granted Senator Upton.

PETITIONS AND MEMORIALS.

Senator Bell presented remonstrance of D. W. Ferguson and forty-nine other citizens of Van Buren county against passage of manufacturers' bill.

Referred to Committee on Suppression of Intemperance.

Senator Young presented remonstrance of P. J. Leonard and 527 other citizens of Buchanan county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Young presented remonstrance of W. I. Millen and 266 other citizens of Delaware county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Allyn presented petition of county officials of Decatur county in regard to the revenue law.

Referred to Committee on Ways and Means.

Senator Downey presented petition of wholesale dealers of Keokuk in regard to passage of two-cent fare bill.

Referred to Committee on Railways.

Senator Hospers presented petition of E. J. Tripp and others of O'Brien county on same subject.

Referred to same committee.

Senator Pusey presented petition of Geo. C. Wise and other citizens of Pottawattamie county on same subject.

Referred to same committee.

Senator Bell presented petition of T. G. McClure and fifty-five other citizens of Van Buren county for the repeal of sections 2 and 3, relating to steam engines.

Referred to Committee on Highways.

Senator Carney presented remonstrance of citizens of Albino, Marshall county, against the passage of a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

INTRODUCTION OF BILLS.

By Code Revision Committee, Senate file No. 73, a bill for an act to revise, amend and codify the statutes in relation to discipline and government of penitentiaries and jails.

Read first and second time and referred to Committee on Penitentiaries and Pardons.

By Code Revision Committee, Senate file No. 74, a bill for an act to revise, amend and codify the statutes in relation to justices of the peace and their courts.

Read first and second time and referred to Committee on Code Revision.

By Code Revision Committee, Senate file No. 75, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations.

Read first and second time and referred to Committee on Building and Loan Association.

REPORTS OF COMMITTEES.

Senator Pusey, from the Committee to Divide the Code into Bills, submitted the following report:

MR. PRESIDENT—Your committee as a joint committee with a like one from the House to divide the proposed Code into bills have directed me to report that it has made a final division of the Code into bills, as follows, to-wit:

Titles 18, 19, 20, 21, 22, 23, 24, 25 and 26 into one bill each.

N. M. PUSEY,
Chairman.

Adopted.

Senator Craig, from the Committee on Military, submitted the following report:

MR. PRESIDENT—Your Committee on Military, to whom was referred Senate file No. 15, a bill for an act to revise, amend and codify the statutes relative 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 be amended as follows, to-wit:

Strike out the word "resign" in the second line of section 10, and substitute the words "is discharged;" also, strike out the word "resign" in the last line of section 11, and substitute the words "is discharged;" also, strike out the word "such" in the first line of section 52, and substitute the words "each annual;" also, strike out the words "forty-five thousand" in the second line of section 53, and substitute the words "fifty thousand and two hundred dollars;" also, insert after the word "annum" in the second line of section 53, the words "or so much thereof as may be necessary;" also, strike out all marginal figures, reference numbers at the end of each section, and all underscoring in the bill, and when so amended it do pass.

GEO. M. CRAIG,
Chairman.

Ordered passed on file.

Senator Trewin, from the Committee on Code Revision, presented the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred the laws of the Twenty-sixth General Assembly for assignment to the proper committees, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate with the following recommendations:

- Chapter 1, Cities and Towns.
- Chapter 2, Cities and Towns.
- Chapter 3, Cities and Towns.
- Chapter 4, Cities and Towns.
- Chapter 5, Cities and Towns.
- Chapter 6, Cities and Towns.
- Chapter 7, Cities and Towns.
- Chapter 8, Cities and Towns.
- Chapter 9, Cities and Towns.
- Chapter 10, Cities and Towns.
- Chapter 11, Cities and Towns.
- Chapter 12, Cities and Towns.
- Chapter 13, Cities and Towns.
- Chapter 14, Cities and Towns.
- Chapter 15, Cities and Towns.
- Chapter 16, Cities and Towns.
- Chapter 17, Cities and Towns.
- Chapter 18, Cities and Towns.
- Chapter 19, Cities and Towns.
- Chapter 20, Cities and Towns.
- Chapter 21, Insurance.
- Chapter 22, Insurance.
- Chapter 23, Insurance.
- Chapter 24, Cities and Towns.
- Chapter 25, Suppression of Intemperance.
- Chapter 26, Code Revision.
- Chapter 27, Cities and Towns.
- Chapter 28, Ways and Means.

- Chapter 29, Ways and Means.
- Chapter 30, Ways and Means.
- Chapter 31, Ways and Means.
- Chapter 32, Ways and Means.
- Chapter 33, Railways.
- Chapter 34, Railways.
- Chapter 35, Railways.
- Chapter 36, Code Revision.
- Chapter 37, Schools.
- Chapter 38, Schools.
- Chapter 39, Schools.
- Chapter 40, Schools.
- Chapter 41, Charitable Institutions.
- Chapter 42, Code Revision.
- Chapter 43, Highways.
- Chapter 44, Highways.
- Chapter 45, Highways.
- Chapter 46, Commerce and Internal Improvement.
- Chapter 47, Highways.
- Chapter 48, Highways.
- Chapter 49, Libraries.
- Chapter 50, Libraries.
- Chapter 51, Libraries.
- Chapter 52, Charitable Institutions.
- Chapter 53, Charitable Institutions.
- Chapter 54, Code Revision.
- Chapter 55, Code Revision.
- Chapter 56, Charitable Institutions.
- Chapter 57, Public Health.
- Chapter 58, Code Revision.
- Chapter 59, Pharmacy.
- Chapter 60, Pharmacy.
- Chapter 61, Code Revision.
- Chapter 62, Elections.
- Chapter 63, Cities and Towns.
- Chapter 64, Code Revision.
- Chapter 65, Code Revision.
- Chapter 66, Code Revision.
- Chapter 67, Code Revision.
- Chapter 68, Elections.
- Chapter 69, Code Revision.
- Chapter 70, Code Revision.
- Chapter 71, Code Revision.
- Chapter 72, Code Revision.
- Chapter 73, Code Revision.
- Chapter 74, Code Revision.
- Chapter 75, Code Revision.
- Chapter 76, Code Revision.
- Chapter 77, Cities and Towns.
- Chapter 78, Agriculture.

Chapter 79, Penitentiaries and Pardons.
Chapter 80, Fish and Game.
Chapter 81, Corporations.
Chapter 82, Code Revision.
Chapter 83, Code Revision.
Chapter 84, Code Revision.
Chapter 85, Building and Loan.
Chapter 86, Labor.
Chapter 87, Code Revision.
Chapter 88, Code Revision.
Chapter 89, Code Revision.
Chapter 90, Code Revision.
Chapter 91, Public Health.
Chapter 92, Mines and Mining.
Chapter 93, Mines and Mining.
Chapter 94, Public Health.
Chapter 95, Code Revision.
Chapter 96, Code Revision.
Chapter 97, Code Revision.
Chapter 98, Corporations.
Chapter 99, Cities and Towns.
Chapter 100, Code Revision.
Chapter 101, Printing.
Chapter 102, Military.
Chapter 103, Military.
Chapter 104, Code Revision.
Chapter 105, Penitentiaries and Pardons
Chapter 106, Code Revision.
Chapter 107, Railways.
Chapter 108, Code Revision.
Chapter 109, Ways and Means.
Chapter 110, Public Lands.
Chapter 111, Public Lands.
Chapter 112, Public Lands.
Chapter 113, Charitable Institutions.
Chapter 114, Ways and Means.
Chapter 115, Public Libraries.
Chapter 120, Commerce.
Chapter 121, Congressional and Judicial Districts.
Chapter 122, Congressional and Judicial Districts.
Chapter 124, Senatorial and Representative Districts.
Chapter 125, Senatorial and Representative Districts.
Chapter 149, Appropriations.
Chapter 151, Appropriations.
Chapter 153, Appropriations.

Respectfully submitted,
J. H. TREWIN,
Chairman, pro tem.

Passed on file.

Senator Cheshire offered the following resolution:

Resolved, That members of the press who have been assigned seats in the press gallery by the Secretary, and who are not clerks of Senate committees, are authorized to draw stationery supplies to an amount not exceeding \$1.00 per week during the session.

Adopted.

The Journal of Wednesday was taken up, read, corrected and approved.

Senator Cheshire moved that Senators Ellison and Junkin be added to the Committee on Cities and Towns.

Carried.

Senator Henderson moved to take up House messages.

Carried.

HOUSE MESSAGES.

Senator Waterman moved that House bills be referred to their appropriate committees.

Carried.

House file No. 51, a bill for an act to revise, amend and codify the statutes in relation to the State University.

Read first and second time and referred to Committee on Educational Institutions.

House file No. 53, a bill for an act to revise, amend and codify the statutes in relation to the Normal School.

Read first and second time and referred to Committee on Educational Institutions.

Concurrent resolution relative to furnishing McClain's Code, supplements thereto and session laws to Walter I. Hayes.

The resolution was concurred in.

House file No. 9, 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 Code Revision.

House file No. 22, a bill for an act to revise, amend and codify the statutes in relation to taking private property for works of internal improvement.

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

BILLS ON THIRD READING.

Senate resumed consideration of amendment by Senator Ranck to section 49 of Senate file No. 3.

Senator Ranck sent to the Secretary's desk and had read the opinion of Attorney General Remley upon the constitutionality of chapter 70, laws of the Twentieth General Assembly.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bonson, Cheshire, Craig, Eaton, Ellis, Ellison, Ericson, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hotchkiss, Lothrop, Mitchell, Palmer, Penrose, Pusey, Ranck, Riggen, Trewin, Young—31.

The nays were:

Senators Byers, Carney, Downey, Everall, Hospers, Junkin, Kilburn, Perrin, Rowen, Sargent—10.

Absent or not voting:

Senators Berry, Carpenter, Carroll, Druet, Hurst, Lehfeldt, Phelps, Upton, Waterman—9.

Senators Berry and Carroll paired.

So the amendment was adopted.

Senator Harriman offered the following explanation of his vote, and asked that it be printed in the Journal:

MR. PRESIDENT—In explanation of my vote on amendment to section 49 of chapter 2, of Senate file No. 3: I had intended to oppose the amendment but since hearing the opinion of the Attorney General read, wherein he holds that the present law is unconstitutional, I vote "yea."

W. F. HARRIMAN.

Senator Ranck moved to amend section 50 by striking out all after the word "collected."

Adopted.

Senator Ranck moved to amend the bill by striking out section 51.

Adopted.

Senator Pusey moved to amend by inserting after section 13, the words: "The board of supervisors of any county that has, prior to January 1, 1896, levied and collected a county tax in the incorporated towns and cities, as well as in the territory outside of such cities, and had on April 14, 1896, a surplus in its county road fund not needed for the purpose for which it was levied and which was collected prior to January 1, 1896, may transfer such surplus or so much thereof as shall be by it deemed best, to the county fund or to the county bridge fund for the use and benefit of such funds."

Lost.

Senator Ranck moved to amend the bill by striking out all of section 52.

Adopted.

Senator Pusey moved to amend section 54, line 5, by inserting after the word "name" and before the word "which" the word "by;" also, strike out the word "by" in line 6.

Adopted.

Senator Harriman moved to amend section 62 by striking out the word "six," in the third line, and insert in lieu thereof the word "five."

Adopted.

Senator Pusey moved to amend section 4, chapter 3, by adding the following: "The county auditor is hereby authorized to collect and receive all money due their respective counties except when otherwise provided by law, and shall be responsible for all public funds received or collected by them."

Adopted.

Senator Lothrop moved to amend section 6, chapter 3, by striking out the word "said," in line 1, and insert the word "the" in lieu thereof; also insert after the word "clerk," in line 1, the words "of the district court."

Adopted.

Senator Lothrop moved to amend section 12, chapter 3, by striking out the words "appointment and" in lines 2 and 3.

Adopted.

Senator Healy moved to amend section 2 of chapter 3, by striking out the words, "or other claims the amount of which is fixed by law."

Adopted.

Senator Kilburn moved to amend section 12 by inserting after the word "writing," in the first line, the words "with consent of the board of supervisors."

Adopted.

Senator Trewin moved to amend section 61, chapter 2, by inserting after the word "auditor," in second line, the words "county attorney," and after the word "officers," in the fourth line, the words "except the county attorney," and at the end of the section the words "nothing herein shall be construed to include the law books or library of the county attorney."

Adopted.

Senator Perrin offered the following amendment to section 9, chapter 3: Amend sub-division 2, after word "deed," insert "or transfer of title certified by clerks of district court."

Adopted.

Senator Blanchard moved to amend section 10, chapter 3, so it will read as follows: "Section 10. The total compensation of the auditor in any one year shall be the sum of \$1,200, inclusive of fees, but in counties having more than 25,000 population the board shall grant such additional compensation to the auditor, deputy or clerks as may be reasonable and just."

On this a division was called for and the amendment was lost.

Senator Funk, President *pro tem.* presiding.

Senator Pusey moved to amend section 4, chapter 4, by inserting after the word "payment," the words "or presents for payment a warrant in excess of the funds in the treasury."

Adopted.

Senator Hotchkiss moved to amend section 2, chapter 4, by striking out all after the word "non-payment."

Lost.

Senator Kilburn moved to amend section 10, chapter 4, by inserting in the first line after the word "writing," the words "with the consent of the board of supervisors."

Adopted.

Senator Lothrop moved to amend section 10, chapter 4, by striking out in lines 2 and 3, the words "appointment and."

Adopted.

Senator Kilburn moved to amend section 4, chapter 5, by inserting in line 1 of section 4, after the word "writing," the words, "with the consent of the board of supervisors."

Adopted.

Senator Lothrop moved to amend section 4, chapter 5, by striking out of lines 2 and 3, the words "appointment and."

Adopted.

President Parrott presiding.

Senator Waterman moved to amend section 3 by striking out all after the word "of," in the fifth line, and insert the following: "Twelve hundred dollars per annum in counties having a population less than 35,000, and fifteen hundred dollars per annum in counties having a population over 35,000."

Senator Healy offered the following amendment to the amendment:

MR. PRESIDENT—I move to amend the amendment by inserting "twenty five" instead of "thirty-five."

On this a division was called for and the amendment to the amendment was adopted.

On the amendment as amended a division was called for and the amendment was adopted.

Senator Waterman moved to amend section 10, chapter 6 by inserting in the first line the word "itemized" after the word "quarterly," and in the second line after the word "fees" insert the words "and mileage."

Adopted.

Senator Lothrop moved to amend section 11, chapter 6, by striking out of line 8 the words "in serving criminal processes."

Senator Waterman moved as a substitute for the amendment by Senator Lothrop, to insert after the word "process" the words "and mileage collected by him in serving civil process."

Senator Cheshire offered the following resolution:

WHEREAS, The National Woman's Suffrage Association is now holding a session in the City of Des Moines, and many distinguished women of the United States are in attendance upon its deliberations; therefore,

Resolved, That the Senate invite the members of said association to visit this chamber at 11 o'clock A. M., Friday, January 29, 1897, and that representatives of the association be requested to address this body.

President Parrott appointed Senators Kilburn, Byers and Rowen as a committee to extend the courtesies conveyed in the resolution as passed by the Senate to the Woman's Suffrage Association.

Senator Ellis moved that the Senate do now adjourn until 9 o'clock A. M. to-morrow.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, January 29, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Daniel McPherson of Des Moines, Iowa.

On request of Senator Lothrop, leave of absence was granted Senator Druet.

PETITIONS AND MEMORIALS.

Senator Garst presented petition of Geo. M. Parker and other citizens of Sac county for 2-cent railroad fare.

Referred to Committee on Railways.

Senator Perrin presented petition of J. P. Davis and 124 other citizens of Nashua on same subject and asked to have it withdrawn for the purpose of presenting it in the House.

Referred to Committee on Railways.

Senator Bell presented remonstrance of the Friends' church at Pleasant Plain, Jefferson county, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Sargent presented remonstrance of P. H. Whitney and 246 voters of Black Hawk county on same subject.

Referred to Committee on Suppression of Intemperance.

REPORTS OF COMMITTEES.

Senator Palmer, from the Committee on Agriculture, submits the following report:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred Senate file No. 23, a bill for an act to revise, amend and codify the statutes in relation to domestic animals, 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 do pass after the following amendments have been adopted:

Section 40, line 2, strike out the word "swift."

Section 41, line 12, insert after the first "up" the words, "as an estray," and strike out the words, "for taking up," near the end of the line.

Strike out all underscoring, marginal references, and figures at end of sections.

D. J. PALMER,

Chairman.

Ordered passed on file.

Senator Kilburn, from committee to extend invitation to Woman's Suffrage Association, presents the following report:

MR. PRESIDENT—Your committee, appointed to extend the courtesies of the Senate, with the resolution of invitation, to the president and members of the National Woman's Suffrage Association, beg leave to report that they have attended to the duty assigned them, and that the association unanimously accepted the invitation extended.

L. M. KILBURN,

Chairman.

Senator Ellis, from the Committee on Judiciary, submits the following report:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate file No. 4, a bill for an act to revise, amend and codify the laws in relation to procedure in courts of original jurisdiction, 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 accompanying amendments be adopted and when adopted the bill do pass:

Strike out the following words in subdivision 3, section 1, chapter 2, page 696, eighth line, "including injuries to relative rights;" also, strike out in same subdivision, lines, 9, 10 and 11, the following: "and those brought to set aside a will, within two years from the time the same is filed in the clerk's office for probate, and notice thereof is given."

Strike out in section 2, same page (696), the following words in third and fourth lines: "but no action under this section shall be brought after ten years from the date of the happening of the matters complained of."

Strike out in section 3, chapter 3, page 697, third line, the following words: "in writing."

Substitute the word "may" for the word "must" in section 8, same chapter, page 698, first line.

Substitute the word "female" for the word "women" in line 1, section 12, page 698.

Substitute for section 5, chapter 4, pages 701 and 702 the following: "An action against a non-resident of the State when aided by an attachment may be brought in any county of the State wherein any part of the property sought to be attached may be found, or wherein any part was situated when the action was commenced, or where the defendant is personally served in this State, and except as hereinafter provided an action against a resident of this State must be brought in the county of his residence, or that in which the contract was to be performed, except that if an action be duly brought against such defendant in any other county by virtue of any of the provisions of this chapter, then such action may, if

legal cause for an attachment exist, be aided by attachment. Should such action be brought against a resident of this State in any other county than that of his residence, he may have the place of trial changed to the district court of the county wherein he resides, in the same manner and upon the same terms as provided in section 14 of this chapter, and the property attached shall not be released because said action was brought in the wrong county, but shall be held and subject in the same manner as if said action had been brought in the county of defendant's residence."

Strike out the comma after the word "domicile" in third line of section 9, chapter 4, page 702; also, the words "in the State" and the comma following the word "State," same line.

Strike out the word "and" in lines two and three, section 3, chapter 5, page 704, and insert the word "or" in lieu thereof in each case.

Strike out the words "of it" in line 1, section 4, page 704, and insert the word "thereof" in lieu thereof.

Strike out the word "they" in line 4, section 7, page 705, and insert the words "the same" in lieu thereof.

Strike out the words "the defendant may have the action dismissed" in lines one and two, section 2, chapter 6, page 705, and insert the words "the action will be deemed discontinued" in lieu thereof.

Strike out the word "thereafter" in line seven, subdivision 3, section 4, page 705, and insert the words "after service" in lieu thereof.

Strike out section 7, chapter 6, page 706, and substitute therefor the following: "If the notice is placed in the hands of a sheriff he must note thereon the date when received, and proceed to serve the same without delay in his county, and must file the same with his return thereon in the office of the clerk, or return the same by mail or otherwise to the party from whom he received it."

Insert after the word "express" in second line of section 16, page 707, the words "or insurance."

Strike out all of subdivision 2, section 27, line 5, page 709, to the word "by," and also insert after the word "announcing" in same line, the words "to the court."

Substitute the word "of" for "or" before the word "January" in line 15, subdivision 3, section 27, page 709; also, insert after the word "January," in same line, the words "the thirtieth day of May."

Substitute the word "misjoinder" for "misjoiner" in line 1, section 4, chapter 7, page 711.

Strike out from section 2, chapter 8, line 4, page 711, the words "allowed by the court or the" and insert before the word "pleading," in same line, the word "such."

Strike out the word "motion" in subdivisions 2, 3 and 4, section 8, page 712.

Insert as part of section 8, after line 6, same page, the following:

"The filing of a pleading or motion in the clerk's office during a term, and a memorandum of such filing made in the appearance docket within the time allowed, shall be equivalent to filing the same in open court.

"All technical forms of action and pleading, all common counts, general issues, and all fictions are abolished, and hereafter the forms of pleading in civil actions, and the rules by which their sufficiency is to be determined, are those prescribed in the Code."

Strike out the words "at law" in fourth line, subdivision 2, section 10, page 712, and insert the word "petition" before the word "in" in same line.

Substitute the word "count" for the word "court," in the eighth line, subdivision 4, section 10, page 712.

Add the figure "5" before the word "where," in the same line, thus constituting a subdivision of the paragraph.

Strike out sections 14, 15 and 16, of proposed Code, page 713, and substitute the following:

SEC. 14. When any of the matters enumerated as grounds of demurrer do not appear on the face of the petition the objection may be taken by answer. If the facts stated by the petition do not entitle the plaintiff to any relief whatever, advantage may be taken of it by motion in arrest of judgment before judgment is entered. [3856]

SEC. 15. The defendant may demur to one or more of the several causes of action alleged in the petition and answer as to the residue.

A demurrer shall be considered as an admission of the allegations of the pleading demurred to for the purposes of demurrer and for such purposes only; and when a demurrer shall be overruled and the party demurring shall answer or reply, the ruling on the demurrer shall not be considered as an adjudication of any question raised by the demurrer; and in such case the sufficiency of the pleading thus attacked shall be determined as if no demurrer had been filed.

No pleading shall be held sufficient on account of a failure to demur thereto [3857, ch. 96, 25 G. A.]

SEC. 16. The opposite party shall be deemed to join in a demurrer whenever he shall not amend the pleading to which it is addressed. [3858]

Upon a demurrer being overruled the party demurring may answer or reply. [3859]

Upon a decision of a demurrer, if the adverse party fail to amend, or plead over, the same consequences shall ensue as though a verdict had passed against the plaintiff or the defendant had made default, as the case may be. [3860]

Substitute the word "then" for the word "than" in line 9, subdivision 3, section 21, page 714.

Strike out all after the word "petition" in line 3, section 26, page 714.

Strike out the words "motions and" in line 2, section 31, page 715.

Strike out all after the word "character" in line 3, section 37, page 716.

Substitute the word "affect" for the word "effect" in line 2, section 52, page 717.

Substitute the word "pleading" for the word "answer" in line 3, section 62, page 718.

Strike out the words "except to correct a clerical error" in lines 2 and 3, section 97, page 722.

Strike out all after word "elect" in line 5, section 14, page 724.

Strike out from fourth line, section 29, page 725, the words "the statements of counsel."

Strike out after word "closed," in tenth line, same section, the words "the argument or any part thereof, of any counsel, when demanded," and

insert in lieu thereof the following, "the parts of arguments objected to when so ordered by the court."

In same section, page 726, add after the word action, in twentieth line, the words "and constitute a complete bill of exceptions."

Insert the word "the" before the word "regular," in second line, section 30, page 726.

Add figure "5" before the word "but," in line 10, section 48, page 728, that constituting a subdivision of the paragraph.

Strike out all after the word "itself," in line 1, section 52, page 728, and insert in lieu thereof the following (change period to comma), "but shall not do so in any case before a jury."

Strike out all of section 53, chapter 9, pages 728 and 729.

Strike out all of section 54, page 729; insert as substitute, the following:

"When the argument is concluded, either party may request instructions to the jury on points of law, which shall be given or refused by the court. All instructions asked, and the charge of the court, shall be in writing." (This as section 53.)

"If the court refuse a written instruction as demanded, but give the same with a modification, which the court may do, such modification shall not be by interlineation or erasure, but shall be well defined, and shall follow some such characterizing words as 'changed thus,' which words shall themselves indicate that the same was refused as demanded." (This as section 54.)

Amend section 60, page 729, by striking out the words, "If the jury are," and insert in lieu thereof the following: "After the jury is sworn they shall not be;" also, insert after the word "trial," first line, the words, "unless so ordered by the court, and when so ordered."

Strike out section 61, same chapter, page 730, and substitute therefor the following: "If, after the empaneling of the jury and before verdict a juror becomes sick so as to be unable to perform his duty, he may be discharged. In such case the trial shall proceed with the remaining jurors, provided the number has not been reduced below ten, or the court may, in its discretion, order the jury to be discharged."

Strike out from line 3, section 68, page 730, the words "instruction required" and insert in lieu thereof the following: "Court may further instruct which."

Add at close of section 97, page 734, the following: "And whenever the judge or referee trying a cause is unable by reason of death, removal, resignation or any cause, to sign a bill of exceptions, or certify the shorthand reporter's record, the same shall be done by his successor, and the time for such signing or certification shall be extended thirty days after the appointment, or election and qualification of such successor."

Strike out subdivision 9, section 103, page 735.

Strike out the following words in line 2, section 104, page 735, "unless for good cause the court extends the time."

Strike out section 105, page 735.

Add to Section 134, page 738 the following: "In cases where the title to land is involved and expressly settled or determined, the clerk shall make a complete record of the whole cause and enter it in the proper book. But in no other case need a complete entry be made except at the request of a party who will pay the expense of such record."

Substitute the word "court" for "count" in first line, subdivision 2, top of page 741.

Strike out the following words in lines 4 and 5, section 1, page 743: "in all cases where there are conflicting liens including attachments and executions on the property involved in the action."

Strike out section 5, chapter 12, page 744.

Strike out the word "directed," line 1, section 9, page 745, and substitute the word "authorized."

Strike out the words "return day" in sixth line, section 17 (first two words), page 748, and insert in lieu thereof the words "the second day of the term."

Strike out the word "return" at end of sixth line, same section, and insert in lieu thereof the word "first."

Strike out section 23, page 749, and substitute therefor the following:

"In all cases the costs of making a translation of the short-hand reporter's notes to be used on appeal in the supreme court, or so much thereof as shall be necessary on appeal, shall be paid by the losing party on such appeal, except in case of modification and affirmance, the supreme court may make equitable apportionment of such costs."

Amend further by striking out all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicising portions of the title wherever they occur; also all reference words and characters wherever they occur at end of sections.

L. A. ELLIS,
Chairman.

Ordered passed on file.

The Journal of Thursday was taken up, read, corrected and approved.

Senator Healy offered the following concurrent resolution:

Be it resolved by the Senate, the House concurring, That the joint committee heretofore appointed for the division of the proposed code into appropriate bills be continued and instructed to report.

First—What means, if any, can be devised whereby time may not be consumed in unnecessary reading of the several bills in each House.

Second—A plan whereby an agreement as far as possible may be had on bills by the respective committees of each House to which said bills may be referred prior to reporting of said bills to either House.

Third—Whether it is advisable, after an agreement may be reached by the committees, as contemplated in subdivision 2 hereof, to make such distribution of bills between both Houses of the legislature so each House may not unnecessarily consume time in the consideration of same bill.

Fourth—Such further recommendation as may seem proper to committee tending to dispatch of business in a manner conformable to the Constitution. They may report a concurrent resolution for consideration of both Houses.

Laid over

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 3.

Substitute by Senator Waterman was ruled out of order.

Amendment to section 11, chapter 6, was withdrawn.

Senator Carney moved to recommit sections 10 and 11 to the Code Revision Committee to report to-morrow.

Lost.

Senator Ellis offered the following amendment to section 11, chapter 6.

MR. PRESIDENT—I move to amend section 11 by adding after the word "county," in the 9th line the following: "and the board may allow such portion of the mileage collected by him in service of civil process as it may deem reasonable.

On this a division was called for and the amendment was lost.

Senator Waterman moved to amend section 12, chapter 6, by striking out all after the word "office" in the fifth line, and insert the following: "In counties having a population of over 28,000 the sheriff shall be allowed such number of deputies as the board of supervisors may determine, whose salary shall be fixed by them, not exceeding \$1,000 per annum each, and paid out of the county treasury; but the county shall not pay for such deputy service more than is received from the fees of said office over and above the amount the sheriff is allowed to retain."

On this a division was called for and the amendment was lost.

Senator Lothrop moved to amend section 12, line 3, by striking out the words "appointment and."

Lost.

Senator Kilburn moved to amend section 12, by inserting after the word "appoint," in the first line, "with the consent of the board of supervisors."

Senator Waterman moved that sections 11 and 12 be recommitted to the Code Revision Committee.

Lost.

The amendment was lost.

Senator Gilbertson offered the following amendment to section 12, chapter 6:

MR. PRESIDENT—I move to add to section 12, chapter 6, "Provided that the county shall not pay for such deputy service more than is received from the fees of said office over and above the amount the sheriff is allowed to retain."

Lost.

Senator Carney moved that sections 10, 11 and 12 be recommitted to Committee on Code Revision.

Lost.

Senator Garst moved that sections 10, 11 and 12 be passed over until to-morrow.

Carried.

Senator Bonson moved to amend section 13, chapter 6, lines 9 and 10, by striking out the words, "and such reasonable compensation as the board of supervisors may deem just and equitable."

On this a division was called for and the amendment was lost.

Senator Waterman moved to amend section 13, line 58, chapter 6, by inserting after the word "law" the words "except in counties having a population of over 28,000."

Adopted.

Senator Hospers moved to amend section 13, subdivision 23, chapter 6, by adding to the section, "when sheriffs perform official duties in justices' courts their fees shall be the same as allowed constables."

Adopted.

Senator Carpenter moved to amend section 13, chapter 6, in line 58, subdivision 23, by striking out the words "such annual salary as may," and insert in lieu thereof the words "an annual salary which shall be."

Adopted.

Senator Funk, president *pro tem.*, presiding.

Senator Carpenter moved to amend section 5, chapter 7, by adding as line 9, "A. B., coronor of county;" also, strike out the figures "18" in line 8.

Adopted.

Senator Carpenter moved to amend section 9, chapter 7, by striking out figures "18" in the sixth line.

Adopted.

Senator Carpenter moved to amend section 14, chapter 7, by adding the words "the coroner shall report to the clerk of the district court all cases of death which may come under his supervision, with the cause or mode of death, in accordance with forms furnished by the State Board of Health."

Adopted.

Senator Carpenter moved to amend section 15, by inserting in the first line after the word "coroner" the words "except as otherwise provided by law."

Adopted.

President Parrott presiding.

Senator Carpenter moved to amend section 17, line 1, by inserting after the word "coroner" the words "or justice of the peace as the case may be."

Adopted.

Senator Carpenter moved to amend the bill by adding as sections 20 and 21 to chapter 7 the following: "Section 20. Any property or money found with or upon the person of deceased, if there be no person authorized to receive the same, shall forthwith be turned over by the coroner to the clerk of the district court to be held until disposed of according to law." "Section 21. A failure to comply with the preceding section shall be deemed a misdemeanor."

Adopted.

Senator Carpenter moved to amend fourth subdivision, section 19, by striking out the word "ten" and insert the word "five" in lieu thereof.

Adopted.

Senator Carpenter moved to amend section 2, chapter 8, line 2, by inserting after the word "land" the words "if there be any in his office or that of the auditor."

Adopted.

Senator Carpenter moved to amend by inserting after the word "stones" in the third line, the words "or other permanent monuments," and in the same line after the word "earth" strike out the words "or by mounds."

Adopted.

Senator Carpenter moved to amend section 4, chapter 8, line 3, by adding after word "interior," the words, "copies of which shall be furnished him by the county."

Senator Carpenter offered the following amendment to section 7, chapter 8, by adding thereto the following: "and shall determine the correct variation by an observation on the pole star, or some other approved method, at least once each year, and enter the same with the date and description of the method used, in his record."

Adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House file No. 49, a bill for an act to revise, amend and codify the statutes in relation to Superintendent of Public Instruction.

Also:

House file No. 55, a bill for an act to revise, amend and codify the statutes in relation to Institution for Feeble Minded Children.

Also:

House file No. 54, a bill for an act to revise, amend and codify the statutes in relation to the Orphans' Home and Home for Destitute Children.

Also:

House file No. 30, a bill for an act to revise, amend and codify the statutes in relation to domestic animals.

JAMES D. ROWEN,
Chief Clerk.

A committee from the House appeared and invited the Senate and guests of the Senate to assemble in the House chamber.

Senator Kilburn moved that the Senate accept the invitation of the House to assemble in that chamber.

Lost.

Senator Trewin moved that the Senate extend an invitation to the members of the House to join the Senate in entertaining distinguished visitors of the National Woman's Suffrage Association.

Carried.

President appointed Senators Trewin, Gilbertson and Riggen as such committee.

The committee appointed to invite the members of the House reported duty performed.

The delegates of the National Woman's Suffrage Association arriving to visit the Senate, Miss Susan B. Anthony, president of the association and delegates were presented to the President of the Senate.

The President of the Senate extended a hearty welcome, on the part of the Senate, to the members and delegates of the association.

The president of the association, Miss Anthony, responded in happy remarks on behalf of the association and addressed the Senate in behalf of their cause.

Mrs. Alice Stone Blackwell was then introduced and addressed the Senate.

The representatives of the four States having granted the universal right of suffrage to women were presented and each addressed the Senate.

Mrs. Carrie Lane Chapman-Catt was introduced and addressed the Senate.

Rev. Anna Shaw, vice-president at large of the association, was introduced and addressed the Senate.

Mrs. Ballard, the president of the Iowa Woman's Suffrage Association, was then introduced and addressed the Senate.

Senator Lothrop moved that the Senate do now adjourn until 9 o'clock to-morrow morning.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, January 30, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by the Rev. H. P. Dudley of Des Moines.

On request of Senator Rowen, leave of absence was granted Senator Riggen until Tuesday.

On request of Senator Kilburn, leave of absence was granted Senator Carney.

On request of Senator Gorrell, leave of absence was granted Senator Hoppers.

On request of Senator Alexander, leave of absence was granted Senator Ellison.

On request of Senator Hipwell, leave of absence was granted Senator Hurst.

On request of Senator Gilbertson, leave of absence was granted Senator Upton until Tuesday.

On request of Senator Everall, leave of absence was granted Senator Hipwell until Tuesday.

On request of Senator Palmer, leave of absence was granted Senator Mitchell.

Senator Ranck was granted leave of absence.

PETITIONS AND MEMORIALS.

Senator Everall presented remonstrance of C. H. True and others against a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Kilburn presented remonstrance of F. Lee and other citizens of Adair county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Penrose presented remonstrance of Geo. Benson and others on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Ericson presented remonstrance of Chas. Otis and others on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Berry presented remonstrance of W. A. Townsend and others on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Cheshire presented petition of John A. Fleming and others for the passage of a 2-cent mileage bill.

Referred to Committee on Railways.

Senator Henderson presented petition of G. H. Shulenberger and others relating to 2-cent fare bill.

Referred to Committee on Railways.

Senator Pusey presented petition of city officials of Council Bluffs asking the passage of a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of State Association of County Auditors relative to the office of county surveyor.

Referred to Committee on Highways.

Senator Pusey presented petition of State Association of County Auditors relative to tax on intoxicating liquors.

Referred to Committee on Suppression of Intemperance.

Senator Hobart presented remonstrance of J. R. Hess and others against passage of manufacturers' bill.

Referred to Committee on Suppression of Intemperance.

Senator Funk offered the following resolution:

Resolved, That, unless otherwise ordered by the Senate, sessions shall be held daily, opening at 9 o'clock A. M. and closing at noon.

Adopted.

Senator Healy called up concurrent resolution relative to appointment of joint committee on the reading of Code bills, and the concurrent resolution was adopted.

REPORTS OF COMMITTEES.

Senator Gorrell, from the Committee on Public Health, submits the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry, 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 the words "twenty-five" in the fifteenth line of section 1, and insert in lieu thereof the word "ten;" also by inserting in the seventeenth line, just after the word "office," the following: "Any one who

desires to continue in the practice of dentistry shall on or before May 15, of each year, pay to the Board of Examiners the sum of one dollar, for which he shall receive a renewal of his certificate unless his name has been stricken from the register for violation of law. Any person who shall fail or neglect to procure his annual renewal of registration shall for each such offense be liable to a fine of ten dollars for each calendar month during which he is so delinquent;" also by striking out all marginal numbers, reference numbers at end of sections and marginal lines, and that when so amended it do pass.

J. R. GORRELL,

Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate file No. 42, a bill for an act to revise, amend and codify the statutes in relation to the State Veterinary Surgeon, 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 line 6, section 6, the words "and any person qualified as a juror," and insert in lieu thereof the words "and the nearest justice of the peace;" also, strike out all marginal numbers, reference numbers at end of sections and marginal lines, and that when so amended the bill do pass.

J. R. GORRELL,

Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate file No. 32, a bill for an act to revise, amend and codify the statutes in relation to the inspection of petroleum products, 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 inserting in the first line of the first section, just after the word "governor," the following: "by and with the consent of the Senate;" and that it also be amended by striking out all marginal numbers, reference numbers at end of sections and marginal lines, and that when so amended it do pass.

J. R. GORRELL,

Chairman.

Ordered passed on file.

Senator Ellis, from the Committee on Judiciary, submits the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 66, a bill for an act to revise, amend and codify the statutes in relation to sureties, 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.

L. A. ELLIS,

Chairman.

Ordered passed on file.

Senator Carpenter, from the Committee on Code Revision, submits the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred Senate file No. 9, a bill for an act to revise, amend and codify the statutes in relation to the Executive Department, 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 said bill be referred to the Committee on Public Printing for their action on chapter 5 of said title.

C. A. CARPENTER,
Chairman.

Adopted and so referred.

Senator Penrose, from the Committee on Railways, submitted the following report:

MR. PRESIDENT—Your Committee on Railways, to whom was referred Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of railways, 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 when amended as follows, the bill do pass:

Amend section 2 by striking out the words "statement and oath required by" in lines 1 and 2 and inserting the words "matters filed under" in lieu thereof.

Amend section 5 by striking out the word "it" in line 5 and inserting the words "its railway."

Amend section 6 by striking out the words "by this chapter" in lines 1 and 2 and insert the words "by law" after the word "imposed" in line 1. Also strike out the words "this chapter" in line 4 and insert the words "by law" in lieu thereof.

Amend section 19, by striking out the word "to" in line 4, and inserting the word "by" in lieu thereof.

Amend section 24, by inserting the word "five" before the word "boards," in line 3

Amend section 26, by inserting the words "or more" after the word "thousand," in line 4.

Amend section 27, by striking out the word "shall" in line 2, and inserting the word "may" in lieu thereof.

Amend section 40 by inserting the word "hundred" after the word "two," in line 2; also insert the words "except as otherwise provided in this chapter" after the word "passed," in line 4.

Amend section 52 by striking out the words "at such election the question of taxation shall be submitted. The form of the ballots shall be for taxation and against taxation" and insert the words "the trustees, or council, as the case may be, shall cause to be prepared the form of the proposition to be submitted. The proposition shall be printed and placed upon the ballots, and the election shall be conducted in the same manner as provided with respect to like or similar propositions in the chapter on elections;" also strike out the words "for taxation" in line 17 and insert the words "for the adoption of the proposition."

Amend section 54 by inserting the word "same" after the word "pay," in line 10.

Amend section 57 by striking out the words "but the foregoing provisions shall in no manner affect any actions which may be pending for the recovery of any taxes voted in aid of any railroad," from lines 12 and 13.

Amend section 59 by inserting the words "by service of original notice in the time and manner as provided by law for service of original notices," after the word "defendants," in line 6.

Amend section 61 by inserting the words "their heirs or assigns," after the word "same," in line 4.

Amend section 64 by striking out the words "but the provisions of this chapter shall apply to such railroads only as were constructed prior to the year eighteen hundred and sixty-six" from lines 3, 4 and 5, and substitute a period for the comma after the word "removal" in line 3.

Amend section 77 by inserting the word "two" before the word "preceding," and adding the letter "s" to the word "section" in line 3.

E. G. PENROSE,
Chairman.

Ordered passed on file.

HOUSE MESSAGES.

House file No. 49, a bill for an act to revise, amend and codify the statutes in relation to Superintendent of Public Instruction, was read first and second time and referred to Committee on Schools.

House file No. 30, a bill for an act to revise, amend and codify the statutes in relation to domestic animals, was read first and second time and referred to Committee on Agriculture.

House file No. 55, a bill for an act to revise, amend and codify the statutes in relation to Institution for Feeble Minded Children, was read first and second time and referred to Committee on Charitable Institutions.

House file No. 54, a bill for an act to revise, amend and codify the statutes in relation to the Orphans' Home and Home for Destitute Children was read first and second time and referred to Committee on Charitable Institutions.

The Journal of Friday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 3.

Senator Henderson moved to amend section 4, chapter 10, line 2, by striking out the word "fifteen" and insert the word "five" in lieu thereof.

Lost.

Senator Carpenter moved to amend section 1, chapter 10, by striking out lines 5 and 6, and insert "as to divide any school township or district unless a majority of the voters of said school townships, or district school petition therefor."

Adopted.

Senator Carpenter moved to amend chapter 10 of title 4, page 118, by adding after section 16 the following:

SEC. 17. The trustees, on a petition of a majority of the resident freeholders of any civil township, shall submit the question of building a public hall to the electors thereof by posting notices of such election in four conspicuous places in the township, thirty days before election, and the form of the proposition shall be: "Shall the proposition to levy a tax for the erection of a public hall be adopted?"

SEC. 18. If a majority of the votes cast are in favor of the tax, the trustees shall certify such fact to the board of supervisors and they shall thereupon levy not to exceed three mills on the dollar on the taxable property of the township; and when such tax is collected by the treasurer it shall be paid to the township clerk.

SEC. 19. Any public hall built under the provisions of this chapter shall be located by the township trustees so as to accommodate the greatest number of the resident tax payers.

SEC. 20. The township trustees shall have charge of the building of such hall, shall receive bids, and shall let the building of the same to the lowest responsible bidder, and the township clerk shall pay out of the funds collected only on the order of the trustees of said township.

SEC. 21. The township clerk, under the direction of the trustees, shall be the custodian of the building, and the use thereof may be permitted by the township trustees to all the citizens of the township for all lawful purposes; and for the purposes of this act the township clerk is hereby clothed with all the power and duties of a constable of the township to maintain order within and about the premises, protect the property and enforce orders of the township trustees with respect thereto. A copy of this section shall at all times be kept posted in a conspicuous place in said hall.

SEC. 22. That when a tax is voted, as provided in this act, the township clerk shall, before drawing any of said tax from the treasury of the county, execute a bond which shall be approved by the board of supervisors.

SEC. 23. The trustees of any township, where such building has been erected, are hereby authorized and empowered to certify to the board of supervisors that a tax of not exceeding one-half mill on the dollar in any one year of the taxable property of the township should be levied to be used in keeping such building in repair, to furnish same with necessary furniture and provide for taking care thereof. When such certificate is filed in the auditor's office the board of supervisors shall levy such tax.

Also, amend sections 17 to 35, inclusive, by renumbering the same from 24 to 42.

Adopted.

Senator Henderson moved to amend chapter 10 by striking out sections 4, 5 and 6.

Lost.

Senator Carpenter moved to amend chapter 10 by striking out section 42 and insert in lieu thereof "each township assessor shall receive in full for all services required of him by law a sum to be paid out of the county treasury and fixed annually by the board of supervisors of the county at the June session. Said compensation shall be for the succeeding year, and shall not exceed the sum of \$2.00 for each day of eight hours, which said board determines may necessarily be required in the discharge of all the official duties of said assessor."

Adopted.

Senator Carpenter moved to amend chapter 3 by striking out of section 12 the word "any" in line 1, after the word "appoint" and before the word "one," and after the word "one" insert the following words: "or more deputies." Strike out the words "his deputy" in line 1 and 2, and after the word "and" in the seventh line insert the words "each deputy."

Adopted.

Senator Kilburn moved to amend section 12, chapter 3, line 10, after the word "assistant," by inserting the words "he shall file the bill for such service at their next regular meeting and."

Adopted.

Senator Kilburn moved to amend section 10, chapter 4, by adding after the word "assistant" the words, "He shall file the bill for such service at their next regular meeting and."

Adopted.

Senator Kilburn moved to amend section 4, chapter 5, by inserting after the word "assistant," in line 10, the words, "He shall file the bill for such services at their next regular meeting and."

Adopted.

Senator Bonson offered the following amendment to chapter 2, section 2, line 2:

MR. PRESIDENT—I move to amend chapter 2, section 2, line 2, by adding after the word "over" the following: "except that a township having within its limits a city of 30,000 inhabitants or over, he may be a resident of the same township, but said township shall not be entitled to more than one out of three, two out of five or three out of seven, as the case may be of the supervisors chosen to represent the county."

Senator Funk, President, *pro tem.*, presiding.

Senator Ellis moved to amend the amendment by Senator Bonson, by striking out the figures "30,000" and insert in lieu thereof "20,000."

Adopted.

The amendment as amended was adopted.

Senator Penrose moved that the marginal figures, lines and underscoring be stricken out.

Carried.

President Parrott, presiding.

Senator Carpenter moved to amend section 11, chapter 6, by adding to the end of the section "out of which he shall pay his deputies, if any;" also, amend section 12, chapter 6, by striking out all after the word "office" in the fifth line, and add a period after the word "office," and add thereto the following: "In all counties having over 28,000 population, the board may fix the number of such deputies and their salaries at not exceeding \$1,000 per annum each, but the total compensation of the sheriff and such deputies shall in no case exceed the receipts of the office."

Adopted.

Senator Ellis offered the following amendment to section 11, chapter 6:

MR. PRESIDENT—I move to amend by adding to section 11 the words, "Provided that in counties having a population of over 35,000 the sheriff may be allowed such portions of his expenses out of any funds collected by him for service of civil process as the supervisors may deem just and reasonable."

On this a division was called for and the amendment was lost.

Senator Cheshire moved to amend section 62, chapter 2, by inserting after the word "session" in second line the words, "as a board of supervisors or board of education," and by inserting after the word "service" in the sixth line the words, "either as a supervisor or member of the board of education."

Lost.

Senator Carpenter moved that the sections in chapter 2 following section 50 be renumbered.

Carried.

Senator Carpenter moved that all reference words and paragraph characters be stricken from the bill.

Carried.

Senator Carpenter moved that the rule be suspended and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell Berry, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hotchkiss, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Rowen, Sargent, Trewin, Waterman, Young—35.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Carney, Druet, Eaton, Ellison, Harper, Hipwell, Hospers, Hurst, Lehfeldt, Mitchell, Ranck, Riggen, Upton—15.

So the bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House file No. 29, a bill for an act to revise, amend and codify the statutes in relation to the care of the insane.

Also:

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

Concurrent resolution relative to the unnecessary reading in the Code work.

JAMES D. ROWEN,
Chief Clerk.

Passed on file.

Also:

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

House file No. 57, a bill for an act to revise, amend and codify the statutes in relation to the College for the Blind.

Also:

House file No. 59, a bill for an act to revise, amend and codify the statutes in relation to the School for the Deaf.

Also:

Substitute for House file No. 35, a bill for an act to create a Bureau of Labor Statistics and to provide for the appointing of a Commissioner of said bureau and to define his duties and term of office.

JAMES D. ROWEN,
Chief Clerk.

Passed on file.

Senator Henderson moved to take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 29, a bill for an act to revise, amend and codify the statutes in relation to the care of the insane, was read first and second time and referred to Committee on Charitable Institutions.

House file No. 59, a bill for an act to revise, codify and amend the statutes in relation to the School for the Deaf, was read first and second time and referred to Committee on Educational Institutions.

Substitute for House file No. 35, a bill for an act to create a Bureau of Labor Statistics, and to provide for the appointment of a Commissioner of said bureau and to define his duties and term of office, was read first and second time and referred to Committee on Labor.

House file No. 57, a bill for an act to revise, amend and codify the statutes in relation to the College for the Blind, was read first and second time and referred to Committee on Educational Institutions.

Senator Garst moved that the Senate do now adjourn until 9 A. M. Monday.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Monday, February 1, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Levi Jarvis of Des Moines.

PETITIONS AND MEMORIALS.

Senator Kilburn presented petition of E. Funke and ninety-eight other citizens of Adair county in relation to agricultural societies.

Referred to Committee on Agriculture.

Senator Pusey presented petition of G. A. Yancey and forty-two other citizens of Pottawattamie county in relation to a 2-cent fare bill.

Referred to Committee on Railways.

Senator Pusey presented petition of M. H. Hagarty and 102 others of Pottawattamie county on same subject.

Referred to Committee on Railways.

Senator Cheshire presented petition of Simon Cassidy and 200 other citizens of Polk county on same subject.

Referred to Committee on Railways.

Senator Palmer presented petition of L. O. Borndly and eighty others on same subject.

Referred to Committee on Railways.

Senator Henderson presented petition of H. C. Utley and other citizens of Humboldt county on same subject.

Referred to Committee on Railways.

Senator Henderson presented petition of J. R. Parker and others, on same subject.

Referred to Committee on Railways.

Senator Henderson presented petition of A. W. Kaufman and others on same subject.

Referred to Committee on Railways.

Senator Gilbertson presented petition of E. C. Schroder and others on same subject.

Referred to Committee on Railways.

Senator Carney presented remonstrance of H. H. Shumway and thirty-seven other citizens of Marshall county against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Palmer presented remonstrance of A. L. Davidson and seventy-five other voters and 102 women of Washington county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Waterman, for Senator Blanchard, presented petition of eighty-five citizens of Mahaska county in relation to the increase of taxes.

Referred to Committee on Ways and Means.

On request of Senator Garst, leave of absence was granted Senators Funk and Ericson.

On request of Senator Ellis, leave of absence was granted Senator Penrose.

On request of Senator Ranck, leave of absence was granted Senators Hipwell and Hurst.

On request of Senator Ranck, leave of absence was granted Senator Hospers.

On request of Senator Sargent, leave of absence was granted Senator Alexander.

On request of Senator Palmer, leave of absence was granted Senator Mitchell

On request of Senator Berry, leave of absence was granted Senator Allyn indefinitely.

On account of following excuse, Senator Hospers was granted leave of absence indefinitely:

MR. PRESIDENT—Feeling indisposed, at the advice of the doctor, I leave for home to recuperate. I ask you to excuse me indefinitely. I will return as soon as possible.

Respectfully yours,

HENRY HOSPERS.

Senator Pusey moved that the Secretary be instructed to have Calendar printed Mondays, Wednesdays and Fridays.

Carried.

REPORTS OF COMMITTEES.

Senator Trewin, from the Committee on Schools, submits the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 45, a bill for an act to revise amend and codify the statutes

in relation to the system of common schools, beg leave to report that they have had the same under consideration and have instructed me to report a substitute therefor to the Senate with the recommendation that the substitute do pass.

J. H. TREWIN,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 50, a bill for an act to revise, amend and codify the statutes in relation to the Educational Board of Examiners, 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 all of section 2 after the word "require" in line 13. Add section 3 as follows: "Section 3. It may also issue such certificates to graduates of any state normal school in the State possessed of like qualifications upon proof of thirty-six weeks' successful experience in teaching, and a diploma when five years' such experience is shown. It may also at discretion, issue a certificate or a diploma to anyone holding a diploma issued by a state normal school, or a certificate issued by a state superintendent or a state board of education of any other state when the same is in all respects of as high a grade as the corresponding certificate or diploma issued in Iowa, upon proof of experience as herein provided. It may also issue a certificate to any primary school teacher in the state of sufficient experience, and who shall pass such examination as the board may designate in branches and methods which pertain especially to that kind of work. Such certificate shall be known as a primary teacher's certificate and shall not be valid as a teacher's certificate for any other department. It shall keep a complete register of all persons to whom certificates or diplomas are issued."

Strike out section 3 and insert the following: "Section 4. A State certificate shall authorize the holder to teach in any public school in the State for five years thereafter and a diploma shall confer such authority for life, but any certificate or diploma may be revoked by the board for sufficient cause, or such cause as would, if known at the time, have prevented issuance thereof, provided the holder of such certificate or diploma shall have due notice and shall be allowed to be present and make his defense. For each certificate issued the applicant shall pay \$3 and for each diploma \$5, which may be required before the examination is commenced; if the applicant fails in the examination, and the fees have been advanced, one-half of the sum shall be returned, all money obtained from this source to be paid into the State treasury."

Change numbers of sections 4, 5 and 6 to 5, 6 and 7.

Strike out all marginal numbers, and when so amended that it do pass.

J. H. TREWIN,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House file No. 49, a bill for an act to revise, amend and codify the statutes in relation to Superintendent of Public Instruction, 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 the title and heading and insert the following: "A bill for an act to revise, amend and codify the statutes in relation to the Superintendent of Public Instruction. Be it enacted by the General Assembly of the State of Iowa. Chapter 1 (of title XIII). Of the Superintendent of Public Instruction."

Strike out all marginal numbers and references at the ends of sections to McClain's Code or acts of the General Assembly, and when so amended that it do pass.

J. H. TREWIN,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent, 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:

Section 2, line 7, insert after the word "last" the words, "Friday and" and add to said section 2, the following: "Such examination shall be held at the county seat in a suitable room which shall be provided for that purpose by the board of supervisors. Special examinations may be held elsewhere in the county at the discretion of the county superintendent. Any school officer or other person may be present at any examination."

Section 3, strike out lines 1 and 2, and line 3 to the word "such." Section 4, line 4, insert after the word "year" the following: "But to applicants passing an examination in the following additional branches: didactics, elementary algebra, the elements of physics, civil government of Iowa and elementary economics, a certificate shall issue for a term not to exceed two years, upon proof of thirty-six weeks' successful experience in teaching."

Section 4, line 4, strike out the word "which" and insert the word "A."

Section 6, line 8, insert after the word "report" the words "as provided by law."

Strike out all marginal numbers and when so amended that it do pass.

J. H. TREWIN,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 58, a bill for an act to revise, amend and codify the statutes in relation to county high schools, 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:

Section 1, line 1, strike out the words "each county having a population of over twenty thousand," and insert the words "any county." Strike out all marginal numbers, and when so amended that it do pass.

J. H. TREWIN,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 51, a bill for an act to revise, amend and codify the statutes in relation to Superintendent of Public Instruction, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed for the reason that House file No. 49 covers the same subject.

J. H. TREWIN,
Chairman.

Ordered passed on file.

Senator Pusey, from the Committee on Plan to Divide Code into Bills, submits the following report:

MR. PRESIDENT—Your Committee on Plan to Divide Code into Bills, to whom was referred concurrent resolution in relation to reading Code bills, beg leave to report that they have had the same under consideration and have instructed me to report back to the Senate the following concurrent resolution, viz.:

Resolved by the Senate, the House concurring, That the committees of the two Houses to whom have been referred the several Code bills, shall confer before reporting bills to their respective Houses in order that an agreement of the committees may, if possible, be had on said bills before they are reported, and recommend that the same do pass.

N. M. PUSEY,
Chairman.

Adopted.

Senator Carney, from the Committee on Elections, submits the following report:

MR. PRESIDENT—Your Committee on Elections, to whom was referred Senate file No. 10, a bill for an act to revise, amend and codify the statutes in relation to 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 be amended as follows:

Strike out the marginal figures, the figures in brackets at the end of the sections and the underscoring.

Page 198, section 13, line 3, strike out the figures "1897" and in place thereof insert "1900 and 1901," Line 4, strike out the figures "1899" and insert "1903."

Section 17, line 2, strike out all after the word "and" to and including the last word, "constables," in line 6.

Page 199, chapter 2, section 1, line 1, strike out the words "two thousand," and insert "thirty-five hundred."

Same section, line 10, strike out the words "as full;" insert after the word "compensation" the word "at;" strike out the word "sum" and insert the word "rate."

Page 200, section 2, line 6, insert the word "registry" before the word "book."

Section 3, strike out the section and insert in place thereof the following: "Section 3. The statements thus made shall be dated and consecutively numbered, commencing with number one at each registration; at the close of each day's registration the registry book shall be ruled off so as to prevent further entries, and when not in use by the registers, shall be kept in the custody of the clerk until disposed of as provided by law. No person shall register at any other place or time than is designated in this chapter and no registration of voters for school elections shall be required."

Page 201, section 4, line 1, strike out the words "completed registration" and insert the words "the registration made in the second week preceding the election." Same line strike out the word "an" and insert the word "two." Line 2, substitute "lists" for "list." Line 6, strike out the words "which list" and substitute "one of which lists." At the end of the section add the words "and retain the other one in their possession."

Section 5, line 1, strike out the words "of the week." Line 4, strike out the word "list" and insert "registry book." Line 6, strike out the words "the list" and insert "the registers shall revise and correct the alphabetical list in their possession to correspond therewith." After the word "corrected" insert the word "it." Line 12, strike out the word "registry" and insert "alphabetical lists."

Section 6, lines 8 and 9, strike out the word "registration" and insert the words "registry book and alphabetical."

Strike out section 7, and insert the following: "Section 7. The registers shall also be in session on the day for the holding of each election, at some place convenient to, but not within one hundred feet of the voting place, and during all the hours in which by law the polls are required to be kept open, for the purpose only of granting certificates of registration to persons who, being electors, are not registered. Such registration shall be allowed and certificate thereof granted only to a person who was absent from the city during all the days fixed for registration of voters for that election, or to a person who, being a foreigner, has received his final papers since the last preceding day for the registration of voters for that election, or to a person whose name was, on the preceding Saturday, and in the absence of such person, stricken from registration, and who, on said day of election, shall prove to the satisfaction of said registers that he is a lawfully qualified elector of said voting precinct. These certificates of registration shall contain all the data showing the qualification of the voter as shown by the registration, and in addition the special matter showing the voter's right to such certificate under this section, and before delivery to the applicant shall be endorsed by the registers to the effect that the person therein named is a qualified voter in that precinct, and that he is entitled to be registered as such. The proper statement shall be signed and sworn to by the voter before one of the registers, supported by the affidavit of a freeholder who is a registered voter in that precinct, who shall make oath to the qualification of the applicant as a voter in that precinct; and if the applicant be one whose name was stricken from registration, such affidavit of said freeholder shall contain the facts,

showing the right of said applicant to vote in that precinct. Registration in such cases shall be made in the manner required for regular registration. The certificate of registration shall be handed in to the judges of election when a ballot is delivered to him. The data therefrom showing the voter's name and his qualification as a voter shall be entered on the alphabetical lists by the judges and clerks of the election, under the appropriate headings, and the original certificate shall be returned to the city clerk, who shall carefully preserve it in the same manner and for the same time as the alphabetical list and poll book."

Section 9, strike out the section and insert the following: "Section 9. A new registry of voters shall be taken in each year of a presidential election. For all other State or municipal elections, general or special, the registers shall prepare a new registry book in each year by copying from the poll book of the preceding general election all the names found therein, adding thereto those of all persons registered and voting at any subsequent election, which new registry book shall show all the facts of qualification of each voter as they appear on the last preceding registry book, which, when thus made up, shall be used at each election until a new registry book is prepared as required by law. Every person thus registered shall be considered as entitled to vote at any election at which said registry book may be used, unless his name shall be dropped by the correction of registration as authorized by law."

Page 203, section 11, strike out the section and insert the following: "Section 11. The city clerk shall carefully preserve all registry books and alphabetical lists and other papers pertaining to the registration until destroyed as provided in the chapter on the canvass of votes. He shall on the application of the registers deliver to them, prior to their first meeting for each election, the registry book, alphabetical list and poll book, which they require in order to properly prepare the necessary registry book for the next ensuing election, all of which shall be returned to him when they have completed their work for such election."

Page 204, chapter 3, section 3, line 5, strike out the words "the city" and insert "any city have a population of 2,000 or more, not including the inmates of any State institution."

Page 205, section 6, add to the section the following: "The election board at any special election shall be the same as at the last preceding general election. In case of vacancies happening therein the county auditor may make the appointments to fill the same when the board of supervisors is not in session."

Section 9, line 1, strike out "eight" and insert "seven." Line 2, after the word "filled," insert "which shall be done at once by the electors present at the time of the opening of the polls." At the end of the section add "but may be held open until 7 o'clock in the evening, providing a proclamation to that effect was made at the time of the opening of the polls."

Page 207, section 17, add to the section the following: "in case of special election to fill vacancies in office, certificates of nomination or nomination papers for nomination of candidates for office to be filed by the electors of a larger district than a county may be filed with the Secretary of State not later than ten days before the time of election. Certificates of nomination

or nominating papers nominating candidates for office to be filed by the electors of a county may be filed with the county auditor at any time not less than five days before the election."

Section 18, line 4, insert after the word "election," the words "and the order in which the tickets shall appear on the ballot." Add to the section: "in case of special election to fill vacancy in office the certificate by the Secretary of State to the county auditor may be made at any time not later than seven days before the election."

Page 208, section 19, line 9, insert after the word "decide," "except as otherwise provided."

Section 19, line 9, insert after the word "ticket," "but the name of no candidate shall appear upon the ballot in more than one place for the same office, whether nominated by convention, primary or caucus.

Where two or more conventions, primaries or caucuses, or any two of them may nominate the same candidate for any office the name of such candidate shall be printed under the name of the party first filing nomination papers bearing such name unless the candidate himself shall request the officer with whom the nomination papers are filed to cause the name to be printed upon some other ticket."

In the ninth line change the period after "ticket" to a semicolon.

Section 19, insert small squares before the names of all candidates.

Page 209, section 20, line 3, insert after the word "state" the words "in the order the same appear upon the certificate issued by the Secretary of State." In line 10, after the word "precinct" insert "not less than twelve hours."

Page 210, section 24, line 17, after the word "instructions" insert "and ballot law."

Page 212, section 28, line 10, strike out the words "in good faith" and insert after the word "resident" the words "in good faith."

Page 213, section 32, strike out lines 1, 2, 3, 4, 5, 6, 7, and the first five words of line 8, and insert in place thereof the following: "Upon retiring to the voting booth the voter shall prepare his ballot by placing a cross in the square opposite the name of each candidate for whom he desires to vote, or if he desires to vote for all the candidates upon any ticket, he may do so by placing a cross in the circle at the head of the ticket."

Section 33, line 2, strike out all that line after the word "squares" and all of line 3 including the word "tickets." Line 4, strike out the words "and no marks placed in any square on another ticket."

Page 214, section 33, line 10, after the word "candidates" insert "if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office."

Section 34, line 1, strike out all after the word "mark" to and including the word "chapter" in the second line. After the word "two" in line 2, insert the word "substantially." In line 3, after the word "practicable" insert the words "placed in the circle or square."

Lines 5, 6 and 7, strike out the sentence commencing "if a voter" and ending "such office."

Page 216, section 44, add to the section: "the right of any citizen to vote at any city, town or school election on the question of issuing any bonds for municipal or school purposes, and for the purpose of borrowing money,

or on the question of increasing the tax levy, shall not be denied or abridged on account of sex."

Page 220, chapter 4, section 8, line 8, omit "copies of the register lists" and insert in place thereof "the registry books and lists and other papers pertaining to registration;" also change "six" to "eighteen."

Page 226, chapter 6, section 8, line 7, strike out the word "and" and add to the section the words "and the Superintendent of Public Instruction in the sum of not less than two thousand dollars."

Section 11, line 1, after the word "required" insert the words "except as hereinafter specified." At the end of the section add the words "provided that any association or incorporation which does the business of insuring the fidelity of others and which has authority by law to do business in this State shall be accepted as surety upon bonds required by law with the same force and effect as sureties above qualified."

Page 228, chapter 7, section 1, lines 16 and 18, strike out the word "for" at the beginning of each line.

Page 240, chapter 10, section 12, add at the end of the section: "except that when the office is one to be filled by the General Assembly the appointee shall hold only until the General Assembly elects."

Chapter 11, section 4, line 1, strike out the words "when any surety on the bond required of a civil officer" and insert "when any surety on a bond required by law except as otherwise provided."

Section 5, line 4, strike the words "set solid" and in place thereof insert the words "or its equivalent." Line 4, strike out the words beginning "and for the same matter" to and including the words "charge may be made."

Chapter 12, page 243, add sections 13 and 14 as follows:

"Section 13. All officers required by the provisions of this Code to collect and pay over fines and fees shall, except as otherwise provided, on the first Monday in January in each year, make report thereof under oath to the board of supervisors of the proper county, showing the amount of fines assessed and the amount of fines and fees collected together with vouchers for the payment of all sums collected, to the proper officer."

"Section 14. Clerks of district, superior and police courts, mayors of cities and towns, and justices of the peace shall, on the first Monday in January in each year make report in writing to the board of supervisors for their respective counties of all forfeited recognizances in their offices; of all fines, penalties and forfeitures imposed in their respective courts which by law go into the county treasury for the benefit of the school fund; in what cause or proceeding, when and for what purpose, against whom and for what amount rendered; whether said fines, penalties, forfeitures and recognizances have been paid, remitted, cancelled or otherwise satisfied; if so, when, how and in what manner, and if not paid, remitted, cancelled or otherwise satisfied, what steps have been taken to enforce the collection thereof, and the prospect of such collection. Such report must be full, true, and complete with reference to the matters therein contained, and of all things required by this section to be reported, and be under oath, and any officer failing to make such report shall be guilty of a misdemeanor," and when so amended it do pass.

J. L. CARNEY,
Chairman.

Ordered passed on file.

HOUSE MESSAGES.

Senate concurrent resolution relative to the adoption of a plan whereby time may not be consumed unnecessarily in the Code work, was taken up and passed on file.

BILLS ON THIRD READING.

On motion of Senator Craig, Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to the militia, with report of committee recommending certain amendments, was taken up and considered.

Senator Craig moved to amend section 10, line 2, by striking out the word "resign" and insert in lieu thereof the words "is discharged."

Adopted.

Senator Craig moved to amend section 11 by striking out the word "resign" in the last line and insert the words "is discharged" in lieu thereof.

Adopted.

Senator Craig moved to amend section 39 by striking out the word "one" in line 2 and insert the word "two" in lieu thereof.

Adopted.

Senator Craig moved to amend section 52, by striking out the word "such," in line 1, and insert in lieu thereof the words "each annual."

Adopted.

Senator Craig moved that the further consideration of the bill, Senate file No. 15, be postponed until to-morrow.

Carried.

The Journal of Saturday was taken up, read, corrected and approved.

On motion of Senator Ellis, Senate file No. 66, chapter 5, of title 15, a bill for an act to revise, amend and codify the statutes in relation to sureties, with report of committee, was taken up, considered and the report of the committee adopted.

Senator Ellis moved to amend the bill by striking out all marginal references, underscoring and all reference figures at the end of each section.

Adopted.

Senator Ellis moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas were:

Senators Bell, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Ellis, Everall, Garst, Gilbertson, Henderson, Hotchkiss, Junkin, Kilburn, Lothrop, Palmer, Perrin, Pusey, Ranck, Rowen, Sargent, Trewin, Waterman—24.

Senator Bonson voted in the negative.

Absent or not voting:

Senators Alexander, Allyn, Berry, Blanchard, Byers, Druet, Eaton, Ellison, Ericson, Funk, Gorrell, Harper, Harriman, Healy, Hipwell, Hobart, Hospers, Hurst, Lehfeldt, Mitchell, Penrose, Phelps, Rigger, Upton, Young—25.

The bill having failed to receive a constitutional majority, was declared lost.

Senator Bonson filed a motion to reconsider the vote by which Senate file No. 66 was lost.

On motion of Senator Trewin, House file No. 49, a bill for an act to revise, amend and codify the statutes in relation to Superintendent of Public Instruction, with report of committee recommending it be amended by striking out the title and inserting, "A bill for an act to revise, amend and codify the statutes in relation to the Superintendent of Public Instruction."

"Be it enacted by the General Assembly of the State of Iowa:

"Chapter 1 of title 13.

"Of the Superintendent of Public Instruction."

Strike out all marginal numbers and references at the ends of sections to McClain's Code or acts of the General Assembly, and when so amended, that it do pass, was taken up, considered and the report of the committee adopted.

Senator Trewin moved that the rule be suspended, and that the bill be considered engrossed, and that the reading just had be the third reading, which motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas were:

Senators Bell, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Ellis, Everall, Garst, Gilbertson, Henderson, Hobart, Hotchkiss, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent, Trewin, Waterman—27.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Berry, Blanchard, Byers, Druet, Eaton, Ellison, Ericson, Funk, Gorrell, Harper, Harriman, Healy, Hipwell, Hospers, Hurst, Lehfeldt, Mitchell, Phelps, Rigger, Upton, Young—23.

The bill, having secured a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senator Bonson moved to reconsider the vote by which Senate file No. 66 was lost.

Carried.

Senator Ellis moved that the rule be suspended, and that the bill be considered engrossed and that the reading had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Bell, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Ellis, Everall, Garst, Gilbertson, Henderson, Hobart, Hotchkiss, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent, Trewin, Waterman—27.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Berry, Blanchard, Byers, Druet, Eaton, Ellison, Ericson, Funk, Gorrell, Harper, Harriman, Healy, Hipwell, Hospers, Hurst, Lehfeldt, Mitchell, Phelps, Rigger, Upton, Young—23.

The bill having received a constitutional majority, was declared to have passed the Senate.

So the bill passed and the title was agreed to.

On motion of Senator Trewin, Senate file No. 58, a bill for an act to revise, amend and codify the statutes in relation to county high schools, with report of committee recommending the following amendment to section 1, line 1: "Strike out the words 'each county having a population of over 20,000' and insert the words 'any county;'" also strike out all marginal numbers," was taken up, considered and the report of the committee adopted.

Senator Trewin moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Bell, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Ellis, Everall, Garst, Gilbertson, Henderson, Hobart, Hotchkiss, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent, Trewin, Waterman—27.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Berry, Blanchard, Byers, Druet, Eaton, Ellison, Ericson, Funk, Gorrell, Harper, Harriman, Healy, Hipwell, Hospers, Hurst, Lehfeldt, Mitchell, Phelps, Rigger, Upton, Young—23.

The bill having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senator Carpenter offered the following resolution.

Resolved, That in making up the Calendar it shall show the date upon which each bill thereon was reported to this body, and also the pages of the proposed Code.

Adopted.

On motion of Senator Palmer, Senate file No. 23, a bill for an act to revise, amend and codify the statutes in relation to domestic animals, with report of committee, was taken up, considered and adopted.

On motion of Senator Palmer the bill was taken up by sections.

Senator Carney moved to amend section 32 by striking out of line 4, "and except that," and insert semicolon after "act."

Adopted.

Senator Palmer moved to amend section 40, line 2, by striking out the word "swift;" also strike out the word "swift" in line 6.

Adopted.

Senator Palmer moved to amend section 41, line 12, by inserting after the first "up" the words "as an estray," and strike out the words "taking up" near the end of the line.

Adopted.

Senator Pusey moved to amend by striking out all after the word "him," line 9, down to and including "affairs," line 11, and all of section after "appeal board," line 13.

Senator Carroll offered the following substitute for the amendment: "But such property shall be released by the

owner filing a sufficient bond with the clerk of the district court."

Lost

The amendment was adopted.

Senator Palmer moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas were:

Senators Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Everall, Garst, Gilbertson, Healy, Henderson, Hobart, Hotchkiss, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent, Trewin, Waterman—32.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Druet, Ellison, Ericson, Funk, Gorrell, Harper, Harriman, Hipwell, Hospers, Hurst, Lehfeldt, Mitchell, Phelps, Riggen, Upton, Young—18.

So the bill having received a constitutional majority, was declared to have passed the Senate and the title was agreed to

Senator Carpenter filed the following motion:

MR. PRESIDENT—I move to reconsider the vote by which Senate file No. 23 passed the Senate.

C. A. CARPENTER.

Senator Penrose moved that the Senate do now adjourn until to-morrow at 9 o'clock A. M.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, February 2, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Edwin Ewell of Clarion.

PETITIONS AND MEMORIALS.

Senator Phelps presented petition of W. J. Harris and others, of Lewis, Cass county, favoring a 2-cent passenger fare.

Referred to Committee on Railways.

Senator Phelps presented remonstrance of H. L. Schoefield and others of Shelby county, against cutting down appropriations to county fairs.

Referred to Committee on Agriculture.

Senator Hotchkiss presented remonstrance of Christian Endeavor Union of Dallas county against manufacturers' bill.

Referred to Committee on Suppression of Intemperance.

Senator Palmer presented petition of R. H. Emery and forty-one others, favoring a 2-cent passenger fare.

Referred to Committee on Railways.

Senator Harper presented remonstrance of Charles R. Shatto and two hundred and forty-one others, against manufacturers' bill.

Referred to Committee on Suppression of Intemperance.

Senator Harper presented petition of C. B. Quick and others, favoring a 2-cent passenger fare.

Referred to Committee on Railways.

Senator Gorrell presented petition of E. Bean and twenty-four other taxpayers in Jasper county, asking that the salary of county officers be fixed at \$1,200 and deputies at half that amount.

Referred to Committee on Ways and Means.

Senator Healy presented petition of I. C. Green and others of Fort Dodge, favoring a 2-cent passenger fare.

Referred to Committee on Railways.

Senator Ellison presented remonstrance of W. T. Shaw and others of Jones county, against reducing county appropriations for county fairs.

Referred to Committee on Agriculture.

Senator Young presented petition of A. M. Sherwood and other citizens of Delaware county asking for a 2-cent fare bill.

Referred to Committee on Railways.

Senator Blanchard presented petition of Veterinary association of Oskaloosa for the inspection of dairy cattle.

Referred to Committee on Agriculture.

Senator Blanchard presented petition of A. T. Drinkle and other citizens of Oskaloosa for a 2-cent fare bill.

Referred to Committee on Railways.

Senator Blanchard presented petition of James P. Reed and 124 other ex-soldiers asking that the property of all honorably discharged soldiers to the amount of \$600 be exempt from taxation.

Referred to Committee on Ways and Means.

Senator Pusey presented petition of G. E. Smith and thirty-six others for a 2-cent fare bill.

On request of Senator Bell, leave of absence was granted Senator Perrin.

On request of Senator Gilbertson, leave of absence was granted Senator Upton.

INTRODUCTION OF BILLS.

By Code Revision Committee, Senate file No. 76, a bill for an act to revise, amend and codify the statutes in relation to attachments, garnishments, executions and supplementary proceedings.

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

By Code Revision Committee, Senate file No. 77, a bill for an act to revise, amend and codify the statutes relative to criminal procedure.

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

By Code Revision Committee, Senate file No. 78, a bill for an act to revise, amend and codify the statutes in relation to the procedure to reverse, vacate or modify judgment.

Read first and second time and referred to Committee on Code Revision.

By Code Revision Committee, Senate file No. 79, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments.

Read first and second time and referred to Committee on Code Revision.

By Code Revision Committee, Senate file No. 80, 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 Committee on Code Revision.

By Code Revision Committee, Senate file No. 81, 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 Code Revision.

REPORTS OF COMMITTEES.

Senator Carpenter, from the Committee on Code Revision, presented the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred Senate file No 72, a bill for an act to revise, amend and codify the statutes in relation to the estates of decedents, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendments:

Strike out all line numbers, words and figures at end of sections, page numbers, underscorings, reference words, letters and characters.

Page 669, chapter 1, section 2, line 2, strike out all after the word "ordered," and insert the following: "when no notice is prescribed by the judge or court as above provided the same notice shall be given as in commencing a civil action."

Page 669, section 2, chapter 1, line 2, amend by striking out these words: "that it has been ordered" and insert in lieu thereof the words "of the giving of such notice."

Page 671, chapter 2, section 5, line 1, strike out the words "typewriting, printing or other permanent form."

Page 675, section 37, line 2, change the word "county" to "country."

Page 675, chapter 2, section 37, line 9, after the word "residents" insert the words "so far as the assets thereof shall extend."

Page 676, chapter 2, section 39, lines 15 and 16, amend by striking out the words "and that the debt secured by the instrument sought to be released is the property of the estate."

Page 676, chapter 3, line 3, amend by striking out these words "unless otherwise disposed of by will."

Page 680, chapter 3, section 31, amend said section by adding the following:

"The burden of proving that a claim is unpaid shall not be placed upon the party filing a claim against the estate; but the executor or administrator may, on the trial of said cause, subject the claimant to an

examination on the question of payment, but the estate shall not be concluded or bound thereby."

Page 681, chapter 3, section 40, line 1, amend by inserting after the word "or" the words "if filed and," and after the word "thereof" insert the words "as hereinbefore provided is not," and also inserting a comma after the word "allowed."

Page 682, chapter 3, amend by adding at the end the additional sections, as follows:

Chapter 28, of the laws of the Twenty-sixth General Assembly:

Section 53. All property within the jurisdiction of this State, and any interest therein, whether belonging to the inhabitants of this State or not, and whether tangible or intangible, which shall pass by will or by the intestate laws of this or any other State, or by deed, grant, sale or gift made or intended to take effect in possession or in enjoyment after the death of the grantor, or donor, to any person in trust or otherwise, other than to or for the use of the father, mother, husband, wife, lineal descendant, adopted child, the lineal descendant of an adopted child of a decedent, or to or for charitable, educational, or religious societies or institutions within this State, shall be subject to a tax of five per centum of its value, above the sum of one thousand dollars, after the payment of all debts, for the use of the State; and all administrators, executors, and trustees, and any such grantee under a conveyance, and any such donor under a gift, made during the grantor's or donor's life, shall be respectively liable for all such taxes to be paid by them respectively, except as herein otherwise provided, with lawful interest as hereinafter set forth, until the same shall have been paid. The tax aforesaid shall be and remain a lien on such estate from the death of the decedent until paid.

Section 54. It shall be the duty of the executor, administrator, or trustee, immediately upon his appointment, to make and file a separate inventory of all of the real estate of the decedent liable to such tax, and to cause the lien of the same to be entered upon the lien book in the office of the clerk of the court in each county where each particular part of said real estate is situated, and no conveyance of said estate or interest therein, which is subject to such tax before or after the entering of said lien, shall discharge the estate so conveyed from the operation thereof.

Section 55. All the real estate of the decedent subject to such tax shall, except as hereinafter provided, be appraised within thirty days next after the appointment of an executor, administrator, or trustee, and the tax thereon, calculated upon the appraised value, shall be paid by the person entitled to said estate within fifteen months from the approval by the court of such appraisement; and in default thereof the court shall order the same, or so much thereof as may be necessary to pay such tax, to be sold.

Section 56. When any person whose estate, over and above the amount of his just debts, exceeds the sum of one thousand dollars, shall bequeath or devise any real property to or for the use of the father, mother, husband, wife, lineal descendant, adopted child, or lineal descendant of such child, during life or for a term of years, and the remainder to a collateral heir or to a stranger to the blood, the court, upon the determination of such estate for life or years, shall, upon its own motion or upon the application of the Treasurer of State, cause such estate to be appraised at its

then actual market value, from which shall be deducted the value of any improvements thereon, or betterments thereto, if any, made by the remainder man during the time of the prior estate to be ascertained and determined by the appraisers, and the tax on the remainder shall be paid by such remainder man within sixty days from the approval by the court of the report of the appraisers. If such tax is not paid within said time the court shall then order said real estate, or so much thereof as shall be necessary to pay such tax, to be sold.

Section 57. Whenever any real estate of a decedent shall be subject to such tax, and there be a life estate or interest for a term of years given to a party other than named in section 4 thereof, and the remainder to a collateral heir or stranger to the blood, the court shall direct the interest of the life estate or term of years to be appraised at the actual market value thereof, and upon the approval of such appraisement by the court, the party entitled to such life estate or term of years, shall within sixty days thereafter pay such tax, and in default thereof the court shall order such interest in said estate, or so much thereof as shall be necessary to pay such tax to be sold. Upon the determination of such life estate or term of years the same provision shall apply as to the ascertainment of the amount of the tax, and the collection of the same on the real estate in the remainder as in like cases is provided in section 4 hereof. Whenever any personal estate of a decedent shall be subject to such tax and there be a life estate or interest for a term of years given to a party other than named in section 4, and remainder to a collateral heir or stranger to the blood, the court shall inquire into and determine the value of the life estate or interest for the term of years and order and direct the amount of the tax thereon to be paid by the prior estate and that to be paid by the remainder man, each of whom shall pay their proportion of such tax within sixty days from such determination, and in default thereof the executor, administrator or trustee shall pay the same out of said property and hold the same from distribution and invest it at interest under the order of the court, until said tax is paid, or until the interest on the same equals the amount of such tax, which shall thereupon be paid.

Section 58. Whenever a decedent appoints one or more executors or trustees and in lieu of their allowance or commission makes a bequest or devise of property to them which would otherwise be liable to said tax, or appoints them his residuary legatees, and said bequests, devisees or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to such tax, and the court having jurisdiction of their accounts, upon its own motion or on the application of the Treasurer of State, shall fix such compensation.

Section 59. Whenever any legacies subject to said tax are charged upon or payable out of any real estate, the heir or devisee before paying the same, shall deduct said tax therefrom and pay it to the executor, administrator, trustee or Treasurer of State, and the same shall remain a charge and be a lien upon said real estate until it is paid; and payment thereof shall be enforced by the executor, administrator, trustee, or Treasurer of State in his name of office, in the same manner as the payment of the legacy itself could be enforced.

Section 60. Every executor, administrator or trustee having in charge or trust any property subject to said tax, and which is made payable by

him, shall deduct the tax therefrom or shall collect the tax thereon from the legatee or person entitled to said property, and he shall not deliver any specific legacy or property subject to said tax to any person until he has collected the tax thereon.

Section 61. All taxes imposed by this act shall be payable to the Treasurer of State, and those which are made payable by executors, administrators or trustees shall be paid within one year from the death of the testator or intestate, or within one year from assuming of the trust by such trustee. All taxes not paid within the time prescribed in this act, shall draw interest at the rate of eight per centum per annum until paid.

Section 62. All appraisements of real estate subject to such tax shall be made and filed in the manner provided for appraisement of personal property. When such real estate is situated in another county the same appraisers may serve or others may be appointed.

Section 63. Application for the sale of real estate subject to such tax may be made by the executor, administrator, or trustee or in cases falling under the provisions of sections 4 and 5 of this act, by the Treasurer of State in his name of office. The proceedings on such application shall conform, as near as may be, to those for the sale of the real estate of a decedent for the payment of his debts.

Section 64. Whenever any real estate of a decedent shall so pass either in possession and enjoyment, or in remainder as to be subject to such tax, the executor, administrator or trustee, within six months after he has assumed the duties of his trust shall file with the Treasurer of State a description of such real estate, giving the name of the county where the same is situated, the name of the decedent, the name of the person or persons to whom it so passes, whether the same passes in possession and enjoyment in fee, for life or for a term of years (naming the term of years), and if a prior estate is created, he shall give the name of the remainder man.

Section 65. As soon as any such real estate is appraised it shall be the duty of the executor, administrator, or trustee, if he has not been discharged, and if he has been finally discharged, then it shall be the duty of the clerk, to file with the Treasurer of State, a copy of such appraisement stating also the amount of tax to be paid and within what time ordered to be paid.

Section 66. No final settlement of the account of any executor, administrator, or trustee shall be accepted or allowed unless it shall show, and the court shall find, that all taxes imposed by the provisions of this act upon any property or interest therein belonging to the estate to be paid by such executors, administrators, or trustees, and to be settled by said account, shall have been paid, and the receipt of the Treasurer of State for such tax shall be the proper voucher for such payment.

Section 67. The district court having either principal or ancillary jurisdiction of the settlement of the estate of the decedent shall have jurisdiction to hear and determine all questions in relation to said tax that may arise affecting any devise, legacy, or inheritance, or any grant or gift under this act, subject to appeal as in other cases, and the Treasurer of State shall in his name of office represent the interests of the State in any such proceeding.

Page 683, chapter 4, section 6, lines 3 and 4, strike out the words "which shall not be permitted to the prejudice of the rights of creditors" and insert the following: "but no such arrangement shall be permitted unless there be sufficient property remaining to pay the debts of the decedents."

Page 684, chapter 4, section 11, after the word "court" insert the words "or judge."

Page 690, chapter 5, section 24, subdivision 3, line 13, after the word "court" insert the words "or judge thereof."

And that when so amended the bill do pass.

C. A. CARPENTER,
Chairman.

Senator Ellison, from the Committee on Commerce, submits the following report:

MR. PRESIDENT—Your Committee on Commerce, to whom was referred Senate file No. 34, a bill for an act to revise, amend and codify the statutes in relation to passenger boats, 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 as follows:

Strike out all line numbers, words and figures at the end of each section and all underscorings.

Page 509, section 2, line 12, strike out the words "unless sooner revoked for cause," and insert in lieu thereof the words "which may be revoked for such cause by such inspector," and when so amended that the bill do pass.

F. O. ELLISON,
Chairman.

Also:

MR. PRESIDENT—Your Committee on Commerce, to whom was referred Senate file No. 24, a bill for an act to revise, amend and codify the statutes in relation to lost goods, 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 as follows:

Strike out all line numbers, words and figures at the end of each section and all underscorings.

Page 471, section 7, line 3, strike out the words "ten per cent upon the value thereof," and insert in lieu thereof the words "a reasonable compensation therefor."

Page 471, section 7, line 10, strike out all of the section after the word "by," and in lieu thereof insert the words "the nearest justice of the peace, who shall enter his decision upon his docket, and from the decision thus rendered either party may appeal to the district court in the manner provided by law for appeals taken from justices of the peace," and when so amended that the bill do pass.

F. O. ELLISON,
Chairman.

Senator Gorrell moved that Senate file No. 32 be committed to the Committee on Public Health.

Carried.

Senator Craig asked that consideration of Senate file No. 15 be continued until to-morrow.

BILLS ON THIRD READING.

On motion of Senator Ellis, Senate file No. 4, a bill for an act to revise, amend and codify the laws in relation to procedure in courts of original jurisdiction, with report of committee recommending certain amendments was taken up, considered, and the report of the committee adopted.

Senator Ellis moved to amend chapter 2, section 1, subdivision 3, by striking out the words, "including injuries to relative rights;" also in lines 9, 10 and 11, strike out the words "and those brought to set aside a will, within two years from the time the same is filed in the clerk's office for probate, and notice thereof is given."

Adopted.

Senator Pusey moved to amend chapter 2, section 1, subdivision 4, by striking out "time" line 12, to the end of the section and inserting "expiration of thirty or ninety days, as the case may be, for filing the claim as provided in the law relating to mechanics' liens.

Adopted.

Senator Ellis moved to amend section 2, lines 3 and 4, chapter 2, by striking out the words "but no action under this section shall be brought after ten years from the date of the happening of matter complained of."

Adopted.

Senator Ellis moved to amend chapter 3, section 3, line 3, by striking out the words "in writing."

Adopted.

Senator Ellis moved to amend chapter 3, section 8, line 1, by striking out the word "must" and inserting in lieu thereof the word "may."

Adopted.

Senator Ellis moved to amend section 12, chapter 3, line 1, by striking out the word "woman" and inserting in lieu thereof the word "female."

Adopted.

Senator Ellis moved as a substitute for section 5, chapter 4, pages 701 and 702, the following: "An action against a non-resident of the State when aided by an attachment may be brought in any county of the State wherein any part of the property sought to be attached may be found, or wherein any

part was situated when the action was commenced, or where the defendant is personally served in this State, and except as hereinafter provided an action against a resident of this State must be brought in the county of his residence, or that in which the contract was to be performed, except that if an action be duly brought against such defendant in any other county by virtue of any of the provisions of this chapter, then such action may, if legal cause for an attachment exist, be aided by attachment. Should such action be brought against a resident of this State in any other county than that of his residence, he may have the place of trial changed to the district court of the county wherein he resides, in the same manner and upon the same terms as provided in section 14 of this chapter, and the property attached shall not be released because said action was brought in the wrong county, but shall be held and subject in the same manner as if said action had been brought in the county of the defendant's residence."

Adopted.

Senator Ellis moved to strike out the comma after the word "domicile" in third line of section 9, chapter 4, page 702; also, the words "in the State" and the comma following the word "State," same line; also, by adding at the end of line 4, section 9, the words "or in the county of plaintiff's residence."

Adopted.

Senator Ellis moved to strike out the word "and" in lines 2 and 3, section 3, chapter 5, and insert the word "or" in lieu thereof in each case.

Adopted.

Senator Pusey moved to amend section 3, chapter 5, by inserting in line 3, after the word "objections," the words, "supported by affidavit."

Adopted.

Senator Funk, President *pro tem*, presiding.

Senator Ellis moved to amend chapter 5 by striking out the words "of it," in line 1 section 4, and insert the word "thereof" in lieu thereof.

Adopted.

Senator Ellis moved to amend chapter 5 by striking out the word "they," in line 4, section 7, and insert the words "the same" in lieu thereof.

Adopted.

Senator Ellis moved to strike out the words, "the defendant may have the action dismissed," in lines 1 and 2, section 2, chapter 6, and insert the words, "the action will be deemed discontinued," in lieu thereof.

Adopted.

Senator Ellis moved to strike out the word "thereafter" in line 7, subdivision 3, section 4, and insert the words "after service" in lieu thereof.

Adopted.

Senator Ellis moved to strike out section 7, chapter 6, and substitute therefor the following: "If the notice is placed in the hands of a sheriff he must note thereon the date when received, and proceed to serve the same without delay in his county, and must file the same with his return thereon in the office of the clerk, or return the same by mail or otherwise to the party from whom he received it."

Senator Harper offered the following amendment to the substitute: Insert after the word "clerk" the words "of the court when the action is pending."

The substitute as amended was adopted.

President Parrott presiding.

Senator Ellis moved to amend section 16, chapter 6, by inserting after the word "express" in second line, section 16, the words "or insurance."

Senator Henderson moved that the further consideration of this amendment be postponed until House messages are taken up and disposed of.

Lost.

The yeas and nays were called for on the amendment.

On motion by Senator Funk, time of adjournment was extended five minutes.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bell, Blanchard, Byers, Carney, Carroll, Downey, Druet, Ellis, Ellison, Ericson, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Juckin, Lothrop, Penrose, Phelps, Ranck, Trewin, Waterman, Young—25.

The nays were:

Senators Berry, Bonson, Carpenter, Cheshire, Craig, Eversall, Funk, Kilburn, Palmer, Pusey, Riggen, Rowen, Sargent

Absent or not voting:

Senators Alexander, Allyn, Eaton, Garst, Hospers, Hipwell, Hotchkiss, Hurst, Lohfeldt, Mitchell, Perrin, Upton—12.

So the amendment was adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House file No. 41, a bill for an act to revise, amend and codify the statutes in relation to the State Veterinary Surgeon.

Also:

House file No. 39, a bill for an act to revise, amend and codify the statutes in relation to the inspection of passenger boats.

Also:

House file No. 56, a bill for an act to revise, amend and codify the statutes in relation to the Industrial School.

Also:

House file No. 47, a bill for an act to revise, amend and codify the statutes in relation to the Soldiers' Home.

Also:

House file No. 65, a bill for an act to revise, amend and codify the statutes in relation to the State Historical Society.

Also:

House file No. 75, a bill for an act to revise, amend and codify the statutes in relation to limited partnership.

Also:

House file No. 72, a bill for an act to revise, amend and codify the statutes in relation to private seals.

Also:

House file No. 32, a bill for an act to revise, amend and codify the statutes in relation to lost goods.

Also:

House file No. 52, a bill for an act to revise, amend and codify the statutes in relation to the College of Agriculture and Mechanic Arts.

Also:

House file No. 50, a bill for an act to revise, amend and codify the statutes in relation to the Educational Board of Examiners.

Also:

House file No. 83, a bill for an act to revise, amend and codify the statutes in relation to justices of the peace and their courts.

JAS. D. ROWEN,
Chief Clerk.

Passed on file.

Also:

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

Senate file No. 66, chapter 5, of title 15, a bill for an act to revise, amend and codify the statutes in relation to sureties.

Also concurrent resolution relative to conference of committees of the two houses on Code bills.

JAS. D. ROWEN,
Chief Clerk.

Passed on file.

Also:

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

Concurrent resolution relative to congratulation extended to Prof. Jas. Wilson of Ames.

Also:

Concurrent resolution relative to furnishing stationery to members of the General Assembly.

JAS. D. ROWEN,
Chief Clerk.

Passed on file.

Senator Henderson moved to take up House messages:

Carried.

HOUSE MESSAGES.

Senate file No. 66, a bill for an act to revise, amend and codify the statutes in relation to sureties, was passed on file.

House concurrent resolution relative to congratulations extended to Prof. James Wilson of Ames, was read, and on motion of Senator Henderson, was concurred in.

House file No. 50, a bill for an act to revise, amend and codify the statutes in relation to Educational Board of Examiners, was read first and second time and referred to Committee on Schools.

Senate concurrent resolution to conference of committees of the two houses on Code bills was passed on file.

The hour of adjournment having arrived, the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, February 3, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. J. D. Forsythe of Des Moines.

On request of Senator Penrose, leave of absence was granted Senator Young.

On request of Senator Berry, leave of absence was granted Senator Carroll as member of the Visiting Committee.

On request of Senator Penrose, leave of absence was granted Senator Harper.

PETITIONS AND MEMORIALS.

Senator Hipwell presented petition of the Robert Krause company and 400 other citizens of Davenport for the passage of the 2-cent fare bill.

Referred to Committee on Railways.

Senator Craig presented remonstrance of H. L. Sweitzer and 138 other citizens of Butler county, against the passage of a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of Council Bluffs Business Men's association for the passage of a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Bonson presented remonstrance of Geo. B. Burch and other citizens of Dubuque against revenue bill.

Referred to Committee on Ways and Means.

Senator Carney presented remonstrance of corporations at Marshalltown against revenue bill.

Referred to Committee on Ways and Means.

Senator Hobart presented petition of C. H. Hidden and eighty-eight other citizens of Ida county for 2-cent fare bill.

Referred to Committee on Railways.

Senator Junkin presented petition of O. J. Stephens and other citizens of Montgomery county, on same subject.

Referred to Committee on Railways.

President Parrott presented petition of Geo. B. Rowell and other business men of Waterloo on same subject.

Referred to Committee on Railways.

Senator Alexander presented petition of citizens of Mount Vernon, on same subject.

Referred to Committee on Railways.

Senator Gilbertson presented petition of J. A. Smith and sixty-nine other citizens of Mitchell county on same subject.

Referred to Committee on Railways.

Senator Rigger presented resolution of city council of What Cheer in regard to the mulct law.

Referred to Committee on Suppression of Intemperance.

Senator Rowen offered the following concurrent resolution:

Be it Resolved by the General Assembly of the State of Iowa, That the Secretary of State be directed to furnish suitable stationery for the use of the Senate and House.

Adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House file No. 73, a bill for an act to revise, amend and codify the statutes in relation to assignments for creditors.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House recalls the following bill:

House file No. 83, a bill for an act to revise, amend and codify the statutes in relation to justices of the peace and their courts.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

House file No. 72, a bill for an act to revise, amend and codify the statutes in relation to private seals, was read first and second time and referred to Committee on Judiciary.

House file No. 75, a bill for an act to revise, amend and codify the statutes in relation to limited partnership, was read first and second time and referred to Committee on Judiciary.

House file No. 65, a bill for an act to revise, amend and codify the statutes in relation to the State Historical Society, was read first and second time and referred to Committee on Code Revision.

House file No. 32, a bill for an act to revise, amend and codify the statutes in relation to lost goods, was read first and second time and referred to Committee on Railways.

House file No. 52, a bill for an act to revise, amend and codify the statutes in relation to the College of Agriculture and Mechanic Arts, was read first and second time and referred to Committee on Educational Institutions.

House file No. 41, a bill for an act to revise, amend and codify the statutes in relation to the State Veterinary Surgeon, was read first and second time and referred to Committee on Public Health.

House file No. 56, a bill for an act to revise, amend and codify the statutes in relation to the Industrial School, was read first and second time and referred to Committee on Charitable Institutions.

House file No. 39, a bill for an act to revise, amend and codify the statutes in relation to the inspection of passenger boats, was read first and second time and referred to Committee on Commerce.

House file No. 47, a bill for an act to revise, amend and codify the statutes in relation to the Soldiers' Home, was read first and second time and referred to Committee on Military.

House file No. 73, a bill for an act to revise, amend and codify the statutes in relation to assignments for creditors, was read first and second time and referred to Committee on Judiciary.

House file No. 83, a bill for an act to revise, amend and codify the statutes in relation to justices of the peace and their courts, was recalled by the House.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in the following bill, in which the concurrence of the House was asked:

Senate file No. 58, a bill for an act to revise, amend and codify the statutes in relation to the county high schools.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Concurrent resolution relative to stationery for reporters.

JAS. D ROWEN,
Chief Clerk.

Also:

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

House file No. 70, a bill for an act to revise, amend and codify the statutes in relation to tender.

Also:

House file No. 68, a bill for an act to revise, amend and codify the statutes in relation to money of accounts and interest.

JAS. D. ROWEN,
Chief Clerk.

The Journal of Monday was taken up read, corrected and approved.

The Journal of Tuesday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 4.

Senator Pusey moved to amend section 26, chapter 6, by striking out of line 2 the words, "and for the time."

Lost.

Senator Ellis moved to amend chapter 6 by striking out all of subdivision 2, section 27, line 5, to the word "by," and also insert after the word "announcing" in same line, the words "to the court."

Adopted.

Senator Pusey moved to amend chapter 6, section 27, by striking out the words "even though specially made" in line 7, and strike out all after the word "cause" in line 8, and insert the words "except for the purpose of pleading want of jurisdiction."

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Berry, Bonson, Craig, Druet, Everall, Gilbertson, Gorrell, Henderson, Hipwell, Hotchkiss, Hurst, Kilburn, Lathrop, Palmer, Pusey, Riggen, Rowen, Sargent—18.

The nays were:

Senators Alexander, Bell, Blanchard, Byers, Carney, Carpenter, Cheshire, Downey, Ellis, Ellison, Ericson, Funk, Harri- man, Healy, Hobart, Junkin, Mitchell, Penrose, Phelps, Ranck, Trewin, Waterman—22.

Absent or not voting:

Senators Allyn, Carroll, Eaton, Garst, Harper, Hospers, Lehfeldt, Perrin, Upton, Young—10.

So the amendment was lost.

Senator Ellis moved to amend chapter 6 by substituting the word "of" for "or" before the word "January" in line 15, sub- division 3, section 27; also, insert after the word "January," in same line, the words "the thirtieth day of May."

Adopted.

Senator Ellis moved to amend chapter 7 by substituting the word "misjoinder" for "misjoiner" in line 1, section 4, chap- ter 7.

Adopted.

Senator Ellis moved to amend chapter 8 by striking out from section 2, line 4, the words "allowed by the court or the" and insert before the word "pleading," in same line, the word "such."

Adopted.

Senator Ellis moved to amend chapter 8 by striking out the word "motion" in subdivisions 2, 3 and 4, section 8.

Adopted.

Senator Ellis moved to amend chapter 8 by inserting as part of section 8, after line 6, the following: "The filing of a plead- ing or motion in the clerk's office during a term, and a memo- randum of such filing made in the appearance docket within the time allowed, shall be equivalent to filing the same in open court. All technical forms of action and pleading, all common counts, general issues, and all fictions are abolished, and here- after the forms of pleading in civil actions, and the rules by which their sufficiency is to be determined, are those prescribed in the Code."

Adopted.

Senator Ellis moved to amend chapter 8 by striking out the words "at law" in fourth line, subdivision 2, section 10, and insert the word "petition" before the word "in" in the same line.

Adopted.

Senator Ranck moved to amend chapter 8, section 9, line 4, by striking out the word "ten" and insert the word "five" in lieu thereof.

Adopted.

Senator Ellis moved to amend chapter 8 by substituting the word "count" for the word "court," in the eighth line, subdivision 4, section 10; and add the figure "5" before the word "where," in the same line, thus constituting a subdivision of the paragraph.

Adopted.

Senator Ellis moved to amend chapter 8 as follows:

Strike out sections 14, 15 and 16, of proposed Code, and substitute the following:

Section 14. When any of the matters enumerated as grounds of demurrer do not appear on the face of the petition the objection may be taken by answer. If the facts stated by the petition do not entitle the plaintiff to any relief whatever, advantage may be taken of it by motion in arrest of judgment before judgment is entered.

Section 15. The defendant may demur to one or more of the several causes of action alleged in the petition and answer as to the residue.

A demurrer shall be considered as an admission of the allegations of the pleading demurred to for the purposes of demurrer and for such purposes only; and when a demurrer shall be over ruled and the party demurring shall answer or reply, the ruling on the demurrer shall not be considered as an adjudication of any question raised by the demurrer; and in such case the sufficiency of the pleading thus attacked shall be determined as if no demurrer had been filed.

No pleading shall be held sufficient on account of a failure to demur thereto.

Section 16. The opposite party shall be deemed to join in a demurrer whenever he shall not amend the pleading to which it is addressed.

Upon a demurrer being overruled the party demurring may answer or reply.

Upon a decision of a demurrer, if the adverse party fail to amend, or plead over, the same consequences shall ensue as though a verdict had passed against the plaintiff or the defendant had made default, as the case may be.

Adopted.

Senator Bonson moved that all reference figures at the end of paragraphs be stricken out.

Adopted.

Senator Ellis moved to amend chapter 8 by substituting the word "then" for the word "than" in line 9, subdivision 3, section 21.

Adopted

Senator Ellis moved to amend chapter 8 by striking out all after the word "petition" in line 3, section 26.

Adopted.

Senator Ellis moved to amend chapter 8 by striking out the words "motions and" in line 2, section 31.

Adopted.

Senator Ellis moved to amend section 30, chapter 8, by striking out the words "and with like results attendant upon the ruling thereon."

Adopted.

Senator Ellis moved to amend chapter 8 by striking out all after the word "character" in line 3, section 37.

Adopted.

Senator Ellis moved to amend section 42, chapter 8, by striking out the words "in which they shall be verified as other pleadings."

Adopted.

Senator Cheshire moved to amend chapter 8 by substituting the word "affect" for the word "effect" in line 2, section 52.

Adopted.

Senator Funk, President, *pro tem.*, presiding.

Senator Cheshire moved to amend chapter 8 by substituting the word "pleading" for the word "answer" in line 3, section 62.

Adopted.

Senator Cheshire moved to amend section 62, chapter 8, line 3, by striking out the word "out," and adding at the end of the section, the words "from the files."

Adopted.

Senator Cheshire moved to amend chapter 8 by striking out the words, "except to correct a clerical error," in lines 2 and 3, section 97.

Adopted.

Senator Cheshire moved to amend chapter 9 by striking out all after the word "elect" in line 5, section 14.

Adopted.

Senator Ellis moved to amend chapter 9 by striking out from fourth line, section 29, the words "the statements of counsel;" also strike out after the word "closed," in tenth line, same section, the words, "the argument or any part thereof,

of any counsel, when demanded," and insert in lieu thereof the following, "the portions of arguments objected to when so ordered by the court;" also, in the same section, add after the word "action," in twentieth line, the words, "and constitute a complete bill of exceptions."

Adopted.

Senator Ellis moved to amend chapter 9 by inserting the word "the" before the word "regular," in second line, section 30.

Adopted.

President Parrott presiding.

Senator Ellis moved to amend section 35, chapter 9, line 2, by striking out the word "of" and inserting the word "or" in lieu thereof.

Adopted.

Senator Ellis moved to amend chapter 9 by adding the figure "5" before the word "but," in line 10, section 48, that constituting a subdivision of the paragraph.

Adopted.

Senator Lothrop excused.

Senator Ellis moved to amend chapter 9 by striking out all after the word "itself," in line 1, section 52, and insert in lieu thereof the following (change period to comma), "but shall not limit the argument in cases tried to a jury."

On this amendment a roll call was ordered.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Berry, Blanchard, Byers, Carney, Carpenter, Cheshire, Craig, Druet, Ellison, Garst, Healy, Junkin, Mitchell, Penrose, Ranck, Rowen—16.

The nays were:

Senators Alexander, Bell, Bonson, Downey, Ellis, Ericson, Everall, Funk, Gilbertson, Gorrell, Harriman, Henderson, Hipwell, Hurst, Kilburn, Palmer, Phelps, Pusey, Rigger, Sargent, Trewin, Waterman—22.

Absent or not voting:

Senators Allyn, Carroll, Eaton, Harper, Hobart, Hospers, Hotchkiss, Lehfeltdt, Lothrop, Perrin, Upton, Young—12.

The amendment was lost.

Senator Trewin filed the following motion:

MR. PRESIDENT—I move to reconsider the motion by which the committee amendment to section 52, page 729, was lost.

J. H. TREWIN.

Senator Ellis moved to amend chapter 9 by striking out all of section 53.

Adopted.

Senator Ellis moved to amend chapter 9 by striking out all of section 54, page 729; insert as substitute, the following: "When the argument is concluded, either party may request instructions to the jury on points of law, which shall be given or refused by the court. All instructions asked, and the charge of the court, shall be in writing." (This as section 53.) "If the court refuse a written instruction as demanded, but give the same with a modification, which the court may do, such modification shall not be by interlineation or erasure, but shall be well defined, and shall follow some such characterizing words as "changed thus," which words shall themselves indicate that the same was refused as demanded." (This as section 54.)

Adopted.

Senator Ellis moved to amend chapter 9, by striking out of section 60, the words, "If the jury are," and insert in lieu thereof the following: "After the jury is sworn they shall not be;" also, insert after the word "trial," first line, the words, "unless so ordered by the court, and when so ordered."

Adopted.

Senator Ellis moved to amend chapter 9, by striking out section 61, and substitute therefor the following: "If, after the empaneling of the jury and before verdict a juror becomes sick so as to be unable to perform his duty, he may be discharged. In such case the trial shall proceed with the remaining jurors, provided the number has not been reduced below ten, or the court may, in its discretion, order the jury to be discharged."

Adopted.

Senator Ellis moved to amend chapter 9, by striking out from line 3, section 68, the words "instruction required" and insert in lieu thereof the following: "Court may further instruct which."

Adopted.

Senator Ellis moved to amend section 68, chapter 9, line 3, by adding the word "instructions" after the word "which."

Adopted.

Senator Ellis moved to amend section 68, chapter 9, by striking out of line 6 the words, "and shall not be discussed by the parties."

Adopted.

Senator Ellis moved that further consideration of Senate file No. 4 be continued until to-morrow.

Carried

Senator Penrose moved that the time of adjournment be extended until House messages are disposed of.

Carried.

Senator Penrose moved to take up House messages.

Carried.

HOUSE MESSAGES.

House concurrent resolution relative to stationery for reporters was read and the resolution concurred in.

Senate file No. 58, a bill for an act to revise, amend and codify the statutes in relation to the county high schools, was read and passed on file.

House file No. 68, a bill for an act to revise, amend and codify the statutes in relation to money of account and interest, was read first and second time and referred to Committee on Judiciary.

House file No. 70, a bill for an act to revise, amend and codify the statutes in relation to tender, was read first and second time and referred to Committee on Code Revision.

Time of adjournment having arrived, Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Thursday, February 4, 1897. }

Senate met in regular session at 9 o'clock, President Parrott presiding.

Prayer was offered by Rev. N. Corzatt of Indianola.

On request of Senator Hipwell, leave of absence was granted Senator Hurst.

PETITIONS AND MEMORIALS.

Senator Bell presented remonstrance of M. Ryman and seventy-five others of Parkwood, Jefferson county, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Gorrell presented petition of J. R. Mershon and others of Jasper county, asking salary of county officers be fixed at \$1,200 and of deputies at half that amount.

Referred to Committee on Compensation of Public Officers.

Senator Hotchkiss presented petition of John Brown and others of Dallas county asking for passage of 2-cent fare bill.

Referred to Committee on Railways.

Senator Carney presented petition of C. H. Smith and others of Marshall county for a 2-cent fare bill.

Referred to Committee on Railways.

HOUSE MESSAGE.

House concurrent resolution relative to Secretary of State furnishing stationery for members of the House and Senate was read first and second time and adopted.

REPORT OF COMMITTEE.

Senator Gorrell, from the Committee on Public Health, submits the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred House file No. 41, a bill for an act to revise, amend and codify the statutes in relation the State Veterinary Surgeon, 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 words, "any person qualified as a juror," in line 6, section 6, be stricken out and insert in lieu thereof, the words, "the nearest justice of the peace;" also strike out all marginal numbers, reference numbers at end of sections and marginal lines, and that when so amended the bill do pass.

J. R. GORRELL,
Chairman.

Ordered passed on file.

BILLS ON THIRD READING.

Senator Ellis moved to amend chapter 9, by adding at close of section 97, the following: "And whenever the judge or referee trying a cause is unable by reason of death, removal, resignation or any cause, to sign a bill of exceptions, or certify the shorthand reporter's record, the same shall be done by his successor, and the time for such signing or certification shall be extended thirty days after the appointment, or election and qualification of such successor."

Adopted.

Senator Ellis moved to amend chapter 9, by striking out subdivision 9, section 103.

Adopted.

Senator Ellis moved to amend chapter 9, by striking out the following words in line 2, section 104, "unless for good cause the court extends time."

Adopted.

Senator Ellis moved to strike out section 105 of chapter 9.

Adopted.

Senator Ellis moved to amend chapter 9 by adding to section 134 the following: "In cases where the title to land is involved and expressly settled or determined, the clerk shall make a complete record of the whole cause and enter it in the proper book. But in no other case need a complete entry be made except at the request of a party who will pay the expense of such record."

Adopted.

Senator Ellis moved to amend chapter 9, section 154, by substituting the word "court" for "count" in first line, subdivision 2.

Adopted.

Senator Ellis moved that the sections of chapter 9 be renumbered from section 105 so that they will be numbered consecutively.

Carried.

Senator Ellis moved to amend section 153, chapter 9, by adding to the end of the section the following words: "to be recovered by the other party."

Adopted.

Senator Ellis moved to amend chapter 9, section 38, by adding the words: "Upon the trial of a challenge to an individual juror, the juror challenged may be examined as a witness to prove or disprove the challenge and must answer every question pertinent to the inquiry thereon."

Adopted.

Senator Ellis moved to reconsider the vote by which the amendment to section 16, chapter 6, was adopted.

Carried.

Senator Ellis asked to withdraw the committee amendments offered to section 16, chapter 6.

Amendment withdrawn.

Senator Ellis moved to amend section 16, chapter 6, by adding as an additional section, being section 17, the following: "Section 17. If the action is against an insurance company, for loss or damage upon any contract of insurance or indemnity, service may be had upon any general agent of the company wherever found, or upon any recording agent or agent who has authority to issue policies."

Adopted.

Senator Ellis moved to renumber the sections of chapter 6 after 16.

Carried.

Senator Trewin moved to call up the motion to reconsider the vote by which the amendments to section 52, chapter 9, were adopted.

Senator Bonson moved the previous question.

Carried.

On the question, "Shall the vote by which the amendment to section 52, chapter 9, was lost be reconsidered?" the yeas and nays were demanded.

On the question, "Shall the motion prevail?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Cheshire, Craig, Druet, Ellis, Ellison, Ericson, Garst, Gilbertson, Harriman, Healy, Hipwell, Hobart, Hotchkiss, Kilburn, Junkin, Mitchell, Palmer, Penrose, Phelps, Ranck, Riggen, Rowen, Sargent, Trewin—31.

The nays were:

Senators Bell, Carroll, Downey, Everall, Funk, Gorrell, Henderson, Lothrop, Perrin, Pusey, Waterman, Young—12.

Absent or not voting:

Senators Eaton, Harper, Hospers, Hurst, Lehfeldt, Upton,
—6.

So the motion to reconsider prevailed.

The question then recurred on the amendment by Senator Ellis to chapter 9, which was as follows:

“Strike out all after the word ‘itself,’ in line 1, section 52, page 728, and insert in lieu thereof the following (change period to comma), ‘but shall not limit the argument in a case tried to a jury.’”

Senator Carroll offered the following substitute for the amendment to chapter 9, as presented by Senator Ellis: “but shall fix no limit in cases of felony and shall not limit the argument in other cases tried to a jury to less than three hours to each side.

On this the yeas and nays were demanded.

On the question, “Shall the substitute be adopted?” the yeas were:

Senators Alexander, Allyn, Bell, Bonson, Carroll, Downey, Everall, Ericson, Funk, Gorrell, Harriman, Henderson, Hotchkiss, Lothrop, Perrin, Pusey, Rigger, Sargent, Waterman, Young—20.

The nays were:

Senators Berry, Blanchard, Byers, Carney, Carpenter, Cheshire, Craig, Druet, Ellis, Ellison, Garst, Gilbertson, Healy, Hipwell, Hobart, Junkin, Kilburn, Mitchell, Penrose, Phelps, Ranck, Rowen, Trewin—23.

Absent or not voting:

Senators Eaton, Harper, Hospers, Hurst, Lehfeldt, Palmer, Upton—7.

The substitute was defeated.

Senator Garst moved that the time of adjournment be extended until this question is disposed of.

Carried.

Senator Trewin moved the previous question.

Carried.

On the question, “Shall the amendment to section 52, chapter 9, by Senator Ellis, be adopted?” the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Garst, Gilbertson, Harriman, Healy, Hipwell, Hobart, Junkin, Mitchell, Palmer, Penrose, Phelps, Ranck, Rikken, Rowen, Trewin—30.

The nays were:

Senators Carroll, Ericson, Everall, Funk, Gorrell, Henderson, Hotchkiss, Kilburn, Lothrop, Perrin, Pusey, Sargent, Waterman, Young—14.

Absent or not voting:

Senators Eaton, Harper, Hospers, Hurst, Lehfeldt, Upton—6.
So the amendment was adopted.

Geo. G. Kilburn, as committee clerk for the Committees on Labor, Mines and Mining and Public Buildings, appeared at the bar of the Senate and took the oath of office.

Josie G. Hotchkiss, as clerk for the Committee on Printing, appeared at the bar of the Senate and took the oath of office.

Senator Alexander moved to adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, February 5, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. N. G. Brown, Tiffin, Iowa.

PETITIONS AND MEMORIALS.

Senator Cheshire presented petition of M. C. Stavers and forty-five other citizens of Polk county for a 2-cent fare bill.

Referred to Committee on Railways.

Senator Everall presented petition of Fred Bergman and 160 others of Clayton county on same subject.

Referred to same committee.

Senator Alexander presented petition of C. Jennings and eighteen others of Springville on same subject.

Referred to same committee.

Senator Hotchkiss presented petition of S. A. Douglas and others of Dallas county on same subject.

Referred to same committee.

Senator Carney presented remonstrance of Rev. J. B. Albrook and 220 others of Marshall county against passage of a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Rowen certified statement of Amelia Goodrich relative to names of citizens of Dubuque county on petition against a manufacturing bill and asked that it be read.

President Parrott presented resolution of Domestic Local Building and Loan Association League of Iowa, and asked that it be read.

Referred to Committee on Building and Loan Associations.

Senator Ellis presented resolution of Farmers' Mutual Fire and Lightning Insurance companies of Clinton, Jackson and Scott counties, relative to mutual insurance companies.

Referred to Committee on Insurance.

Senator Mitchell presented petition of H. E. Westrope and 113 other citizens of Adams county against passage of manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Mitchell presented petition of J. S. Phillips and 130 other citizens of Taylor county on same subject.

Referred to same committee.

Senator Sargent presented petition of Geo. W. Walker and thirty-six other citizens of Grundy county favoring a 2-cent fare bill.

Referred to Committee on Railways.

Senator Cheshire presented petition of M. Graham and eighteen other citizens of Polk county asking for 2-cent fare.

Referred to Committee on Railways.

Senator Rowen presented petitions of S. J. Johnson and sixty-seven others of Hamilton county; E. L. Atherton and forty others of Wright county, and L. O. Bliss and ninety-seven others of Hardin county, favoring a 2-cent fare bill.

Referred to Committee on Railways.

On request of Senator Ranck, leave of absence was granted Senator Harper on account of sickness, for an indefinite term.

On request of Senator Perrin, leave of absence was granted Senator Bell.

On request of Senator Garst leave of absence was granted Senator Carpenter.

On request of Senator Carroll, leave of absence was granted Senator Berry.

On request of Senator Hipwell, leave of absence was granted Senator Hurst for an indefinite time on account of sickness.

REPORTS OF STANDING COMMITTEES.

Senator Penrose, from the Committee on Railways, submits the following report:

MR. PRESIDENT—Your committee on Railways, to whom was referred House file No. 33, a bill for an act to revise, amend and codify the statutes in relation to lost goods, 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 as follows:

Amend the caption so it will read "Chapter 5 (Title XII.), Of Lost Goods;" also amend by striking out all marginal and page figures, bracket and section references and underscoring.

And when so amended that the bill do pass.

E. G. PENROSE,
Chairman

Ordered passed on file.

Senator Palmer, from the Committee on Agriculture, submits the following report:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred House file No. 30, a bill for an act to revise, amend and codify the statutes in relation to domestic animals, 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 amendments be adopted, and after adopted, that the bill do pass:

Insert "chapter 3, (title 12)," immediately after the enacting clause.

Page 460, section 8, line 13, strike out remainder of section after the word "bond."

Page 463, section 32, line 4, strike out the words "and except that," change the comma at the same place to a period, and begin "the" with a capital letter.

Page 464, section 40, line 2, strike out the word "swift."

Page 465, section 40, line 6, strike out the word "swift."

Page 458, section 4, line 8, take out the comma after the word "erected" and insert a comma after the word "maintained."

Page 459.—Strike out all after the word "costs," in the sixth line of section 8, and substitute the following: "Notice of such appeal shall be given within five days and in the same manner as in appeals from a judgment of a justice of the peace. The appellant shall file an appeal bond within three days from the filing of the finding of the trustees, and when an appeal is thus taken by the claimant, the distrained stock shall be held for the satisfaction of such judgment as may be rendered on appeal, but the owner of said stock may release the same at any time, before judgment, by filing with the township clerk before the appeal is certified, or with the clerk of the district court thereafter, a bond with sufficient sureties to be approved by the clerk with whom filed, conditioned to pay all damages and cost recovered in said cause on appeal. The clerk receiving such bond shall file the same, and forthwith certify the fact to the person having charge of the distrained stock, who shall thereupon release the same to the owner. Where the owner appeals and files a bond, as herein provided, it shall operate as a supersedeas and the distrained stock shall be released to him. Within five days after the taking of the appeal, the township clerk shall make out a certified transcript of the record of the finding of the trustees, and file the same, together with the notice of appeal, if in writing, and the bond with the clerk of the district court."

D. J. PALMER,
Chairman.

Ordered passed on file.

Senator Ellis, from the Committee on Judiciary, submits the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 7, a bill for an act to revise, amend and codify the statutes in relation to the Judicial Department, 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 accompanying amendments be adopted, and when so adopted, the bill do pass:

Amend chapter 1, title 111, page 46, by adding after section 10, the following: "On and after the first day of January, 1899, the court shall appoint a supreme court reporter for a term not exceeding four years, who may be removed at the pleasure of the court."

Strike out all of sections 2 and 3 and substitute the following in lieu thereof:

Section 2. The salary of the clerk of the supreme court shall be twenty two hundred dollars per annum, and the salary of the deputy clerk of the supreme court shall be fifteen hundred dollars per annum. The clerk shall collect the following fees and account for them as provided in section 13, of chapter 9, of title II of this Code, and shall also keep account of and report in like manner all uncollected fees:

Upon filing each appeal, three dollars;

Upon entering judgment when the cause has been tried on its merits, two dollars;

Upon each continuance, one dollar;

Upon issuing each execution, one dollar and twenty-five cents;

Upon entering satisfaction of each judgment, fifty cents;

Upon each writ, rule or order to be served upon any person not in court, twenty-five cents;

For copying an opinion to be transmitted to an inferior court upon reversal of a judgment or an order, to be paid by the party against whom the costs are adjudged, or for a copy of such opinion, or any record made at the request of any person, for each hundred words, ten cents.

Section 3. If any of the foregoing fees of the clerk are not paid in advance, execution may issue therefor, except where the fees are payable by the county or the State.

Page 47, section 1, line 1, strike out the words: "Section 1. The Attorney General shall attend in person at the seat of government during the," and insert in lieu thereof the words; "Section 1. The office of the Attorney General shall be at the seat of government, and he shall attend at his office in person during the."

Page 47, section 2, lines 3 and 4, strike out the words, "county attorneys;" also, insert before the word "executive," in line 3, same section, the word "and;" also, insert the following words before "General Assembly," in fifth line, same section, "Governor preceding each;" also, add after the word "Assembly," in fifth line, same section, the words, "the condition of his office, opinions rendered and business transacted of public interest;" also, strike out the following words in fifth and sixth lines, same section, "when requested upon any business pertaining to his office."

Strike out section 4, chapter 3, page 48, and substitute the following:

Section 4. He shall be provided with an office in the capitol building. His salary shall be four thousand dollars per annum, as full compensation; and whenever he is required by the duties of his office, or by direction of the Governor or general assembly to attend any of the courts of this State, or any of the federal courts, or transact other business for the State, he shall receive his actual expenses when so engaged elsewhere than at the seat of government.

Section 5. He shall be supplied with a clerical assistant, whose annual salary shall not exceed twelve hundred dollars.

Strike out section 12, page 50, and substitute the following therefor:

"The supreme court reporter shall receive as full compensation for all services rendered, the sum of six hundred dollars for each volume of the reports completed by him in accordance with the provisions of this chapter, which sum shall be paid only after the publication of the volume and upon the certificate of the chief justice that he has properly performed his official duties."

Amend section 1, page 51, by striking out all after the word "provided" in the eighth line thereof and substituting the following:

First.—The district court of each county shall have original and exclusive jurisdiction to probate the will of, and to grant administration upon the estates of all persons who at the time of their death were residents of the county; and of non-residents of the State who die leaving property within the county subject to administration, or whose property is afterwards brought into the county.

Second.—To appoint guardians of the persons and property of all persons resident in the county subject to guardianship.

Third.—To appoint guardians of the property of all such persons non-residents of the State who have property within the county subject to guardianship, or whose property is afterwards brought into the county.

Fourth.—It shall have jurisdiction in all matters in relation to the appointment of executors and trustees, and the management and disposition of the property of, and settlement of such estates.

Provided, that where jurisdiction has heretofore been acquired the same shall be retained until such estate is closed.

Add to section 1, page 57, the following: "The district court shall succeed to, and exercise full authority, and jurisdiction over the records of the circuit court, and may enforce all judgments, decrees and orders thereof in the same manner and to the same extent as it may exercise like jurisdiction and authority over its own records, and for the purpose of the issuance of process, and of any and all other acts necessary to the due and efficient enforcement of the orders, judgments and decrees of the circuit court, the records thereof shall be deemed records of the district court. Transcripts and process from the judgments, decrees and records of the circuit court, shall be issued by the clerk of the district court, and under the seal of his office."

Amend section 3, page 51, by striking out the word "nineteen" in line 1 and substituting the word "twenty" therefor.

Substitute the word "county" for "counties" in line 2, section 3, page 51.

Insert the word "and" before the word "Washington" in 11th line page 51.

Strike out the words "and Des Moines," same line.

Strike out the word "Henry" in third line, same page.

Strike out the word "Marshall" in 19th line, page 52.

Amend line 31, page 52, by striking out the word "and" after the word "Tama" and inserting the words "and Marshall" after the word "Benton."

Strike out the word "one" and insert the word "two" therefor in same.

Add the letter "s" to the word "judge" at end of same line.

Add after the 33d line, page 52, the following words: "The twentieth district shall consist of the counties of Des Moines, Henry and Louisa and have two judges."

Substitute for line 34, page 52, section 3, the following:

"The district judge shall be a resident of the district in which he is elected and each judge shall hold office until the expiration of the term for which he has been heretofore elected. Each district judge hereafter elected, except to fill a vacancy, shall hold office four years and until his successor is elected and qualified. Each judge elected to fill a vacancy shall hold for the unexpired term and until his successor is elected and qualified."

Add after the word "o'clock," fourth line, section 10, page 53, the letters "p. m."

Strike out the words "other sufficient" in first line, section 11, page 53.

Substitute the word "shall" for "may" in first line, section 21, page 54.

Strike out the words "triable by indictment" in line 2, same section.

Strike out all after the word "case" in third line, same section, to and including word "causes" in fifth line, and insert the words "and perform all duties required of him on the trial, as provided by section 29 of chapter 9, of title 18."

Strike out from line 6, same section, the words "by first paying or securing to said reporter his fees;" also, substitute period for comma after the word "judge," in same line.

Page 55, section 26, sub-section 3, line 9, strike out the words "jurisdictional acts provided in the probate chapter of this Code" and insert in lieu thereof the words "acts within his jurisdiction, as provided for in this Code."

Add after the word "afterwards," line 3, section 27, page 55, the words, "unless upon good causes shown."

Add to section 28, page 56, the following: "No clerk, deputy or employe shall make or assist in making, drafting or filling out, any report of any administrator, executor, guardian, assignee, receiver, trustee, or any other report to be filed in his office."

Strike out word "six," in line 1, section 30, page 56, and insert the word "five" therefor.

Add at end of section 30, page 56, the following words: "The judge shall not order the attendance of the reporter except during that part of the term when in his judgment the reporting of testimony will be required. And he shall discharge said reporter from further attendance at each term as soon as in his judgment the reporting of further testimony will not be required at such time."

In section 1, page 56, strike out all after the word "provided," in line 3, and change comma to period.

Page 58, section 14, lines 4 and 5, strike out the words "No juryman shall be detained longer than one week, except upon a trial commenced within the first week of his attendance."

Page 58, strike out section 15, and insert in lieu thereof the following: "Section 15. In order to provide jurors for the superior courts the county auditor, clerk of the district court and recorder of the county in which any city having a superior court is located, shall meet at the court house on

the third Monday of February, April, June, August, October and December of each year, and proceed to draw, from the first box provided by section 11, chapter 11 of this title, and in the manner provided by this chapter, the names of fifteen persons to act as jurors in said superior court. The persons whose names are drawn at any drawing under the provisions hereof shall be subject to jury duty and constitute the regular panel of jurors in said superior court for the two calendar months commencing with the first day of the month next succeeding the drawing. A list of the names of the persons drawn at each drawing provided by this act shall be immediately made out and certified by the clerk of the district court, under his hand and seal, and such certified list, transmitted by mail to the recorder or clerk of the city in which said superior court is located, and a precept of said superior court shall issue, five days before the first day of each term of court, for the jurors constituting the panel for such term, under the provisions hereof, which precept shall be issued and served as provided by law in like cases in the district court." .

Page 59, section 16, lines 5 and 7, strike out the words, "if the judge shall deem proper he shall cause a special venire to issue for said extra jurors, or for any number not exceeding twenty-four, or he may order the marshal to complete the same from the bystanders," and insert in lieu thereof the words, "talesmen may be summoned on the order of the court by the marshal from the body of the county."

Page 63, section 9, line 1, insert after the word "by" and before the word "decree," the words "judgment or;" also, line 2, same section, strike out the word "by," after the word "or" and before the word "the," and insert in lieu thereof the word "of;" also, in same line, insert after the word "judgment" and before the word "will," the word "decree."

Strike out the forty-sixth, forty-seventh and forty-eighth lines on page 64 and insert the following in lieu thereof: "all of which fees shall be paid into the county treasury."

Strike out of the first line, section 11, the words "out of the fees collected by the clerk he may retain in," and insert in lieu thereof the following: "the clerk shall receive as."

Amend sixth line, page 65, after word "dollars," add words "to be paid by warrant drawn on county treasury, provided the salaries of the clerk and deputy shall in no case exceed the amount of fees collected."

Strike out words in same section, sixth line, beginning with "If" and ending with "treasury."

Page 66, section 2, line 2, strike out the words "civil officers of his;" also insert in same line after the word "county" and before the word "when," the word "officers."

Strike out all that part of line 2, of section 8, after the word "at" to "in counties" and insert the words, "any regular or special session of said board, and in case said board has failed or may hereafter fail or neglect to fix said salary, then the compensation as last fixed shall continue until changed by the board at a regular or special session thereof."

Page 67, section 8, line 8, insert after the word "dollars," and before the word "but," the words, "except that where the court is held at two places in a county it may be any sum not exceeding \$2,000."

Strike out chapter 11, pages 71, 72, 73, 74 and 75, and substitute therefor the following:

Section 1. All qualified electors of the State, of good moral character sound judgment, and in full possession of the senses of hearing and seeing, and who can speak, write and read the English language, are competent jurors in their respective counties.

Section 2. The following persons are exempt from liability to act as jurors: All persons holding office under the laws of the United States or this State; all practicing attorneys, physicians, registered pharmacists, and clergymen; all acting professors or teachers of any college, school, or other institution of learning, and all persons disabled by bodily infirmity, or over sixty-five years of age, active members of any fire company, and any person who is conscientiously opposed to acting as a juror because of his religious faith.

Section 3. Any person may also be excused from serving on a jury when his own interests or those of the public will be materially injured by his attendance, or when the state of his own health, or the death or sickness of a member of his family, requires his absence from court. Any person who knowingly makes any false affidavit, statement, or claim for the purpose of relieving himself from serving as a juror, or any person requests the judges of election to return his name as such juror, shall upon conviction, be punished by fine not exceeding one hundred dollars or by imprisonment in the county jail not more than thirty days, or the court may punish such person as for contempt.

Section 4. There shall annually be made lists from which to select persons to serve as grand and petit jurors and talesmen for the year, commencing on the first day of January following, as follows: Seventy-five persons in each county from which to select grand jurors; four hundred persons in each county having twenty thousand inhabitants or less, and eight hundred persons in counties having more than twenty thousand inhabitants, from which to select petit jurors; one hundred and fifty persons in counties having twenty thousand inhabitants or less, and three hundred persons in counties having more than twenty thousand inhabitants from which to select talesmen. The talesmen lists shall be made from names of persons who reside in the city or town in which the district court is held and the township or townships in which such city or town is located; but, if according to the last State or national census there be less than one thousand inhabitants in the territory from which talesmen are required to be drawn, such lists may include residents of another township next nearest to the court house. In counties where court is held in more than one place, the persons shall be selected from the qualified electors of the separate divisions of the county, giving to each division of the county the number of grand and petit jurors and talesmen it would be entitled to under this act, if it were a separate county.

Section 5. On or before the first Monday in September in each year the county auditor shall apportion the number of grand and petit jurors to be selected among the several election precincts and the talesmen among the precincts from which the same are to be drawn in each case as nearly as practicable in proportion to the number of votes polled in such precincts at the last general election.

Section 6. The auditor shall at the time of furnishing the poll-books to the judges of election, furnish them also a statement of the number of persons apportioned to their respective precincts to be returned for each of the said jury lists, together with the names of all persons who have served as grand or petit jurors since January first preceding, which latter names shall be furnished to him by the clerk of the district court. The judges shall thereupon make the requisite selection and return lists of names so selected to the auditor, with the returns of elections, and shall omit from said lists the names of all persons who have served as jurors since January first preceding but whose names have not been certified to the judges of election; and in case the judges of election shall fail to make and return said lists, as herein required, the board of supervisors shall, at the meeting held to canvass the votes polled in the county, make such lists for the delinquent precincts, and the auditor shall file such lists in his office, and cause a copy thereof to be recorded in the election-book. Such lists shall be composed only of persons competent and qualified to serve as jurors; and the judges of election or board of supervisors shall omit from said list the name of any person who has requested directly or indirectly that his name be returned thereon, or any person who has served as a grand or petit juror in a court of record since January first preceding. And if the name of any such person is returned the fact that he has requested to be so returned, or has served as such juror in a court of record during the preceding year, shall be a ground for challenge for cause. The members of the election board or the board of supervisors when certifying such list shall state that the lists do not contain the name of any person who requested directly or indirectly that his name appear thereon. *Provided*, if the boundaries of any voting precinct shall be changed it shall be the duty of the auditor in making the apportionment of grand and petit jurors and talesmen to assign to the new voting precincts the total number of grand and petit jurors and talesmen to which all the former precincts affected by the change were entitled, giving to each new precinct an equal number as nearly as possible.

Section 7. On or before the first Monday in December in each year the county auditor and clerk of the district court shall prepare from said lists separate ballots containing the names and places of residence of all persons so returned by the judges of election or board of supervisors, keeping the names of the several classes of jurors separate, and deposit in separate boxes the ballots of the grand jurors, petit jurors and talesmen as returned on said lists, which boxes shall be plainly marked, sealed and forthwith deposited with the clerk of the district court.

Section 8. Twelve persons shall be drawn from the grand jury list and shall constitute the panel from which to select grand jurors for one year; but no more than one person shall be drawn as a grand juror from any civil township except when there are less than twelve civil townships in the county, in which case not more than two persons shall be drawn from any one township. No person shall be summoned or serve as grand juror for two consecutive years. If more persons are drawn from any civil township than is hereby authorized, or any person is drawn who has served the preceding year as grand juror, it is the duty of the officers

drawing such grand jury to reject all such names so drawn, and to proceed with the drawing until the required number of jurors shall be secured.

Section 9. The names of the twelve persons constituting the panel of the grand jury shall on the second day of each term of court unless otherwise ordered by the court or judge be placed by the clerk in a box and after thoroughly mixing the same he shall draw therefrom seven names; and the persons so drawn shall constitute the grand jury for that term. Should any of the persons so drawn be excused or fail to attend on said second day of the court the clerk shall draw other names until the seven grand jurors are secured.

Section 10. Petit jurors shall be drawn from the petit jury lists for each term but no person shall be required to attend as a petit juror more than one term in the same year. But this exemption shall not apply to talesmen.

Section 11. At least twenty days prior to the first day of each term at which a grand or petit jury is required to be selected, the county auditor, clerk of the district court, and recorder shall meet at the court house and proceed to draw the grand and petit jurors as provided herein. The ballots when placed in their respective boxes from which the drawings are to be made shall be uniform in size and paper, and be so folded as to conceal the names on the ballots, and the boxes shall be arranged with only an aperture to insert the hand, and at the time of the drawing the boxes shall be thoroughly shaken in the presence of the officers attending the drawing and the seal on the aperture broken in their presence, and one of said officers shall then, without looking at the ballots, draw one from the appropriate petit jury or grand jury box, as the case may be, and pass it to one of the other officers attending the drawing, who shall open it, and the name thereon shall be read aloud by him and taken down; then another ballot shall be drawn and opened in the same manner until the whole number of jurors required shall be drawn for each class, when the boxes shall again be sealed up and returned to the clerk of the district court, who shall immediately issue his precept to the sheriff of the county, commanding him to summon the persons so drawn to appear at the court house at the time designated in such precept, or if the court shall determine that either the grand or petit jurors have been illegally drawn, selected or summoned the court may set aside the precept under which they were summoned, and direct a sufficient number drawn and summoned in the manner above provided; the drawing may proceed forthwith, and the jurors so drawn be required to appear immediately, or at such time as the court may fix.

Section 12. The sheriff shall immediately obey such precept, and on or before the day for the appearance of said jurors must make return thereof, and on a failure to do so without sufficient cause may be punished for contempt.

Section 13. Except when required at a special term the twelve persons from which the grand jury is to be empanelled need not be summoned after the first term, but must appear at each succeeding term during the year without summons, under the same penalty as though they had been summoned.

Section 14. Unless the court or judge otherwise orders, jurors shall be summoned to appear at each place where court is to be held, at 10 o'clock A. M. of the second day of the term, at which time they shall be called and all excuses shall be heard and determined by the court, but the empanelling of the grand or petit juries may be postponed to a subsequent day by order of the court or judge. If any person summoned fail to appear without sending a sufficient excuse, the court may issue an order requiring him to appear and show cause why he should not be punished for contempt, and unless he render a sufficient excuse for such failure he may be punished for contempt.

Section 15. The grand jury shall be composed of seven members. The petit jurors, in counties containing a population of less than fifteen thousand shall be fifteen in number, unless the court or judge otherwise orders. In counties having fifteen thousand or over, the number shall be twenty-four, unless the court or judge otherwise orders. When a single county constitutes a district, the court may increase the number not to exceed seventy-two.

Section 16. Should the number of petit jurors summoned fail to appear, or be excused as provided in this chapter, the requisite number shall be drawn in the same manner as the original panel, and the persons so drawn shall be forthwith summoned to appear and serve as jurors during the term. Persons so drawn shall have the right to present excuses as provided for the original panel. The court or judge thereof, either before or during the term, may order as many additional jurors drawn for the term, or for the trial of any particular case, as may be deemed necessary, which drawing shall be in the same manner as for the original and regular panel, so far as applicable.

Section 17. If in the judgment of the court the business of the term does not require the attendance of all the petit jurors, such number as the court deems proper may be discharged. Should it afterwards appear that a jury is required, the court may direct them to be re-summoned.

Section 18. If upon the trial of any cause the court shall determine that is probable talesmen will be needed to complete the jury or if the regular panel has been exhausted, the clerk shall, in the presence of the court, draw such number of names as court may order from the talesman box to complete the jury. In drawing such names the clerk, when the court directs, shall reject those known to be unable to serve or absent from the territory from which drawn and proceed until the required number is secured. The persons whose names are so drawn, or as many thereof as may be found within the territory from which talesmen are selected, shall be immediately summoned by the sheriff to appear forthwith, and the jury shall be completed from the persons so summoned and appearing. The names of jurors so drawn and who serve shall be placed in a safe receptacle from time to time until all the ballots are drawn from the talesmen box when such ballots shall be returned to the said box to be drawn in like manner as before; when the parties to the cause by agreement entered of record, waive the drawing of talesmen as above provided the court may direct the sheriff to summon such talesmen from the body of the county.

Section 19. All ballots drawn when the persons do not appear or do not serve (except when permanent disability or exemption is shown) shall

be returned to the respective boxes from which drawn, but the ballots of the petit jurors, except talesmen, so drawn who appear and serve for any term shall be destroyed.

Section 20. When a city or town is party to a suit the talesmen shall not be drawn therefrom, but in such cases the court shall order a special venire or may order the talesmen drawn from the petit jury box.

Section 21. Any officer whose duty it is to perform any of the services in this chapter mentioned, who shall intentionally fail to perform them as required by law, or who shall act corruptly in the discharge of such duties or any of them shall be deemed guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail not less than six months nor more than one year.

Section 22. At the close of each term of the district court, the clerk shall make out a certificate to each juror of the amount to which he is entitled for his services, and on the presentation of such certificate the county auditor shall issue to each juror a warrant for the said amount on the county treasurer without the same being audited by the board of supervisors.

Page 79, line 3, section 1, chapter 13, change "1897" to "1900."

Make same change in sixth line, same section.

Amend further by striking out all figures prefixed to lines throughout the title; all figures referring to McLain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also all reference words and characters wherever they occur at end of sections.

L. A. ELLIS,
Chairman.

Ordered passed on file.

The Journal of Thursday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 4.

Senator Ellis moved to amend chapter 12, by striking out the following words in lines 4 and 5, section 1, page 743: "in all cases where there are conflicting liens including attachments and executions on the property involved in the action."

Adopted.

Senator Ellis moved to amend chapter 12, by striking out chapter 5.

Adopted.

Senator Ellis moved to amend chapter 12 by striking out all after the word "determination" in section 4 to the end of the section.

Adopted.

Senator Ellis moved to amend chapter 14 by striking out the word "directed," line 1, section 9, and substitute the word "authorized."

Adopted.

Senator Ellis moved to amend chapter 16, section 17, by striking out the words "return day" in sixth line, section 17, and insert in lieu thereof the words "the second day of the term." Strike out the word "return" at end of sixth line, same section, and insert in lieu thereof the word "first."

Adopted.

Senator Ellis moved to amend chapter 16, section 23, by striking out section 23, and substituting therefor the following: "In all cases the costs of making a translation of the shorthand reporter's notes to be used on appeal in the supreme court, or so much thereof as shall be necessary on appeal, shall be paid by the losing party, on such appeal, except in case of modification and affirmance, the supreme court may make equitable apportionment of such costs."

Adopted.

Senator Ellis moved to amend the bill by striking out all figures referring to McClain's Code, marginal references numbers, page numbers and figures at the end of sections and all underscoring.

Adopted.

Senator Ellis moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Blanchard, Bonson, Byers, Carney, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Waterman, Young—40.

The nays were:

None.

Absent or not voting:

Senators Bell, Berry, Carpenter, Funk, Harper, Hipwell, Hospers, Hurst, Lehfeldt, Upton—10.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House file No. 83, a bill for an act to revise, amend and codify the statutes in relation to justices of the peace and other courts.

Also:

House file No. 58, a bill for an act to revise, amend and codify the statutes in relation to the Industrial Home for the Blind.

Also:

House file No. 67, a bill for an act to revise, amend and codify the statutes in relation to weights, measures and inspection.

JAS. D. ROWEN,
Chief Clerk.

BILLS ON THIRD READING.

On motion of Senator Trewin, Senate file No. 43, a bill to revise, amend and codify the statutes in relation to the domestic relations, with report of committee recommending certain amendments was taken up, considered and the report of the committee adopted.

Senator Trewin moved to amend section 2, chapter 2, by striking out all of lines 4 and 5.

Adopted.

Senator Trewin moved to amend section 10, chapter 2, by striking out all after the word unmarried, in line 3, to the end of the section.

Adopted.

Senator Trewin moved to amend section 15, chapter 2, by striking out the word "the" in line 5, after the word "in" and before the word "real" and insert in lieu thereof the word "said;" also, strike out of lines 5 and 6, the same section, the words "of the petitioner described in the petition;" insert a period after the word "estate."

Adopted.

Senator Trewin moved to amend section 16, chapter 2, by inserting after the word "any" in line 5, and before the word "defense" the words "legal or equitable;" also, strike out in lines 5 and 6, the words "which ought to be done in the same manner defenses may be made by those who are sane."

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Trewin moved to amend section 2, chapter 3, line 6, by striking out the words "and that the petitioner is now and expects to remain a resident thereof."

Adopted.

Senator Trewin moved to amend section 4, chapter 3, by striking out of subdivision 6, lines 9 and 10.

Adopted.

Senator Trewin moved to amend section 18, chapter 5, line 2, after the word "court" and before the word "the," by adding the words "or judge;" also, add words "or judge" at end of section 18.

Adopted.

Senator Trewin moved to amend chapter 5, section 34, by striking out section 34 and insert the following in lieu thereof: "Section 34. Whenever the sale or mortgage of the real estate of such ward is necessary for his support, or for the support of his family, or the payment of his debts, or will be for the interest of the estate or his children, the guardian may sell or mortgage the same under like proceedings as required by law to authorize the sale of real estate by the guardian of the minor. The court shall, if necessary, set off to the wife and children under fifteen years of age of the insane person or to either, sufficient of his property of such kind as it shall deem appropriate, to support them for twelve months from the time he was adjudged insane."

Adopted.

Senator Trewin moved to amend section 35, chapter 5, line 2, by inserting after the word "the" and before the word "contracts" the word "real;" also, line 4, same section, insert after the word "the" and before the word "contracts" the word "real."

Adopted.

Senator Trewin moved to amend chapter 5, as follows: strike out sections 38 and 39.

Adopted.

Senator Trewin moved to amend section 18, chapter 6, by inserting the word "manifestly" before the word "true" in line 4 and insert the words "and may if expedient also" before the "direct" in fourth line.

Adopted.

Senator Trewin moved to amend chapter 7 by striking out section 6.

Adopted.

Senator Trewin moved to amend chapter 1, of the bill by adding as section 10, the following: "Section 10. The provisions of this chapter so far as they relate to procuring licenses and to the solemnizing of marriages, are not applicable to members of any particular denomination having as such any peculiar mode of entering the marriage relation."

Adopted.

Senator Trewin moved to amend chapter 1 by renumbering the sections.

Adopted.

Senator Trewin moved that the marginal numbers, reference numbers and page numbers be stricken out.

Carried.

Senator Young moved to amend chapter 6, section 18, by inserting in line 4 after the word "child" the following words: "or where minor children have been abandoned by their parents," and also insert after the word "majority," line 5, the words "or appoint a guardian for such child."

Senator Carroll moved that the time of adjournment be extended until a vote is taken on Senate file No. 43.

Carried.

Senator Trewin moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Blanchard, Bonson, Byers, Carney, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harri-man, Healy, Henderson, Hipwell, Hobart, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Rowen, Sargent, Trewin Waterman, Young—41.

The nays were:

None.

Absent or not voting:

Senators Bell, Berry, Carpenter, Druet, Harper, Hospers, Hurst, Lehfeldt, Upton—9.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

The Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, February 6, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by the Rev. Joseph A. Williams of Des Moines.

PETITIONS AND MEMORIALS.

Senator Hipwell presented petition of citizens of Scott county, in regard to passage of 2-cent mile bill.

Referred to Committee on Railways.

Senator Gilbertson presented petition of citizens of Winnebago county, on same subject.

Referred to same committee.

Senator Everall presented remonstrance of J. E. Corlett, of Clayton County Agricultural society, and forty others, against reducing State appropriations to county fairs.

Referred to Committee on Agriculture.

Senator Eaton presented petition of C. E. Flusbach and other citizens of Page county, on 2-cent fare bill.

Referred to Committee on Railways.

Senator Palmer presented petition of L. E. Edmundson and thirty other citizens of Kalona, Washington county, on 2-cent fare bill.

Referred to Committee on Railways.

Senator Hotchkiss presented remonstrance of Farmers' Alliance of Guthrie county, against compelling assessments of property at full value.

Referred to Committee on Ways and Means.

Senator Byers presented petition of Webb Hultz and twenty-two other citizens of Chariton, asking for 2-cent mileage.

Referred to Committee on Railways.

Senator Young presented petition of L. A. Starkweather and eighteen other citizens of Buchanan county on same subject.

Referred to Committee on Railways.

Senator Pusey presented petition of Arthur Pickering and eighteen others, against any change in law governing printing and binding.

Referred to Committee on Printing.

Senator Waterman presented petition of sixty-five citizens of Wappello county, against any change in mutual insurance laws.

Referred to Committee on Insurance.

On request of Senator Penrose, leave of absence was granted Senator Craig.

On request of Senator Ellison, leave of absence was granted Senator Ellis.

On request of Senator Gilbertson, leave of absence was granted Senator Rikken.

On request of Senator Perrin, leave of absence was granted Senator Bell.

REPORTS OF STANDING COMMITTEES.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 63, a bill for an act to revise, amend and codify the statutes in relation to tender, 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 as follows:

Strike out the word "and," in first line, section 4, after "gold," and insert in lieu thereof the word "or."

Strike out "its," second line, same section, and insert after "authority," same line, the words, "United States."

Amend further by striking out all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at end of sections.

And when so amended the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 75, a bill for an act to revise, amend and codify the statutes in relation to limited partnerships, 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 as follows:

Strike out all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at end of sections.

And when so amended the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 65, a bill for an act to revise, amend and codify the statutes in relation to limited partnerships, 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 indefinitely postponed for the reason that House file No. 75, on the same subject, has been recommended for amendment and passed.

L. A. ELLIS,
Chairman.

Report of committee adopted.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No 64, a bill for an act to revise, amend and codify the statutes in relation to assignment for creditors, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed for the reason that House file No. 73, on the same subject, has been recommended for passage.

L. A. ELLIS,
Chairman.

Report of committee adopted.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 67, a bill for an act to revise, amend and codify the statutes in relation to private seals, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed for the reason that House file No. 72, on the same subject, has been amended and recommended for passage.

L. A. ELLIS,
Chairman.

Report of committee adopted.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 72, a bill for an act to revise, amend and codify the statutes in relation to private seals, 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 all of figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and acts wherever they occur at end of sections.

And when so amended that the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 68, a bill for an act to revise, amend and codify the statutes in relation to weights, measures and inspection, beg leave to report that they have 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 all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at end of sections. •

And when so amended the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 68, a bill for an act to revise, amend and codify the statutes in relation to money of account and interest, 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 as follows:

Insert figure 2 after word chapter in heading.

Amend further by striking out all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at end of sections.

And when so amended the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 73, a bill for an act to revise, amend and codify the statutes in relation to assignments for creditors, 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 as follows:

Strike out the words "one-half" in first line, section 15, page 634, and substitute "two-thirds."

Strike out in same line the words "and two-thirds" and insert the word "and" instead.

Strike out section 17, page 635.

L. A. ELLIS.
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 69, a bill for an act to revise, amend and codify the statutes in relation to money of accounts and interest, 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 indefinitely postponed for the reason that House file No. 68 on the same subject has been recommended for amendment and passage.

L. A. ELLIS,
Chairman.

Report of committee adopted.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 7, a bill for an act to revise, amend and codify the statutes in relation to the Judicial Department, beg leave to report that they have had the same under consideration and have instructed me to report that the accompanying amendments adopted by the committee were omitted in the former report on this bill. The committee therefore submit them and recommend their adoption.

Page 76, section 4, line 1, strike out the words "by this Code" after the word "for" and before the word "must" and insert in lieu thereof the words "or authorized by law;" also, in line 3, same section, insert after the word "secured" the words "except as otherwise provided by law."

Page 76, section 5, line 1, strike out the words "by this Code" after the word "for" and before the word "shall" and insert in lieu the words "or authorized by law."

Page 75, section 5, line 5, add at the end of the section the following words: "any company engaged in the business of becoming surety upon bonds shall file with the clerk of any county in which it shall do business, a certificate from the State Auditor that it has complied with the law, and is authorized to do business in this State, and should said authority be withdrawn at any time the State Auditor shall at once notify the clerk of each district court to that effect. The clerk shall keep a book properly indexed in which shall be recorded all such certificates and revocations."

Page 76, strike out all of section 6 and insert in lieu thereof the following:

Section 6. Whenever any person who now or hereafter may be required or permitted by law to give a bond, applies for the approval thereof, any officer or body who is now or shall hereafter be required to approve the sufficiency of such bond, may, in his discretion, in lieu of the sureties or securities required by law, accept and approve the same, whenever its conditions are guaranteed by a company or corporation duly organized or incorporated within this State, or authorized to do business therein,

and to guaranty the fidelity of persons holding positions of public or private trust, or secure any bond above referred to, and which company shall have an unimpaired paid up capital of not less than \$150,000. Except that local corporations organized under the laws of this State with a paid up unimpaired cash capital of not less than \$50,000 may be accepted as surety on such bonds. The certificates of the State Auditor to the effect that such company has complied with the requirements of this chapter and has such paid up capital shall be sufficient evidence to authorize the officer or body having the approval of the same, to accept and approve it; but nothing herein contained shall apply to bonds in criminal cases.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Senator Ellison, from the Committee on Commerce, submits the following report:

MR. PRESIDENT—Your Committee on Commerce, to whom was referred House file No. 39, a bill for an act to revise, amend, and codify the statutes in relation to the inspection of passenger boats, 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 same be amended as follows:

Strike out figures numbering each line, the figures at ends of sections referring to McLain's Code, and to Acts of the General Assembly, and all underscorings.

And when so amended that it do pass and be substituted for Senate file No. 34.

F. O. ELLISON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Commerce, to whom was referred House file No. 22, a bill for an act to revise, amend and codify the statutes in relation to taking private property for works of internal improvement, 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:

Page 381, section 6, line 4, strike out the word "five" after the word "party," and in lieu thereof insert the word "ten;" also, in same line after the word "writing" insert the words, "if a resident of this State."

Page 381, section 8, line 1, strike out the words "the county in which the same are situated" and insert in lieu thereof the words, "this State."

Page 382, section 13, line 2, after the word "appeal" insert the words "including reasonable attorney fees to be taxed by the court."

Page 382, section 17, line 4, at the end of section add the following: "Should the corporation decline to take the property and pay the damages awarded on final determination of the appeal then it shall pay, in addition to the costs and damages actually suffered by the land owner, reasonable attorneys' fees to be taxed by the courts."

Strike out figures numbering each line, the figures at the end of sections referring to McClain's Code and to Acts of the Twenty-fourth and Twenty-fifth General Assembly and all underscorings.

And that the title and enacting clause be stricken out and the following be inserted in lieu thereof:

A bill for an act to revise, amend and codify the statutes in relation to taking private property for works of internal improvement.

Be it enacted by the General Assembly of the State of Iowa.
Chapter 4 (of title X).

F. O. ELLISON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Commerce, to whom was referred Senate file No. 21, a bill for an act to revise, amend and codify the statutes in relation to taking private property for works of internal improvement, 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 same be indefinitely postponed for the reason that House file No. 22, as reported by this committee, covers the same subject.

F. O. ELLISON,
Chairman.

Report of committee adopted.

Senator Carney, from the Committee on Elections, submits the following report:

MR. PRESIDENT—Your Committee on Elections, to whom was referred Senate file No. 41, a bill for an act to revise, amend and codify the statutes in relation to regents and trustees of State institutions, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be amended as follows, and when so amended that it do pass:

Strike out all the marginal figures, references and underscoring.

Section 1, line 3, add "all of whom shall not be of the same political party."

Line 7, strike out the words "Industrial Home for the Blind."

Line 8, after the word "insane" insert the word "and." Strike out the words "and the Soldiers' Home six." Insert before the word "trustee" the word "five."

Line 10, insert after the words "the Orphans' Home" the words "the Industrial Home for the Blind."

Line 11, add, "for the Soldiers' Home five trustees to be appointed by the Governor by and with the consent of the Senate, who shall hold office for the term of six years."

Page 530, section 6, line 1, strike out the word "county," and insert in place thereof the words, "congressional district."

Section 8, line 3, change the period to a comma and add the words, "except appropriations already made for the erection of buildings now in the course of construction and under contract as provided by law."

Section 11, lines 2 and 3, strike out the words, "traveling expenses" and insert in place thereof the word "mileage."

Section 12, line 1, strike out the words "traveling expenses" and insert in place thereof the word "mileage."

Strike out the word "verify" and insert after the word "itemized" "and certified to by the president and secretary and approved by the board."

J. L. CARNEY,

Chairman.

Ordered passed on file.

Senator Trewin, from the Committee on Code Revision, presented the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred Senate file No. 78, a bill for an act to revise, amend and codify the statutes in relation to procedure to reverse, vacate, or modify judgments, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the following amendments:

Strike out all marginal numbers, reference numbers at end of sections, marginal lines and page numbers.

Page 785, section 1, line 3, insert before the word "modify" the words "vacate or."

Page 785, section 1, line 13, strike out the word "maturity" and insert in lieu of the same the word "majority."

Page 786, section 5, line 4, strike out the words, "but there shall be no changes of place of trial unless a new trial is granted," and add at the end of the section the following: "and the issue shall be tried by the court."

Page 786, section 9, line 1, strike out the words "a new" and insert the word "an."

Page 787, chapter 2, section 2, subsection 3, amend by adding after the word "grant," in the seventh line, the words "or refuses;" and also amend by adding at the end of the subsection 3, the words, "or sustains or overrules a demurrer."

Page 787, section 8, line 3, strike out the word "appellant" and insert in lieu of the same the word "supreme."

Page 787, section 8, line 5, amend by striking out the words, "shorthand reporter or."

Page 787, section 11, lines 4 and 5, amend by striking out the words "within three days after the rendition of such judgment" and insert in lieu thereof these words: "during the term at which the judgment was rendered;" also, same section, strike out all of the section after the word "involved" in seventh line.

Page 790, section 33, line 2, amend by striking out the word "upon," and also strike out lines 3, 4, 5 and 6 down to the word "pending" and insert in lieu thereof the words: "apply to the district court or judge thereof, who shall fix the amount and conditions of the bond and approve the same."

Page 791, section 34, line 2, strike out the word "thereof" and insert in lieu of the same "of either court."

Page 791, section 40, line 3, insert after the word "assign" the words "unless otherwise directed by the court or the judges thereof."

Page 792, section 49, line 2, add after the word "order" the words "until after the final decision on the rehearing."

Amend section 50 by substituting the following:

Section 50. Written notice of intention to petition for a rehearing shall be served on the opposite party or his attorney and the clerk of the supreme court within thirty days after the filing of the opinion. Such petition shall be printed and with proof of service thereof on the opposite party or his attorney shall be filed with said clerk within sixty days after the opinion is filed, and may be made the argument or a brief of authorities relied upon for a rehearing. The adverse party may file a printed argument in response. If the party applying for a rehearing shall give notice of oral argument in his petition, then both parties shall be entitled to be heard orally, unless the party giving notice waives oral argument.'

Your committee recommends that when so amended the bill do pass.

J. H. TREWIN,
Chairman pro tem.

Senator Carroll from the special Committee to visit the Institution for Feeble Minded, at Glenwood, presented report.

REPORT OF SPECIAL COMMITTEE.

To the Honorable Members of the Twenty-sixth General Assembly, in Extra Session:

Your committee appointed to visit the Institution of the Feeble Minded at Glenwood and secure information with reference to the rebuilding of that part of said institution which was destroyed by fire, beg leave to submit the following report:

First.—We found that on the night of August 29, 1896, during an electrical storm, lightning struck the part of said institution known as the "administrative building," setting fire to the same in several different places, and resulting in the destruction of said building. The administrative building thus destroyed consisted of four parts, known as the "north and east and south and west extensions."

Second.—To provide for the immediate and preliminary aid of the institution in its distress and commence the reconstruction of the destroyed portions, the Executive Council made an allowance of \$40,000. From this allowance we found that the walls and roof of the south and west extensions have been rebuilt and enclosed and a portion of the interior finished, which work has consumed all but \$2,467.10 of the said \$40,000, which amount is now on hand and available for use.

Third.—We find from careful estimates that to complete and furnish the south and west extensions ready for occupancy will require an appropriation at the hands of this Assembly of \$17,900, of which amount \$11,900 will be required for finishing and \$6,000 for furnishing the same.

Fourth.—We found that the north and east extensions of said building must yet be entirely rebuilt, with the possible exception of a part of the foundation, and that practically none of the old material can be utilized in the construction of the same. From the estimates furnished your committee by the architect and a careful consideration of all the items necessary to rebuild these extensions, we respectfully recommend an appropriation of \$43,000; and for furnishing same properly, for dynamos, electric wiring, engine, hose and hydrant, and renewing water mains, \$12,000.

Your committee recommends that the above appropriation, aggregating \$72,900, be made by this Assembly and available as follows: \$17,900 (for the completion of work now in progress) immediately; \$55,000 (for

rebuilding and refitting the north and east extensions) not later than June 1, 1897.

B. F. CARROLL,
Committee for Senate.
A. L. WOOD,
GEO. BAKER,
Committee for House.

DES MOINES, Iowa, February 6, 1897.

HOUSE MESSAGES.

House file No. 58, a bill for an act to revise, amend and codify the statutes in relation to the Industrial Home for the Blind, was read first and second time and referred to Committee on Charitable Institutions.

House file No. 83, a bill for an act to revise, amend and codify the statutes in relation to justices of the peace and other courts, was read first and second time and referred to Committee on Code Revision.

House file No. 67, a bill for an act to revise, amend and codify the statutes in relation to weights, measures and inspection, was read first and second time and referred to Committee on Code Revision.

The Journal of Friday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

Senator Palmer called up the motion to reconsider the vote by which Senate file No. 23 was passed and moved to reconsider the vote by which the bill was passed.

Carried.

Senator Palmer moved that the vote by which Senate file No. 23 was ordered to a third reading be reconsidered.

Carried.

Senator Palmer moved to substitute House file No. 30 for Senate file No. 23.

Carried.

On motion of Senator Palmer, House file No. 30, a bill for an act to revise, amend and codify the statutes in relation to domestic animals, with report of committee recommending certain amendments was taken up, considered, and the report of the committee adopted.

Senator Overall moved that the bill be taken up section by section.

Carried.

Senator Palmer moved to amend chapter 3, section 4, line 8, by striking out comma after the word "erected" and insert comma after the word "maintained."

Adopted.

Senator Palmer moved to amend section 8, chapter 8, as follows:

Strike out all after the word "costs," in the sixth line of section 8, and substitute the following: "Notice of such appeal shall be given within five days and in the same manner as in appeals from a judgment of a justice of the peace. The appellant shall file an appeal bond within three days from the filing of the finding of the trustees, and when an appeal is thus taken by the claimant, the distrained stock shall be held for the satisfaction of such judgment as may be rendered on appeal, but the owner of said stock may release the same at any time, before judgment, by filing with the township clerk before the appeal is certified, or with the clerk of the district court thereafter, a bond with sufficient sureties to be approved by the clerk with whom filed, conditioned to pay all damages and cost recovered in said cause on appeal. The clerk receiving such bond shall file the same, and forthwith certify the fact to the person having charge of the distrained stock, who shall thereupon release the same to the owner. Where the owner appeals and files a bond, as herein provided, it shall operate as a supersedeas and the distrained stock shall be released to him. Within five days after the taking of the appeal, the township clerk shall make out a certified transcript of the record of the finding of the trustees, and file the same, together with the notice of appeal, if in writing, and the bond with the clerk of the district court."

Adopted.

Senator Trewin moved that the vote by which substitute for a part of section 8 was adopted be reconsidered.

Carried.

Senator Harriman moved to amend the substitute as follows: Insert after the word "stock," in sixth, eighth, fourteenth and sixteenth lines, the words "or animals."

Adopted.

Senator Everall moved to amend the substitute as follows: Insert in fifth line, after the word "day," the words "Sunday not included."

The substitute as amended was adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Palmer moved to amend chapter 3, section 32, by striking out of line 4, the words "and except that;" change the comma to a period and begin the word "the" with a capital letter.

Adopted.

Senator Palmer moved to amend chapter 3, section 40, by striking out the word "swift" in lines 2 and 6.

Senator Harriman moved to amend chapter 3, section 5, by inserting in lines 1 and 3, after the word "stock," the words "or animals."

Adopted.

Senator Harriman moved to amend chapter 3, section 6, by inserting in line 1, after the word "stock," the words "or animals."

Senator Cheshire moved to amend section 41, chapter 3, by striking out all after the word "each" in line 4 and inserting in lieu thereof the words "stallion, jack, bull, one dollar; for distraining each boar or buck fifty cents."

Adopted.

Senator Palmer moved that all reference figures, marginal figures and underscoring be stricken from the bill.

Carried.

Senator Kilburn moved to amend section 41, chapter 3, line 7, by inserting after the word "stock" the words "named in section 2 of this chapter."

Adopted.

Senator Palmer moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Bonson, Byers, Carroll, Cheshire, Downey, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rowen, Sargent, Trewin, Waterman, Young—38.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Carney, Carpenter, Craig, Druet, Ellis, Harper, Hurst, Lehfeldt, Riggen, Upton—12.

The bill having received a constitutional majority, was declared to have passed the Senate and the title 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 has passed the following bill, in which the concurrence of the Senate is asked:

House file No. 43, a bill for an act to revise, amend and codify the statutes in relation to State Board of Health.

JAMES D. ROWEN,
Chief Clerk.

Passed on file.

BILLS ON THIRD READING.

On motion of Senator Trewin, Senate file No. 50, a bill for an act to revise, amend and codify the statutes in relation to the Educational Board of Examiners, with report of committee recommending certain amendments, was taken up, considered and the report of the committee adopted.

Senator Trewin moved to amend the bill by striking out of chapter 2 all of section 2 after the word "require" in line 13. Add section 3 as follows: "Section 3. It may also issue such certificates to graduates of any state normal school in the State possessed of like qualifications upon proof of thirty-six weeks' successful experience in teaching, and a diploma when five years' such experience is shown. It may also, at discretion, issue a certificate or a diploma to anyone holding a diploma issued by a state normal school, or a certificate issued by a state superintendent or a state board of education of any other state when the same is in all respects of as high a grade as the corresponding certificate or diploma issued in Iowa, upon proof of experience as herein provided. It may also issue a certificate to any primary school teacher in the State of sufficient experience, and who shall pass such examination as the board may designate in branches and methods which pertain especially to that kind of work. Such certificate shall be known as a primary teachers' certificate and shall not be valid as a teachers' certificate for any other department. It shall keep a complete register of all persons to whom certificates or diplomas are issued."

Adopted.

Senator Trewin moved to amend chapter 2, by striking out section 3 and insert the following: "Section 4. A State certificate shall authorize the holder to teach in any public school in the State for five years thereafter and a diploma shall confer such authority for life, but any certificate or diploma may be revoked by the board for sufficient cause, or such cause as would, if known at the time, have prevented issuance thereof, provided the holder of such certificate or diploma shall have due notice and shall be allowed to be present and make his

defense. For each certificate issued the applicant shall pay \$3 and for each diploma \$5, which may be required before the examination is commenced; if the applicant fails in the examination, and the fees have been advanced, one-half of the sum shall be returned, all money obtained from this source to be paid into the State treasury." Change numbers of sections 4, 5 and 6, to 5, 6 and 7.

Adopted.

Senator Trewin moved to strike out all reference numbers and marginal figures and figures at the end of sections.

Carried.

Senator Trewin moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Bonson, Byers, Carroll, Cheshire, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Ranck, Rowen, Sargent, Trewin, Waterman, Young—38.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Carney, Carpenter, Craig, Ellis, Harper, Hurst, Lehfeldt, Pusey, Riggen, Upton—12.

The bill having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senator Gilbertson moved to take up House messages.

Carried.

HOUSE MESSAGES.

Senate file No. 43, a bill for an act to revise, amend and codify the statutes in relation to domestic relations was passed on file.

BILLS ON THIRD READING.

On motion of Senator Trewin, Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent, with report of committee recommending certain amendments, was taken up, considered and the report of the committee adopted.

Senator Trewin moved to amend section 2, chapter 13, by inserting after the word "last" the words "Friday and," and add at the end of section "and add to said section 2, the following: 'Such examination shall be held at the county seat in a suitable room which shall be provided for that purpose by the board of supervisors. Special examinations may be held elsewhere in the county at the discretion of the county superintendent. Any school officer or other person may be present at any examination.'"

Adopted.

Senator Trewin moved to amend section 3, chapter 13, by striking out lines 1, 2 and 3, to the word "such."

Adopted.

Senator Trewin moved to amend section 4, chapter 13, line 4, by inserting after the word "year" the following: "But to applicants passing an examination in the following additional branches; didactics, elementary algebra, the elements of physics, civil government of Iowa and elementary economics, a certificate shall issue for a term not to exceed two years, upon proof of thirty-six weeks' successful experience in teaching."

Adopted.

President Parrott presiding.

Senator Trewin moved to amend section 6, line 8, by inserting after the word "report," the words, "as provided by law."

Adopted.

Senator Trewin moved to amend section 6, line 9, by inserting the word "to" before the word "be."

Adopted.

Senator Trewin moved that all marginal figures, reference figures and underscoring be stricken out.

Carried.

Senator Trewin moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Bonson, Byers, Carroll, Cheshire, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Rowen, Sargent, Trewin, Waterman, Young—37.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Carney, Carpenter, Craig, Ellis, Harper, Hurst, Lehfelddt, Pusey, Ranck, Riggen, Upton—13.

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Carroll moved that the Senate do now adjourn until 10 o'clock A. M. Monday.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Monday, February 8, 1897. }

Senate met in regular session at 10 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. A. L. Golden of Des Moines.

On request of Senator Alexander, leave of absence was granted Senator Palmer until Tuesday.

On request of Senator Garst, leave of absence was granted to Senator Healy.

PETITIONS AND MEMORIALS.

Senator Hipwell presented petition of E. T. Morgan and other citizens of Scott county, on 2-cent fare bill.

Referred to Committee on Railways.

Senator Craig presented petition of J. T. Taake and other citizens of Bremer county, on same subject.

Referred to Committee on Railways.

Senator Hurst presented petition of J. A. Buckner and seventy others, on same subject.

Referred to Committee on Railways.

Senator Gilbertson presented petition of C. E. Mallory and sixty-five other citizens of Winnebago county, on same subject.

Referred to Committee on Railways.

Senator Funk for Lehfeldt presented petition of C. E. Carmody and forty-six others, on same subject.

Referred to Committee on Railways.

Senator Downey presented petition of Eugene Reves and fifty-eight others of Montrose, Lee county, on same subject.

Referred to Committee on Railways.

Senator Mitchell presented memorial of union meeting of citizens of Corning, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Trewin presented petition of R. J. Alexander and fifty-five other citizens of Allamakee county, on 2-cent fare bill.

Referred to Committee on Railways.

Senator Bonson presented petition of E. B. Piekenbrock and other citizens of Dubuque county, on 2-cent fare bill.

Referred to Committee on Railways.

REPORT OF STANDING COMMITTEE.

Senator Trewin, from the Committee on Schools, submits the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 47, a bill for an act to revise, amend and codify the statutes in relation to the school fund, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be amended as follows:

Page 585, section 1, line 8, strike out the word "interstate" and in lieu thereof insert the word "intestate."

Page 585, section 2, line 5, strike out the word "auditor" and in lieu thereof insert the word "treasurer."

Page 585, section 3, line 3, after the word "same" strike out the word "in" and in lieu thereof insert the word "into."

Page 586, section 4, line 10, strike out the word "auditor" and in lieu thereof insert the word "treasurer."

Page 587, section 6, line 15, strike out the word "auditor" and in lieu thereof insert the word "treasurer."

Page 588, section 12, line 1, strike out the word "his" and in lieu thereof insert the word "the."

Page 588, section 12, line 2, after the word "hands" insert the words "of the county treasurer."

Page 588, section 12, line 6, after the word "to" insert the words "or be carried by."

Page 589, section 12, line 8, strike out the word "semi-annually" and in lieu thereof insert the word "annually."

Page 589, section 13, line 9, after the word "and" insert the words "certify the same to the treasurer who shall."

Page 589, section 13, line 10, after the word "dollars" insert the words "to be paid to the auditor."

Page 589, section 14, line 1, strike out the words "in detail."

Page 589, section 14, line 2, strike out the word "the" and in lieu thereof insert the words "a minute of such;" also, in same line strike out the word "spread" and in lieu thereof insert the word "entered."

Page 590, section 16, line 2, after the words "made to the" strike out the word "auditor" and in lieu thereof insert the word "treasurer;" also, in same line strike out the word "proper;" also, in same line, after the word "county" insert the following: "upon a certificate from the auditor showing the amount due;" also, in same line strike out the words "who as such" and in lieu thereof insert the words "and the."

Page 590, section 16, line 4, strike out the word "he" and in lieu thereof insert the words "The auditor."

Page 590, section 16, line 7, after the word "hands," insert the words "and those of the treasurer."

Page 590, section 16, line 8, after the word "kept," change the period to semicolon and add the following: "and the county treasurer shall keep a like account and record of all school funds coming into his hands."

Page 590, section 17, lines 8 and 9, strike out the words "it shall be bid in for the use of such fund, in behalf of the State," and in lieu thereof insert the following: "the auditor shall bid such sum as the interests of the fund require."

Strike out all marginal numbers and underscorings.

And when so amended that the bill do pass.

J. H. TREWIN,
Chairman.

Ordered passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 58, a bill for an act to revise, amend and codify the statutes in relation to county high schools.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 66, a bill for an act to revise, amend and codify the statutes in relation to sureties.

Ordered passed on file.

G. S. GILBERTSON,
Chairman.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 49, a bill for an act to revise, amend and codify the statutes in relation to the Superintendent of Public Instruction.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file

No. 58, a bill for an act to revise, amend and codify the statutes in relation to county high schools.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 66, a bill for an act to revise, amend and codify the statutes in relation to sureties.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Senator Rowen offered the following joint resolution:

JOINT RESOLUTION NO. 1.

Be it Resolved by the General Assembly of the State of Iowa, That the Prisoners' Aid association at Anamosa penitentiary be permitted to transfer the funds they now have on hand to the library fund.

Laid over.

The Journal of Saturday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

On motion of Senator Trewin, Senate file No. 45, a bill for an act to revise, amend and codify the statutes in relation to the system of common schools, with report of committee recommending a substitute, was taken up, considered and the report of the committee adopted.

Senator Trewin moved that the bill be taken up by sections.

Carried.

Senator Trewin moved to amend section 43, line 5, by striking out the figures "5" and "21" and spell the numbers out and add the word "years" after the word "twenty-one."

Adopted.

Senator Trewin moved to amend section 47, line 1, by striking out the word "that" and commencing the word "the" with a capital.

Adopted.

Senator Trewin moved to amend section 48, line 1, by striking out the word "it" and insert the words "any board."

Adopted.

Senator Trewin moved to strike out the word "shall" in the first and second lines of section 52, and insert the word "may" in lieu thereof.

Adopted.

Senator Trewin moved to insert the words "library books" after the word "dictionaries," in line 3.

Adopted.

Senator Trewin moved to amend section 52 by inserting after the word "charge" in the fifth line, the words "but no debts shall be contracted for any of said purposes."

Adopted.

Senator Ranck moved to amend section 52 by striking out the word "shall" in line 5, and inserting the word "may" in lieu thereof.

Adopted.

Senator Ranck moved to amend section 52 by striking out the words "if deemed best" in the second line.

Adopted.

Senator Trewin moved to amend section 52 by inserting in the eighth line after the word "trees" the words "where such number of trees are not now growing."

Adopted.

Senator Trewin moved to strike out section 97 of the bill.

Carried.

Senator Trewin moved to strike out section 12 of the bill.

Carried.

Senator Trewin moved to amend section 38, line 8, as follows:

Insert after the word "sex" the words "but no teacher or other employe of the board shall be eligible to the office of secretary or treasurer of such board."

Adopted.

Senator Trewin moved that further consideration of the bill be postponed until to-morrow morning.

The hour of adjournment having arrived, Senate adjourned until 9 o'clock to-morrow morning.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, February 9, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Bruce Brown of Osceola.

On request of Senator Gilbertson, leave of absence was granted Senator Allyn.

PETITIONS AND MEMORIALS.

Senator Garst presented remonstrance of Hill Zeitler and fifty-three other citizens of Green county, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Lothrop presented petition of J. B. Hughes and other citizens of Woodbury county, on 2-cent fare bill.

Referred to Committee on Railways.

Senator Carney presented remonstrance of Wm. Kling and other inmates of the Soldiers' Home, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Cheshire presented petition of M. L. Leonard and forty other citizens of Polk county, for a 2-cent fare bill.

Referred to Committee on Railways.

Senator Hotchkiss presented petition of A. L. King and other citizens of Guthrie county, for a 2-cent fare bill.

Referred to Committee on Railways.

Senator Rowen presented petition of J. A. Conger and sixty-seven other citizens of Wright county, for a 2-cent fare bill.

Referred to Committee on Railways.

Senator Carney presented petition of S. G. Mason and twenty-two other citizens of Marshall county, for a 2-cent fare bill.

Referred to Committee on Railways.

Senator Palmer presented petition of E. S. Fesler and thirty-five others of Washington county, for a 2-cent fare bill.

Referred to Committee on Railways.

Senator Waterman presented remonstrance of W. G. Field and other members of the Ottumwa Typographical union against abolishing offices of State printer and State binder.

Referred to Committee on Printing.

Senator Ellis presented remonstrance of Typographical union of Clinton, against abolishing offices of State printer and State binder.

Referred to Committee on Printing.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House file No. 10, a bill for an act to revise, amend and codify the statutes in relation to the judicial department.

JAS. D. ROWEN,
Chief Clerk.

Passed on file.

Senator Carney offered the following resolution:

Resolved, That a joint committee of two from the Senate and three from the House be appointed to examine the reports and if necessary the books of the State institutions, to ascertain whether any regent, trustee or commissioner or other officer connected with said institutions are or have been retaining any funds in the form of fees, salary, compensation or allowances to which they are not legally entitled under the law. The committee shall make report to the Senate and House of the facts, with any recommendations deemed advisable. The committee shall have power to issue subpoenas, administer oaths, and employ a stenographer.

Laid over.

Senator Rowen called up joint resolution No. 1, relative to using the money on hand in any fund at the Anamosa Penitentiary for library purposes.

Senator Waterman moved that the joint resolution be referred to the Committee on Penitentiaries and Pardons.

Carried.

REPORTS OF STANDING COMMITTEES

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 68, a bill for an act to revise, amend and codify the statutes in relation to weights, measures and inspection, which has been recommended for passage, beg leave to report that they have had the same

under consideration and have instructed me to further report the same back to the Senate with the recommendation that inasmuch as House file No. 67, on the same subject, has been recommended for amendment and passage, this bill (Senate file No. 68) be indefinitely postponed.

L. A. ELLIS,
Chairman.

Report of committee adopted.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 67, by Code Revision Committee, a bill for an act to revise, amend and codify the statutes in relation to weights, measures and inspection, 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 all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at end of sections.

And when so amended it do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Senator Carpenter, from the Committee on Code Revision, presented the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred Senate file No. 74, 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 be indefinitely postponed for the reason that House file No. 83 covers that part of the proposed Code.

C. A. CARPENTER,
Chairman.

Report of committee adopted.

Also:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 5, a bill for an act to revise, amend and codify the statutes in relation to the General Assembly, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be amended by adding after the enacting clause the following:

Chapter 2 (of title 1), of the General Assembly.

Page 7, amend by striking out of section 9 as amended the words "speaker's clerk, lieutenant governor's clerk, and,"

And when so amended that the bill do pass.

C. A. CARPENTER,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 4, 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, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be amended by striking out the title and inserting in lieu thereof the following:

“A bill for an act to revise, amend and codify the statutes in relation to the sovereignty and jurisdiction of the State;” and also amend by adding after the enacting clause the following:

“Chapter 1, (of title 1), of the sovereignty and jurisdiction of the State.”
And when so amended that the bill do pass.

C. A. CARPENTER,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Code Revision to whom was referred House file No. 83, 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 following amendments:

Strike out all page numbers, reference numbers and underscorings.

Page 836, section 30, line 2, amend by inserting after the word “shall” the words “without further proceedings.”

Page 837, section 42, amend House file No. 83 as amended in the last line of section 42 and strike out the word “circuit.”

Page 839, section 63, line 3, after the word “court” insert “as of the date of its rendition in the justice court.”

Page 839, section 69, line 1, strike out the word “garnishee” and insert the word “garnishment.”

Page 840, section 78, line 1, strike out the word “taken” and insert “perfected.”

Page 840, section 80, line 1, strike out the words “taking of an” and after the word “appeal” insert the words “being perfected.”

Page 842, section 105, line 1, after the word “attachment” add “or on execution.”

And when so amended that the bill do pass.

C. A. CARPENTER,
Chairman.

Also:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 67, a bill for an act to revise, amend and codify the statutes in relation to weights, measures and inspection, 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 statement that it has been referred to the Committee on Judiciary, as that committee has the Senate bill on the same subject.

C. A. CARPENTER,
Chairman.

Report of committee adopted.

Senator Blanchard, from the Committee on Educational Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred House file No. 517, a bill for an act to revise, amend and codify the statutes in relation to the State University, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the bill be amended as shown by accompanying amendments:

First.—After word and figure “Chapter 3” add “of Title 13.”

Second.—Add to section 1, line 1, after second word “the” the word “State.”

Substitute for section 9, page 539, the following:

Section 9. That there be and is hereby appropriated out of any funds in the State treasury, not otherwise appropriated, for the further support of the State University in its several departments and chairs, and in aid of the income fund and for the development of the institution, the sum of sixty-five thousand five hundred dollars (\$65,500) annually hereafter, said sum to be payable in quarterly installments on the order of the board of regents.

Add, as section 10, the following:

“Section 10. That for the purpose of providing for the erection, improvement and equipment of such necessary buildings as shall be determined upon by the board of regents of the State University there shall be levied a special tax of one-tenth (1-10) of a mill on the dollar upon the assessed valuation of the taxable property of the state for the erection of buildings for the State University; and the proceeds thereof shall be carried into the treasury to the credit of said State University, said levy to commence with the levy made by the executive council in August, 1896, and the same levy shall be made annually after said first levy for the four (4) successive years thereafter.

“Any amount in excess of the sum of fifty-five thousand dollars raised by any one of such levies shall be paid into the State treasury.

“The money realized from such a levy shall be held by the Treasurer of State, and drawn as provided in chapter 31 of the acts of the Twenty-third General Assembly.

“The amount so realized by said levies shall be in lieu of all appropriations for the erection of buildings for said State University during said period of five years.”

Amend further by striking out all figures prefixed to lines throughout the title; all figures referring to McClain’s Code wherever they occur at end of sections and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at end of sections.

And when so amended that the bill do pass.

L. C. BLANCHARD,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred Senate file No. 61, a bill for an act to revise, amend and codify the statutes in relation to the State University, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed for the reason that House file No. 51, relating to the same subject, is recommended for passage.

L. C. BLANCHARD,
Chairman.

Report of committee adopted.

Also:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred House file No. 52, a bill for an act to revise, amend and codify the statutes in relation to the State College of Agriculture and Mechanic Arts, 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 same be amended as follows:

Add after the title the following words, to-wit: "chapter 4 of title 13."
And when so amended that the same do pass.

L. C. BLANCHARD,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred Senate file No. 52, a bill for an act to revise, amend and codify the statutes in relation to the State College of Agricultural and Mechanic Arts, 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 same be indefinitely postponed for the reason that House file No. 52, relative to the same subject, has been recommended for passage.

L. C. BLANCHARD,
Chairman.

Report of committee adopted.

Senator Kilburn, from the Committee on Labor, submitted the following report:

MR. PRESIDENT—Your Committee on Labor, to whom was referred substitute for House file No. 35, a bill for an act to create a Bureau of Labor Statistics, and to provide for the appointment of a Commissioner of said bureau and define his duties and term of office, 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 same be amended as follows, and when so amended the bill do pass:

Strike out all before section 1, and insert:

"A bill for an act to revise, amend and codify the statutes in relation to the Bureau of Labor Statistics.

"Be it enacted by the General Assembly of the State of Iowa.

"Chapter 8, (of title 12).

"Of the Bureau of Labor Statistics."

Strike out section 1 and section 2, and insert as follows:

Section 1. The Bureau of Labor Statistics shall be under the control of a commissioner biennially appointed by the Governor by and with the advice and consent of the Executive Council, whose term of office shall commence on the first day of April in each even numbered year and continue for two years, and until his successor is appointed and qualified. He may be removed for cause by the Governor with the advice of the Executive Council, record thereof being made in his office; any vacancy shall be filled in the same manner as the original appointment. He shall give bonds in the sum of two thousand dollars with sureties to be approved by the Governor, conditioned for the faithful discharge of the duties of his office, and take the oath prescribed by law. He shall have an office in the capitol, safely keep all records, papers, documents, correspondence and other property pertaining to or coming into his hands by virtue of his office, and deliver the same to his successor (except as hereinafter provided).

Transpose section 3 and number the same section 9, and strike out the last sentence in said section; also, the sign and figures "\$500," and insert the words "five hundred dollars."

Strike out section 4.

Make section 5 section 2 and strike out the words "on or before the 15th day of August preceding each regular meeting of the General Assembly." Also strike out all after the word "thereof," and insert "such report shall not contain more than six hundred printed pages and shall be of the number and distributed in the manner provided by law."

Make section 6 section 3, and strike out of said section the figures and sign "\$100" and insert the words "one hundred dollars;" also, strike out the figures and sign "\$50" and insert the words "fifty dollars."

Make section 7 section 4, and strike out the figures and sign "\$100" and insert the words "one hundred dollars;" also, strike out the word "act" and insert the word "chapter."

Make section 8 section 5, and strike out the word "act" and insert the word "chapter."

Make section 9 section 6 and strike out the word "act" and insert the word "chapter."

Make section 10 section 7 and strike out the figures "5" and "6" and insert the words "two" and "three" respectively; also, strike out the word "act" and insert the word "chapter."

Make section 11 section 8.

L. M. KILBURN,
Chairman.

Ordered passed on file.

Senator Pusey, from Joint Committee on Code Bills, presented the following report:

MR. PRESIDENT—Under the concurrent resolution offered in the Senate on the 29th ult., your committee was instructed, among other things, to report:

First.—What means, if any, can be devised whereby time may not be consumed in unnecessary reading of the several bills in each House?"

Your committee has taken this matter into serious consideration. It is not unmindful of the necessarily great expense entailed upon the State in the revision and codification of the laws. Nor is it forgetful of the fact that the burdens of taxation, accompanied with low prices and business depression, are resting heavily upon our people. Your committee earnestly desires to expedite the work of the revision and codification of our laws, to reduce the expense to the very lowest possible amount and to give to the people of the State a Code which will be complete in itself and bear the test of legal scrutiny as far at least as its validity in law is concerned.

Second.—Can the reading in full of every bill in each House be dispensed with without violating the provisions of the Constitution referred to below?

Third.—Is the matter of legally dispensing with the reading of the bills in full in each House so clear from doubt that such reading can be safely, wisely and prudently omitted?

If either of these questions cannot be answered in the affirmative, then all must agree that the part of wisdom and the careful discharge of our duty as legislators both require such reading be had. We respectfully submit that the members of this legislature, no matter what may be the stress of circumstances, cannot afford, in view of the duty they owe to themselves and the high obligations they are under to the people of the State in the responsible task of revising the laws, to adopt a Code of doubtful constitutionality, nor can the people afford to have such a Code.

Section 17, of article 3, of the Constitution is the one which relates to this subject and is in these words: "Section 17. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the Journal."

The question under the above provision is whether section 17 is mandatory or simply directory. If mandatory, then clearly the Legislature has no power to waive it or to neglect to carry out its provisions; if it is doubtful as to whether the courts would construe it, so far as relates to a full reading of a bill, as mandatory or merely directory, then the wise, prudent and careful legislator would resolve the doubt in such way as to avoid the question of the constitutionality of the law being raised under this section, and we think should insist on a full reading of a bill as provided by the Constitution.

Cooley on Constitutional Limitations on page 88 (sixth Ed.) says: "But when all the legitimate lights for ascertaining the meaning of the Constitution have been made use of, it may still happen that the construction remains a matter of doubt. In such a case it seems clear that everyone called upon to act, where, in his opinion, the proposed action would be of doubtful constitutionality, is bound upon the doubt alone to abstain from acting. Whoever derives power from the Constitution to perform any public function is disloyal to that instrument, and grossly derelict in duty if he does that which he is not reasonably satisfied the constitution permits. Whether the power be legislative, executive or judicial, there is

manifest disregard of constitutional and moral obligation by one who having taken an oath to observe that instrument, takes part in an action which he cannot say he believes to be no violation of its provisions."

The following quotations will show how the courts have regarded the question as to whether any of the provisions of a written constitution are merely directory:

Cooley, in his work above quoted, on page 93, says: "But the courts tread upon very dangerous ground when they venture to apply the rules which distinguish directory and mandatory statutes to the provisions of a constitution." And the same author says, on page 94: "There are some cases, however, where the doctrine of directory statutes has been applied to constitutional provisions; but they are so plainly at variance with the weight of authority upon the precise point considered that we feel warranted in saying that the judicial decisions as they now stand do not sanction the application."

In *Wolcott v. Wighton*, 7 Ind., page 48, the court says: "A liberal construction of statutes and a strict construction of constitutional provisions, are a safe and reasonable judicial policy. * * * But constitutions, which are a delegation of power, require a strict construction—In such instruments, the people will be presumed to have expressed themselves in careful and measured terms, corresponding with the immense importance of the powers delegated—leaving as little as possible to implication. (*Gibbon v. Ogden*, 9 Wheat, 188; *The People v. Purdy*, 2 Hill, 31, and 4 Hill, 384; *Newell v. The People*, 3 Seld., 9; *Greencastle Township v. Block*, 5 Ind., 566.)"

In *Greencastle Tp. vs. Block*, 5 Ind., 567, the court says: "When such a question (the constitutionality of a law) does arise, it is surely not the first duty of the court to tax their ingenuity to explain away the constitution, in order to accommodate a favorite theory. If there be any form of words which should be held sacred, it is the plain language of the fundamental law. It is the rule and commission by which both legislators and judges are to proceed, 2 Dallas, 304. The courts dare not deal with that instrument in a 'double sense.' In giving it construction, they must not bend to any outside pressure, real or simulated. Such judicial delinquency would inflict infinitely more serious evils than any temporary inconvenience which may flow from adherence to the terms of the constitution. It was urged in argument and so held by the judges (in 3 Selden, 9) that the discretion of the courts is more restricted in applying the rules of construction to a plan of government contained in a written constitution than in the construction of statutes, and the reason is conclusive. Statutes are often hastily and unskillfully drawn and thus need construction to make them sensible, but constitutions import the utmost discrimination in the use of language. 'They are the permanent will of the people intended for the guidance of posterity.' Thus, Marshall, C. J., in relation to the Constitution of the United States: 'The framers of the Constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what they said.' *Gibbon v. Ogden*, 9 Wheat, 188. So in the dissenting opinion of Bronson, J., in the *People v. Purdy*, 2 Hill, page 31, subsequently declared in the court of errors to be the law and cited with marked approbation in *Newell v. People*: 'Written Constitutions will soon become of little value, if their injunctions may be lightly

overlooked; and the experiment of setting a boundary to power will prove a failure.' Again in the same case, the court of errors in reversing the judgment of the supreme court and adopting the dissenting opinion of Bronson, J., say: 'If the courts venture to substitute for the clear language of the instrument their own notions of what should have been or was intended to be, there will be an end of written instruments. *Purdy v. The People*, 4 Hill, 384.' In construing the language of the Constitution courts have nothing to do with the argument from inconvenience. Their sole duty is to declare *ita lex scripta est*—thus saith the Constitution. 21 Wend, 21."

In *Koehler v. Hill*, 60 Iowa, known as the "amendment case," Judge Day in delivering the opinion of the court on re-hearing uses this language on page 644, in referring to the provision of the Constitution relative to entering the proceedings on the journal. "Is this constitutional provision mandatory, or simply directory? A mandatory provision is one which must be observed. A directory is one which leaves it 'optional with the department or officer to which it is addressed to obey it or not, as he should see fit.' Courts sometimes exercise the power of declaring statutory provisions directory. Even in the case of a statute, the exercise of this power is a delicate one, and must be indulged very sparingly. But in the case of a constitutional provision, the exercise of this power is of much more doubtful propriety."

But we have quoted sufficiently at length from the authorities to show that the omission of the reading of a bill in either house is of such doubtful propriety that such a precedent should not be established. What is true of this extra session is true of all regular sessions, and if the reading of a single bill in full in each house can be dispensed with at this session then with equal propriety the same thing can be done with all bills and at all sessions of the legislature. Such legislation is, as far as we know, without precedent, and will be fraught with many more evils than are involved in the reading of them.

We would therefore recommend that each bill shall have a full reading in each house before the vote thereon is taken.

N. M. PUSEY,
C. S. RANCK,
W. H. BERRY,
A. B. FUNK,
H. L. WATERMAN,
Senate Committee.
W. S. ALLEN,
J. H. FUNK,
W. W. CORNWALL,
H. H. BRIGHTON,
House Committee.

Adopted.

Senator Pusey, from the Committee on Plan to Divide Code into Bills, submits the following report:

MR. PRESIDENT—Your Committee on Plan to Divide Code into Bills, etc., to whom was referred resolution of Senator Healy of the 29th of January, beg leave to report that they have had the same under consideration and have instructed me to report the annexed concurrent resolution with recommendation that the same do pass:

Resolved by the Senate, the House concurring, That the President of the Senate and the Speaker of the House, be requested to separate Code bills for consideration of the two houses in such way as that bills first considered in one house shall be considered in the other house as messages from the house in which they were first considered.

N. M. PUSEY,
Chairman

Adopted.

Senator Carney moved that Senate file No. 41 be recommitted to the Committee on Elections.

Carried.

Senator Penrose moved that House file No. 32 be referred to the Committee on Commerce.

Carried.

The Journal of Monday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 45.

Senator Trewin moved to amend section 16 by striking out the words "when a subdirector is voted for," in lines 4 and 5.

Adopted.

Senator Trewin moved to amend section 16, lines 9, 10 and 11 by striking out the words "at the meeting held just preceding the expiration of the term of office of the sub director for that district, or in case of a vacancy therein," and insert the words "at this meeting."

Adopted.

Senator Trewin moved to amend section 17, line 5, by striking out the words "one member of the" and insert the word "a."

Adopted.

Senator Trewin moved to amend section 20, line 4, by inserting the word "sub" before the word "directors," and strike out the words "their respective terms to be determined by lot."

Adopted.

Senator Trewin moved to substitute the following for section 52:

It may provide and pay out of the contingent fund to insure school property such sum as may be necessary, and may purchase dictionaries, library books, maps, charts and apparatus for the use of the schools of the district, to an amount not exceeding twenty-five dollars in any one year for each school room under its charge, but no debt shall be contracted for any of said purposes; and may furnish school books to indigent children when they are likely to be deprived of the proper benefits of school unless so aided; and shall, when directed by a vote of the district,

purchase and loan books to scholars, and shall provide by levy of a contingent fund therefor.

Adopted.

Senator Trewin moved to amend section 83 by inserting after "payable" in line 12, the words "respectively at any time after the expiration of five years." Strike out of lines 12 and 13 the words "in sums not less than one hundred dollars of principal."

Adopted.

Senator Kilburn moved to amend by inserting after the word "but" in the amendment to line 9, section 38, the words "in independent districts."

Adopted.

Senator Trewin moved that the sections of the bill be numbered consecutively.

Carried.

Senator Trewin moved to strike out the table of reference, marginal figures and underscoring.

Carried.

Senator Trewin moved that the rule be suspended and that the bill be considered engrossed, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Henderson, Hipwell, Hurst, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rikken, Rowen, Sargent, Trewin, Waterman, Young—45.

The nays were:

None.

Absent or not voting:

Senators Allyn, Harper, Healy, Lehfeldt, Upton.—5.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Penrose moved that House file No. 32 be referred to the Committee on Commerce.

Carried.

On motion of Senator Craig, the Senate resumed consideration of Senate file No. 15, a bill to revise, amend and codify the statutes relative to the militia, laid over from February 1st.

Senator Craig moved to amend section 52, line 2, by striking out the words "forty-five thousand" and insert in lieu thereof the words "fifty-two hundred."

Adopted.

Senator Craig moved to amend section 53 by inserting after the word "annum" the words "or so much as may be necessary."

Adopted.

Senator Craig moved to strike out all underscoring, marginal numbers, figures and references.

Carried.

Senator Craig moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Hipwell, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Waterman, Young—43.

Senator Henderson voted in the negative.

Absent or not voting:

Senators Allyn, Harper, Healy, Hospers, Lehfeldt, Upton—6.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Penrose, Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of railways, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

On motion of Senator Penrose, the bill was read by sections for the purpose of amendments.

Senator Funk, President *pro tem.*, presiding.

Senator Penrose moved to amend section 2, chapter 5, by striking out the words "statement and oath required by" in lines 1 and 2 and inserting the words "matters filed under" in lieu thereof.

Adopted.

Senator Penrose moved to amend section 5, chapter 5, by striking out the word "it" in line 5 and insert the words "its railway" in lieu thereof.

Adopted.

Senator Penrose moved to amend section 6, chapter 5, by striking out the words "by this chapter" in lines 1 and 2 and insert the words "by law" after the word "imposed" in line 1; also, strike out the words "this chapter" in line 4 and insert the word "law" in lieu thereof.

Adopted.

Senator Penrose moved to amend section 19 by striking out the word "to" in line 4 and inserting the word "by" in lieu thereof.

Adopted.

Senator Penrose moved to amend section 24 by inserting the word "five" before the word "boards" in line 8.

Adopted.

Senator Trewin moved to amend section 24, line 2, by inserting the word "five" before the word "barb;" also, add letter "s" to the word "wire," same line.

Lost.

Senator Penrose moved to amend section 26, by inserting the words "or more" after the word "thousand," in line 4.

Adopted.

Senator Penrose moved to amend section 27 by striking out the word "shall" in line 2 and inserting the word "may" in lieu thereof.

Adopted.

Senator Penrose moved to amend section 40 by inserting the word "hundred" after the word "two," in line 2; also, insert the words "except as otherwise provided in this chapter" after the word "passed," in line 4.

Adopted.

Senator Penrose moved to amend section 52, line 15, by striking out the words: "at such election the question of taxation shall be submitted. The form of the ballots shall be for taxation and against taxation" and insert the words "the trustees, or council, as the case may be, shall cause to be prepared the form of the proposition to be submitted. The proposition shall be printed and placed upon the ballots, and the election shall be conducted in the same manner as provided with respect to like or similar propositions in the chapter on elections;" also strike

out the words "for taxation" in line 17 and insert the words "for the adoption of the proposition."

Adopted.

President Parrott presiding.

Senator Penrose moved to amend section 54 by inserting the word "same" after the word "pay" in line 10.

Adopted.

Senator Penrose moved to amend section 57 by striking out the words "but the foregoing provisions shall in no manner affect any actions which may be pending for the recovery of any taxes voted in aid of any railroad," from lines 12 and 13.

Adopted.

Senator Penrose moved that further consideration of the bill be postponed until the morning session.

Carried.

Senator Hotchkiss offered the following joint resolution No. 2:

JOINT RESOLUTION NO. 2.

WHEREAS, It is reported that the Interior Department proposes to remove the pension offices from the cities of Des Moines and Topeka to the city of St. Louis; and,

WHEREAS, Such removal will cause much inconvenience to a large number of pensioners in Iowa and Nebraska who now receive their pensions through the pension office at Des Moines; be it

Resolved, by the General Assembly of the State of Iowa, That we earnestly protest against said contemplated removal of the pension office from the city of Des Moines, and that we urge our Senators and Representatives in Congress to oppose the aforesaid proposed removal.

Resolved, That the Secretary of the Senate is instructed to transmit a copy hereof to each of our Senators and Representatives in Congress from Iowa.

Laid over.

The hour of adjournment having arrived, the Senate adjourned until to-morrow at 9 o'clock A. M.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, February 10, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by the Rev. J. H. Hard of Bagley, Iowa.

On request of Senator Trewin, leave of absence was granted Senator Bonson.

PETITIONS AND MEMORIALS.

Senator Hospers presented petition of F. L. Jenkins and others of Sioux county, favoring a 2-cent fare bill.

Referred to Committee on Railways.

Senator Kilburn presented petition of R. L. Leach and forty-five other citizens of Madison county, on same subject.

Referred to Committee on Railways.

Senator Young presented petition of J. W. Kelsey and other citizens of Delaware county, on same subject.

Referred to Committee on Railways.

Senator Perrin presented petition of W. A. McMillan and thirty-one citizens of Charles City, on same subject.

Referred to Committee on Railways.

Senator Downey presented petition of James McNamara and other citizens of Læe county, on same subject.

Referred to Committee on Railways.

Senator Carroll presented petition of city council of Center-ville, in regard to statutes of limitations.

Referred to Committee on Judiciary.

Senator Rowen presented petition of S. Bookman and other citizens of Palo Alto county, regarding building and loan law.

Referred to Committee on Building and Loan Associations.

Senator Penrose presented memorial of the M. E. Church of Blairstown, in reference to manufacturing bill and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Allyn presented petition of J. W. Spencer and other citizens of Ringgold county, favoring a 2-cent fare bill.

Referred to Committee on Railways.

Senator Alexander presented petition of Jas. Lawler and 140 other citizens of Cedar Rapids, in reference to section 24.

Referred to Committee on Ways and Means.

Senator Hotchkiss presented petition of C. N. Dack and other citizens of Adel, in favor of a 2-cent mileage law.

Referred to Committee on Railways.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

House file No. 76, a bill for an act to revise, amend and codify the statutes in relation to warehousemen, carriers, hotel keepers, livery stable keepers and herders.

Also:

House file No. file No. 10, a bill for an act to revise, amend and codify the statutes in relation to the judicial department.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following concurrent resolution, in which the concurrence of the House was asked:

Concurrent resolution relative to separation of Code bills for consideration of the two houses.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Relative to securing for the benefit of the State of Iowa, copyright upon the codified laws of the State when considered by this General Assembly.

JAS. D. ROWEN,
Chief Clerk.

Ordered passed on file.

Senator Carney called up concurrent resolution relative to examining books of State institutions.

Senator Berry moved that the concurrent resolution be referred to Committee on Charitable Institutions.

On this the yeas and nays were demanded.

On the question, "Shall the motion prevail?" the yeas were:

Senators Alexander, Allyn, Berry, Byers, Carpenter, Druet, Eaton, Ellison, Ericson, Funk, Garst, Harriman, Hobart, Lothrop, Palmer, Perrin, Phelps, Sargent, Trewin, Upton, Young—21.

The nays were:

Senators Bell, Blanchard, Carney, Carroll, Cheshire, Craig, Downey, Everall, Gilbertson, Gorrell, Henderson, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Mitchell, Penrose, Pusey, Ranck, Riggen, Rowen, Waterman—23.

Absent or not voting:

Senators Bonson, Ellis, Harper, Healy, Hipwell, Lehfeldt—6.

The motion to refer was lost.

Senator Berry moved that the resolution be referred to a special committee of five, of which Senator Carney shall be chairman.

Carried.

REPORTS OF STANDING COMMITTEES.

Senator Blanchard, from the Committee on Educational Institutions, submits the following report:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred House file No. 53, a bill for an act to revise, amend and codify the statutes in relation to the normal school, 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 same be amended as follows:

Add after the title of the bill the following words, to-wit: "Chapter 5 of Title XIII."

And when so amended that the bill do pass.

L. C. BLANCHARD,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred Senate file No. 60, a bill for an act to revise, amend and

codify the statutes in relation to the normal school, 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 same be indefinitely postponed, for the reason that House file No. 53, relating to the same subject, has been recommended for passage.

L. C. BLANCHARD,

Chairman.

Report of committee adopted.

The Journal of Tuesday was taken up, read, corrected and approved.

Senator Gorrell asked leave to withdraw for correction Senate file No. 42.

HOUSE MESSAGES.

House file No. 10, a bill for an act to revise, amend and codify the statutes in relation to the Judicial Department, was read first and second time and referred to Committee on Judiciary.

Amended Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent, was read first and second time and referred to Committee on Schools.

House file No. 76, a bill for an act to revise, amend and codify the statutes in relation to warehousemen, carriers, hotel keepers, livery stable keepers and herders, was read first and second time and referred to Committee on Judiciary.

Senate concurrent resolution relative to separation of Code bills for consideration of the two houses read and passed on file.

Concurrent resolution relative to securing for the benefit of the State of Iowa a copyright upon the codified laws of the State when considered by this General Assembly.

On motion by Senator Trewin, the resolution was referred to Committee on Code Revision.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 20.

Senator Penrose moved to amend section 59 as follows: Add at the end of the section the words "and served with notice as in other actions."

Adopted.

Senator Penrose moved to amend section 61 by inserting the words "their heirs or assigns," after the word "same," in line 4.

Adopted.

Senator Penrose moved to amend section 64 by striking out the words "but the provisions of this chapter shall apply to such railroads only as were constructed prior to the year eighteen hundred and sixty-six" from lines 3, 4 and 5, and substitute a period for the comma after the word "removal" in line 3.

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Trewin offered the following substitute for section 72 of the bill: "Section 72. In all cases where any railway company shall fail or refuse to make the name of a railway station conform to the name of the village, incorporated town or city within the limits of which it is situated, it shall be the duty of the railroad commissioners of the state, to order a change of the name of said railway station to effect such uniformity, within sixty days after a petition in writing by the town or city council of said incorporated town, or township trustees in case of a village, asking for such order, is filed with said railroad commissioners."

On this the yeas and nays were demanded.

On the question, "Shall the substitute be adopted?" the yeas were:

Senators Blanchard, Carroll, Cheshire, Downey, Ellison, Everail, Funk, Gilbertson, Gorrell, Henderson, Hospers, Hotchkiss, Perrin, Ranck, Sargent, Trewin, Upton—17.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Carney, Carpenter, Eaton, Ericson, Garst, Hobart, Hearst, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Phelps, Pusey, Riggen, Rowen, Young—21.

Absent or not voting:

Senators Bonson, Byers, Craig, Druet, Ellis, Harper, Harri-man, Healy, Hipwell, Junkin, Lanhfeldt—11.

The substitute was lost.

Senator Penrose moved to amend section 77, by inserting the word "two" before the word "preceding," and adding the letter "s" to the word "section" in line 3.

Adopted.

Senator Penrose moved that the marginal figures, reference numbers, page number and underscoring be stricken from the bill.

Carried.

Senator Ranck moved to amend section 36 as follows: In line 1 strike out the word "constructing" and insert in lieu thereof the words "owning or operating."

Senator Cheshire moved to amend the amendment by inserting just before the word "constructing" the words "owning, operating or."

Adopted.

The amendment as amended was adopted.

Senator Ranck moved to amend section 36 as follows: Insert in line 2, after the word "assembly," the words "which oath shall be made by its president or superintendent of said railway."

Senator Penrose moved to amend the amendment by inserting after the word "assembly" the words "by the president or superintendent."

Lost.

The original amendment was lost.

President Parrott presiding.

Senator Penrose moved that the rule be suspended and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ericson, Funk, Garst, Gilbertson, Gorrell, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Rowen, Sargent, Upton, Waterman, Young—39.

Senator Trewin voted in the negative.

Absent or not voting:

Senators Bell, Bonson, Ellison, Everall, Harper, Harriman, Healy, Hipwell, Hurst, Lehfeldt—10.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Carney, Senate file No. 10, a bill for an act to revise, amend and codify the statutes in relation to elections and officers, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

Senator Carney moved to strike out the marginal figures, the figures in brackets at the end of the sections and the underscoring.

Carried.

Senator Carney offered the following substitute for section 13 of the bill: "Section 13. The judge of the district court shall be elected in each judicial district at a general election, and shall hold office for four years, except when elected to fill a vacancy, in which case it shall be only for the unexpired term."

Adopted.

Senator Carney moved to amend section 17 by striking out in line 2, all after the word "and" to and including the last word, "constables," in line 6.

Adopted.

Senator Carney moved to amend chapter 2, section 1, line 1, by striking out the words "two thousand," and insert "thirty-five hundred." Same section, line 10, strike out the words "as full;" insert after the word "compensation" the word "at;" strike out the word "sum" and insert the word "rate."

Adopted.

Senator Carney moved to amend section 1, chapter 2, by inserting in line 11, after the word "duties," the words "to be paid by the county except in case of city election, when they shall be paid by the city.

Adopted.

Senator Carney moved to amend section 2, chapter 2, line 6, by inserting the word "registry" before the word "book."

Adopted.

Senator Carney moved that further consideration of the bill be postponed until to-morrow morning.

Carried.

President announced as special committee on resolution by Senator Carney, the following: Senators Carney, Cheshire, Carroll, Berry and Everall.

The hour of adjournment having arrived, the Senate adjourned until to-morrow at 9 o'clock A. M.

SENATE CHAMBER,
DES MOINES, Iowa, Thursday, February 11, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. H. C. Rosenberger of Mitchellville, Iowa.

On request of Senator Everall, leave of absence was granted Senator Ranck.

PETITIONS AND MEMORIALS.

Senator Pusey presented petition of J. K. Martin and fifty-nine other citizens of Pottawattamie county, for change in times of making assessments.

Referred to Committee on Ways and Means.

Senator Bonson presented petition of D. McElrain and other citizens of Dyersville, for a 2-cent fare bill.

Referred to Committee on Railways.

Senator Bonson presented petition of H. L. Dehner and other citizens of Cascade, asking a modification of the law relative to the liquor traffic.

Referred to Committee on Suppression of Intemperance.

Senator Ericson presented petition of A. T. Davis and eighty-three other citizens of Boone county, for a 2-cent fare bill.

Referred to Committee on Railways.

Senator Funk offered the following concurrent resolution:

Resolved by the Senate, the House concurring, That 3,000 copies of the message of the Governor to the extra session of the Twenty-sixth General Assembly are hereby ordered printed.

Adopted.

Senator Hotchkiss called up for consideration joint resolution No. 2, in relation to removal of pension office.

On the question, "Shall the joint resolution pass?" the yeas were:

Senators Alexander, Allyn, Bell, Carpenter, Carroll, Craig, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Mitchell, Palmer, Perrin, Phelps, Pusey, Rowen, Trewin, Upton, Waterman—30.

Senator Lothrop voted in the negative.

Absent or not voting:

Senators Berry, Blanchard, Bonson, Byers, Carney, Cheshire, Ellis, Garst, Harper, Harriman, Healy, Hipwell, Hurst, Lehfeldt, Penrose, Ranck, Riggen, Sargent, Young—19.

So the joint resolution No. 2 passed the Senate.

REPORTS OF STANDING COMMITTEES.

Senator Gorrell, from the Committee on Public Health, submits the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate file No. 42, a bill for an act to revise, amend and codify the statutes in relation to the State Veterinary Surgeon, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed, because House file No. 41, which has passed the House and is now on the Calendar, is the same as Senate file No. 42.

J. R. GORRELL,
Chairman.

Report of committee adopted.

Senator Trewin from the Committee on Schools, submits the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent, beg leave to report that they have had the same under consideration, with House amendments thereto, and have instructed me to report the same back to the Senate with the recommendation that House amendment to section 1 be amended by striking out the words "of good moral character," in the first line thereof, and when so amended that said amendment be concurred in.

That House amendment to section 2 be concurred in.

That House amendment to section 3 be concurred in.

That House amendment to section 4 be amended by inserting after the word "civics" in the fourth line thereof, the words "elementary algebra, elements of physics," and when so amended that the House amendment be concurred in.

That House amendment to section 5 be concurred in.

J. H. TREWIN,
Chairman.

Report of committee adopted.

Senator Junkin, from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred House file No. 55, a bill for an act to revise, amend and codify the statutes in relation to the Institution for Feeble Minded Children, 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 it do pass:

Page 548, section 1, line 4, strike out the words "and treasurer" and insert in said line after the word "number" the words "and a treasurer who shall not be a member of the board of trustees."

Strike out all the marginal figures, all figures, numbers, words and characters in the brackets and the brackets containing the same at the end of each section and all underscoring.

J. M. JUNKIN,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred House file No. 58, a bill for an act to revise, amend and codify the statutes in relation to the Industrial Home for the Blind, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the House with the recommendation that it be amended as follows, and when so amended that it do pass:

Page 555, section 2, insert in line 3 after the word "shall" the following words, "not be a member of the board of trustees and shall."

J. M. JUNKIN,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred House file No. 56, a bill for an act to revise, amend and codify the statutes in relation to the Industrial School, 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 all marginal figures, and all figures, numbers, words and characters in the brackets and the brackets at the end of each section containing the same, and all underscoring.

And when so amended that it do pass.

J. M. JUNKIN,
Chairman.

Ordered passed on file.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval Senate

file No. 66 a bill for an act to revise, amend and codify the statutes in relation to sureties.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval Senate file No. 58, a bill for an act to revise amend and codify the statutes in relation to county high schools.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Senator Carroll, from the Committee on Mines and Mining, submits the following report:

MR. PRESIDENT—Your Committee on Mines and Mining, to whom was referred Senate file No. 29, a bill for an act to revise, amend and codify the statutes in relation to mines and mining, 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 as follows:

Page 499, amend section 1 by striking out of line 4, the word "day" and inserting in lieu thereof the word "Monday;" also, by inserting the word "state" after the word "secretary" in line 9.

Amend section 2 by striking out the word "of" in line 2 and inserting in lieu thereof the words "each of whom shall have had."

Amend section 3 by striking out of line 2 the word "April" and inserting in lieu thereof the word "March;" also, by inserting after the word "applicants" in line 2 the following: "notice of which examination shall be published in at least one newspaper in each mining district not less than fifteen days preceding the date of such examination."

Page 500, amend section 5 by striking out of line 20 the word "fixed," and inserting in lieu thereof the word "approved."

Amend section 7 by inserting in line 2, after the word "be," the word "made."

Page 501, amend section 8 by inserting after the word "applicant," in line 15, the following: "Except when it shall be shown that said applicant's property has been undermined, in which case the expense shall be paid by the mine owner or operator."

Amend section 9 by inserting after the word "air-shafts" in line 9, the words "where fans are used."

Page 502, amend the bill by making sections 10, 11, 12, 13 and 14 respectively, 11, 12, 13, 14 and 15 and add section 10, the following: "In all mines there shall be allowed one year to make outlets as provided for in section 9, but not more than twenty men shall be employed in such mine, at any one time until the provisions of section 9 are complied with; and after the expiration of the period above mentioned, should said mine not have the outlets aforesaid, it shall not be operated until made to conform to the provisions of section 9."

Amend section 11 by striking out of line 1, the word "he," and inserting in lieu thereof the words, "the owner or person in charge of any mine;" also, insert after the word "or" in line 9, the words "the men working."

Amend section 12 by striking out of line 1 the word "He" and insert in lieu thereof the words "The owner or person in charge of any mine;" also, change the word "carriages" in line 4 to "cages;" also, add at the close of the section the following: "and shall send such props down when required and deliver them to the places where needed;" change the period after the word "use" in line 15 to a comma.

Page 503, amend section 13 by striking out of line 1 the word "He" and substituting in lieu thereof the words "The owner or operator;" also, by striking out of line 28 the words "upon the first and third Saturdays in each month" and insert in lieu thereof the word "semi-monthly."

Add as sections 16, 17, 18 and 19 the following:

Section 16. Only pure animal or vegetable oil, paraffine or electric lights shall be used for illuminating purposes in any mine in this State, and for the purpose of determining the purity of oils the State board of health shall fix a standard of purity and establish regulations for testing said oil and said standard and regulations, when so determined, shall be recognized by all the courts of the State.

Section 17. Any person, firm or corporation, either by themselves, agents or employes, selling or offering to sell for illuminating purposes in any mine in this State any adulterated or impure oil, or oil not recognized by the State board of health as suitable for illuminating purposes as contemplated in this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense; and any mine owner or operator or employe of such owner or operator who shall knowingly use, or any mine operator who shall knowingly permit to be used for illuminating purposes in any mine in this State any impure or adulterated oil or any oil the use of which is forbidden by this chapter shall, upon conviction thereof, be fined not less than five dollars nor more than twenty-five dollars.

Section 18. It shall be the duty of the State Mine Inspector whenever he has reason to believe that oil is being used or sold, or offered for sale in violation of the provisions of this chapter, to take samples of the same and have them tested or analyzed, and if they are found to be impure he shall make complaint to the county attorney of the county wherein the offense is committed, who shall forthwith commence proceedings against the offender in any court of competent jurisdiction.

All reasonable expenses incurred in testing or analyzing oil under the provisions of this section shall be paid by the owner of the oil whenever it shall be found that he is selling or offering to sell impure oil in violation of the provisions of this chapter. Such costs may be recovered in a civil action, and in criminal prosecutions such expense shall be taxed as part of the costs.

Section 18. The provisions of this chapter shall apply only to coal mines.

Strike out all marginal numbers, page numbers, references and underlinings.

And when so amended that the bill do pass.

B. F. CARROLL,
Chairman.

Ordered passed on file.

REPORT OF SPECIAL COMMITTEE.

Senator Carney, from the special committee on the examination of State institutions, reported the following joint resolution:

MR. PRESIDENT—Your committee appointed to consider the joint resolution for the purpose of investigating State institutions, have performed that duty and recommend the adoption of the substitute which accompanies this report:

J. L. CARNEY,
W. H. BERRY,
THOS. A. CHESHIRE,
JOHN EVERALL,
B. F. CARROLL,
Committee.

SUBSTITUTE FOR JOINT RESOLUTION NO. 3.

Joint resolution providing for the appointment of a joint committee to investigate the reports of trustees, regents, commissioners or other officers of State institutions, and the books and records of such institutions, for the payment of the expenses of such investigation and defining the powers of such committee:

Be it Resolved by the General Assembly of the State of Iowa:

1. That a joint committee consisting of three members of the Senate and three of the House be appointed to investigate the reports of trustees, regents, commissioners and other officers of State institutions, and the books and records of such institutions for the purpose of ascertaining:

First.—Whether the persons holding the positions named have faithfully accounted for all moneys of the State which have come into their hands.

Second.—Whether such persons have drawn money for services, per diem, mileage or expenses not authorized by law.

Third.—To investigate the manner in which contracts for the purchase of supplies have been let for such, and to ascertain whether or not the institutions are conducted in an economical manner.

Fourth.—To ascertain whether the products of the institutions, which are owned by the State, are purchased, used or consumed by the other State institutions, and if not the reason for such discrimination against such products.

Fifth.—To report the result of such investigation to the Twenty-sixth or Twenty-seventh General Assembly, as it may elect, and recommend what, if any, change should be adopted in the management of such institutions.

2. That such committee shall have power to appoint a stenographic clerk at a salary not exceeding three dollars per day and actual traveling

expenses, and, if deemed necessary, to employ an expert accountant at a salary not exceeding five dollars per day and actual traveling expenses, which per diem and expenses shall be paid out of any money in the treasury not otherwise appropriated on vouchers signed by the chairman of the committee and filed with the Auditor of State.

3. The committee shall have power to visit such institutions, subpoena and examine witnesses, and enforce their attendance, require the production of books, records, papers and memoranda, and it shall have power to punish as a contempt by fine and imprisonment, or either of them, the offense of refusal to attend or be sworn or examined before the committee when duly summoned, or for a refusal to produce books, papers, records or memoranda, when ordered so to do by the committee. Subpœnas or orders shall be signed by the chairman of the committee and served by any peace officer, who shall be entitled to the same fees for serving as for serving similar papers in the district court.

4. That such committee may hold its sessions either during the time of the present session of the Legislature, or after the adjournment thereof.

5. The members of such committee shall receive, while engaged in the performance of their duties, mileage in the sum of five cents per mile each way, and the other actual and necessary expenses incurred, to be paid out of any moneys in the treasury not otherwise appropriated, on sworn vouchers filed with the Auditor of State.

6. That the period covered by this investigation shall be from July 1, 1893.

Joint resolution No. 3 was read a first and second time and taken up for consideration.

Senator Perrin moved that further consideration of joint resolution No. 3 be postponed until to-morrow.

Carried.

The Journal of Monday was taken up, read, corrected and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House file No. 89, a bill for an act to amend sections 17, 18, and 24, of chapter 62 of the acts of the Twenty-fifth General Assembly and to make the same applicable to cities organized and operating under special charter.

Also:

I am directed to inform your honorable body that the House wishes to recall House file No. 47, a bill for an act to revise, amend and codify the statutes in relation to the Soldiers' Home.

Also:

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

Joint resolution No. 2 relative to removal of pension office from Des Moines to St. Louis.

JAS. D. ROWEN,
Chief Clerk.

BILLS ON THIRD READING.

On motion of Senator Trewin, Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

Senator Trewin moved to amend House amendment to section 1 of the bill by striking out the words "good moral character" in line 1.

On this a division was called for and the amendment to the amendment prevailed.

On the question, "Shall the amendment as amended be concurred in?" the yeas were:

Senators Alexander, Allyn, Berry, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Ellis, Ellison, Ericson, Funk, Garst, Gorrell, Harriman, Hospers, Hotchkiss, Junkin, Mitchell, Palmer, Perrin, Pusey, Rigger, Rowen, Sargent, Trewin, Upton, Waterman—30.

The nays were:

Senators Bell, Downey, Eaton, Everall, Gilbertson, Henderson, Hipwell, Hobart, Hurst, Kilburn, Lothrop—11.

Absent or not voting:

Senators Blanchard, Byers, Harper, Healy, Lehfelddt, Penrose, Phelps, Ranck, Young—9.

The House amendment as amended was concurred in.

Senator Trewin moved that the House amendments to section 2 be concurred in.

Carried.

Senator Trewin moved that the House amendment to section 3 be concurred in.

Carried.

Senator Trewin moved to amend the House amendment to section 4 by inserting after the word "civics" the words "elementary algebra, elements of physics."

Adopted.

Senator Trewin moved that the amendment as amended be concurred in.

Carried.

Senator Trewin moved that the House amendment to section 5 be concurred in.

Carried.

On the question, "Shall the House amendments to sections 2, 3, 4 and 5 be concurred in?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harriman, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggin, Rowen, Sargent, Trewin, Upton, Waterman, Young—43.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Byers, Funk, Harper, Healy, Lehfeldt, Ranck—7.

So the House amendments as amended were concurred in.

Senate resumed consideration of Senate file No. 10.

Senator Carney moved to strike out section 3 and insert the following as section 3: "Section 3. The statements thus made shall be dated and consecutively numbered, commencing with number one at each registration; at the close of each day's registration the registry book shall be ruled off so as to prevent further entries, and when not in use by the registers, shall be kept in the custody of the clerk until disposed of as provided by law. No person shall register at any other place or time than is designated in this chapter and no registration of voters for school elections shall be required."

Adopted.

Senator Carney moved to amend section 4, line 1, by striking out the words, "completed registration" and insert the words, "the registration made in the second week preceding the election." Same line strike out the word "an" and insert the word "two." Line 2, substitute "lists" for "list." Line 6, strike out the words "which list" and substitute "one of which lists." At the end of the section add the words "and retain the other one in their possession."

Adopted.

Senator Carney moved to amend section 5, line 1, by striking out the words "of the week." Line 4, strike out the word "list" and insert "registry book." Line 6, strike out the words "the list" and insert "the registers shall revise and correct the alphabetical list in their possession to correspond therewith." After the word "corrected" insert the word "it." Line 12, strike out the word "registry" and insert "alphabetical lists."

Adopted.

Senator Young moved to amend section 5, chapter 2, line 3, by striking out the word "nine" and inserting the word "eight." Strike out the word "eight" and insert the word "nine" in lieu thereof.

Adopted.

Senator Carney moved to amend section 6, chapter 2, lines 8 and 9, by striking out the word "registration" and insert the words "registry book and alphabetical."

Adopted.

Senator Carney moved to amend section 7, chapter 2, as follows:

Strike out section 7, and insert the following: "Section 7. The registers shall also be in session on the day for the holding of each election, at some place convenient to, but not within one hundred feet of the voting place, and during all the hours in which by law the polls are required to be kept open, for the purpose only of granting certificates of registration to persons who, being electors, are not registered. Such registration shall be allowed and certificate thereof granted only to a person who was absent from the city during all the days fixed for registration of voters for that election, or to a person, who being a foreigner, has received his final papers since the last preceding day for the registration of voters for that election, or to a person whose name was, on the preceding Saturday, and in the absence of such person, stricken from registration, and who, on said day of election, shall prove to the satisfaction of said registers that he is a lawfully qualified elector of said voting precinct. These certificates of registration shall contain all the data showing the qualification of the voter as shown by the registration, and in addition the special matter showing the voter's right to such certificate under this section, and before delivery to the applicant shall be endorsed by the registers to the effect that the person therein named is a qualified voter in that precinct, and that he is entitled to be registered as such. The proper statement shall be signed and sworn to by the voter before one of the registers, supported by the affidavit of a freeholder who is a registered voter in that precinct, who shall make oath to the qualification of the applicant as a voter in that precinct; and if the applicant be one whose name was stricken from registration, such affidavit of said freeholder shall contain the facts, showing the right of said applicant to vote in that precinct. Registration in such cases shall be made in the manner required for regular registration. The certificate of registration shall be handed in to the

judges of election when a ballot is delivered to him. The data therefor showing the voter's name and his qualification as a voter shall be entered on the alphabetical lists by the judges and clerks of the election, under the appropriate headings, and the original certificate shall be returned to the city clerk, who shall carefully preserve it in the same manner and for the same time as the alphabetical list and poll book."

Adopted.

Senator Carney moved to amend section 9, chapter 2, by striking out the section and inserting the following: "Section 9. A new registry of voters shall be taken in each year of a presidential election. For all other State or municipal elections, general or special, the registers shall prepare a new registry book in each year by copying from the poll book of the preceding general election all the names found therein adding thereto those of all persons registered and voting at any subsequent election, which new registry book shall show all the facts of qualification of each voter as they appear on the last preceding registry book, which, when thus made up, shall be used at each election until a new registry book is prepared as required by law. Every person thus registered shall be considered as entitled to vote at any election at which said registry book may be used, unless his name shall be dropped by the correction of registration as authorized by law."

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Carney moved to amend section 11, chapter 2, by striking out the section and inserting the following:

"Section 11. The city clerk shall carefully preserve all registry books and alphabetical lists and other papers pertaining to the registration until destroyed as provided in the chapter on the canvass of votes. He shall on the application of the registers deliver to them, prior to their first meeting for each election, the registry book, alphabetical list and poll book, which they require in order to properly prepare the necessary registry book for the next ensuing election, all of which shall be returned to him when they have completed their work for such election."

Adopted.

Senator Upton moved to amend section 6, chapter 2, line 9, by inserting after the word "which" the words "time and place."

Adopted.

Senator Carney moved to amend chapter 3, section 3, line 5, by striking out the words "the city" and insert "any city having a population of 2,000 or more, not including the inmates of any State institution."

Senator Ellison offered the following substitute for section 3, chapter 3:

Section 3. Each township, or in case a township contains a city or a portion thereof, such portion of the township as is outside the limits of the city, and each ward of a city shall respectively constitute an election precinct. But the board of supervisors or the council, as the case may be, shall have power to divide a township or part thereof, or a ward, into two or more precincts, or to change or abolish the same; or the board of supervisors and the council of any city of less than 3,500 inhabitants, not including the inmates of any State institution, may combine any part of the township outside of such city with any or all the wards thereof as one election precinct, or change or abolish such precinct, or the council of such city may combine the several wards into one or more precincts. No precinct shall contain different townships or parts thereof. Each incorporated town shall constitute a precinct for town elections. No person shall vote in any precinct but that of his residence.

Adopted.

Senator Carney moved to amend chapter 3, section 6, by adding to the section the following: "The election board at any special election shall be the same as at the last preceding general election. In case of vacancies happening therein the county auditor may make the appointments to fill the same when the board of supervisors is not in session."

Adopted.

Senator Carney moved to amend chapter 3, section 9, line 1, by striking out figure "8" and inserting figure "7" in lieu thereof.

Adopted.

Senator Carney moved to amend chapter 3, section 9, by adding at the end of the section, "but may be held open until 7 o'clock in the evening, providing a proclamation to that effect was made at the time of the opening of the polls."

Senator Garst moved to amend the amendment by striking out figure "7" and inserting figure "8" in lieu thereof.

Lost.

The amendment was lost.

President Parrott presiding.

Senator Harriman moved to amend chapter 3, section 9, as follows: In line 3 strike out the word "six" and insert the word "seven" in lieu thereof.

Lost.

Senator Carroll moved to amend chapter 3, section 6, line 10 as follows: Insert after the word "years," the words "from the following January."

Adopted.

Senator Carney moved to reconsider the vote by which committee amendment to section 9, chapter 3, "but may be held open until 7 o'clock in the evening, providing a proclamation to that effect was made at the time of the opening of the polls," was lost.

Lost.

Senator Alexander moved that further consideration of the bill be postponed until to-morrow for the purpose of taking up House messages.

Carried.

HOUSE MESSAGES.

Joint resolution No. 2, relative to removal of pension office from Des Moines to St. Louis, read and passed on file.

House asked to recall House file No. 47.

Bill ordered returned.

House file No. 89, a bill for an act to amend sections 17, 18 and 24, of chapter 62, of the acts of the Twenty-fifth General Assembly, and to make the same applicable to cities organized and operating under special charter, was read first and second time.

Objection being made by Senator Bonson to consideration of House file No. 89, it being new matter and could not be considered under the rule.

The time of adjournment having arrived, Senator Garst moved to extend the time until the matter under consideration was disposed of.

Carried.

Senator Alexander moved that the rule be suspended and House file No. 89 be referred to the proper committee.

On the question, "Shall the rules be suspended and the bill be committed?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Carpenter, Carroll, Cheshire, Eaton, Ellis, Ellison, Funk, Garst, Gorrell, Harri- man, Henderson, Hospers, Hotchkiss, Junkin, Kilburn, Mitch- ell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Sargent, Waterman, Young—29.

The nays were:

Senators Bonson, Carney, Craig, Druet, Ericson, Gilbertson, Hipwell, Hobart, Hurst, Lothrop, Trewin, Upton—12.

Absent or not voting:

Senators Blanchard, Byers, Downey, Everall, Harper, Hcaly, Lehfelddt, Ranck, Rowen—9.

The point of order being raised regarding the number required to make a two-thirds majority, the President of the Senate reserved his decision until to-morrow morning.

The time of adjournment having arrived, the Senate adjourned until to-morrow at 9 o'clock A. M.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, February 12, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. G. W. E. Hill of Des Moines.

On request of Senator Rigger, leave of absence was granted Senator Rowen.

On request of Senator Everall, leave of absence was granted Senator Ranck.

On request of Senator Ellison, leave of absence was granted Senator Trewin.

PETITIONS AND MEMORIALS.

Senator Hipwell presented remonstrance of business men of Davenport, against change in laws in regard to incorporated companies.

Referred to Committee on Ways and Means.

Senator Perrin presented memorial of W. C. T. U. of University Place, Des Moines, against a manufacturing bill, and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Druet presented remonstrance of building and loan stockholders, against revenue bill, and asked that it be read and withdrawn to present in the House.

Senator Hobart presented petition of A. M. Wilson and other citizens of Cherokee county, in favor of a fire marshal law.

Referred to Committee on Insurance.

Senator Young presented petition of B. W. Jewell and other citizens of Delaware county, for a 2-cent fare bill.

Referred to Committee on Railways.

Senator Young presented petition of C. O. Torrey and other citizens of Delaware county, in favor of a fire marshal law.

Referred to Committee on Insurance.

Senator Bonson presented remonstrance of Dubuque Typographical union, against change in law relating to State printing and binding.

Referred to Committee on Printing.

Senator Bonson presented petition of citizens of Dubuque, in regard to fire marshals.

Referred to Committee on Insurance.

Senator Hurst presented petition of W. P. Markland and 137 other citizens of Jackson county, for a 2-cent fare bill.

Referred to Committee on Railways.

Senator Hotchkiss presented petition of W. C. T. U. of Stuart, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Ericson presented petition of E. R. Lawrence and thirty-three other farmers of Des Moines township, Boone county, asking that no change be made in the assessment law.

Referred to Committee on Ways and Means.

Senator Downey presented petition of W. E. Brown and twenty-one others of Fort Madison, asking for a 2-cent fare bill.

Referred to Committee on Railways.

Senator Sargent presented petition of Fowler Grocery company and forty other business firms of Waterloo, in regard to fire marshal.

Referred to Committee on Insurance.

Senator Pusey presented petition of Ed Howe and twenty other citizens of Pottawattamie county, in favor of a 2-cent fare bill.

Referred to Committee on Railways.

Senator Ellis presented petition of N. W. Patterson and other citizens of Clinton county, in favor of a fire marshal law.

Referred to Committee on Insurance.

REPORTS OF COMMITTEES.

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

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred Senate file No. 25, a bill for an act to revise, amend and codify the statutes in relation to fences, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the following amendments be adopted:

Page 468, section 14, line 8, change "three" to "four."

Page 468, section 14, lines 9 and 10, strike out the words "or of four wires, two thus barbed and two smooth."

Page 468, strike out all of section 16.

And when so amended that the bill do pass.

D. J. PALMER,
Chairman.

Ordered passed on file.

Senator Riggen, from the Committee on Pharmacy, submits the following report:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred Senate file No 38, a bill for an act to revise, amend and codify the statutes in relation to the practice of pharmacy, 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 that when so amended the bill do pass.

Insert after section 1, as sections 2, 3 and 4, the following:

Section 2. That the commissioners of pharmacy shall annually, on the first Monday in May, elect a suitable person who shall not be a member of said board, and who shall be known as "secretary and treasurer;" said secretary and treasurer shall enter upon the discharge of his duties as soon as he shall have filed with the Secretary of State a good and sufficient bond in the penal sum of fifteen hundred dollars, signed by at least two sureties, who shall justify in the aggregate to double the amount of said bond, and which shall bear upon its face the approval of the Governor.

The salary of said secretary and treasurer shall not exceed fifteen hundred dollars per annum.

Section 3. The secretary and treasurer shall keep in his office a book known as the "Commissioners of Pharmacy License Fee Book," which shall be made with ruled columns and printed headings, showing the date, the name of the person paying, and the amount of each license and fee paid, in which he shall enter all fees for licenses received by him, and on the first Monday of each month he shall file with the Auditor of State a true statement thereof the previous month, properly sworn to by him, and shall quarterly pay into the State treasury on the first day of January, April, July and October of each year the amount of license fees payable by law into such treasury.

Section 4. The books, accounts, vouchers and funds belonging to, or kept by, said board of commissioners of pharmacy shall at all times be open or subject to the inspection of the Governor, or any committee appointed by him.

In section 2, line 6, insert after the word "prescriptions," the word "only."

Strike out after the word "dollars" in section 4, line 2, the words "and with an examination five dollars," and insert the following: "and each and every person whom they examine orally or whose answers to a schedule of questions are returned subscribed to under oath, the sum of five dollars, which shall be in full for all services. In case the examination of said person shall prove defective and unsatisfactory and his name not be registered, he shall be permitted to present himself for re-examination within any period not exceeding twelve months, next thereafter, and no charge shall be made for re-examination. The said commissioners are authorized to administer oaths pertaining to their said office."

In section 7, line 17, strike out the word "both" and the words "and purchaser," and insert in place of the word "both" the word "the."

In section 8, line 2, strike out after the word "and," the words "all those who," and insert in lieu thereof, the words "who shall;" also, add to same section the following: "and person found guilty thereof shall, upon conviction, pay a fine of not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200). In actions or prosecutions under this chapter, it need not be proven, by the State, that the defendant has no license. If he has such license, it shall be a matter of defense."

Section 2, of the proposed Code, to be made section 5, and the remaining sections to be re-numbered to correspond.

Strike out all marginal numbers, reference numbers at end of sections and all underscoring.

J. A. RIGGEN,
Chairman.

Ordered passed on file.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 43, a bill for an act to revise, amend and codify the statutes in relation to the domestic relations.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Senator Riggen moved that chapter 60, acts of the Twenty-sixth General Assembly, be referred to the Committee on the Suppression of Intemperance.

Carried.

President Parrott made a ruling on the point of order raised yesterday on referring House file No. 89, regarding a two-thirds of those present constituting the required majority and the motion was declared to have prevailed and the bill was referred to the Committee on Suppression of Intemperance.

The Journal of Thursday was taken up, read, corrected and approved.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House file No. 21, a bill for an act to revise, amend and codify the statutes in relation to internal improvements.

Also:

House file No. 74, a bill for an act to revise, amend and codify the statutes in relation to mechanics' liens.

JAS. D. ROWEN,
Chief Clerk.

Passed on file.

BILLS ON THIRD READING.

On motion of Senator Carney, substitute for joint resolution No. 3, relative to investigation of State institutions, laid over from yesterday, was called up.

Senator Carney moved that the rule be suspended, and that substitute for joint resolution No. 3 be considered engrossed and read a third time now, which motion prevailed and the substitute for the joint resolution was read a third time.

On the question, "Shall the substitute for joint resolution No. 3 prevail?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Carney, Carpenter, Carroll, Craig, Downey, Druet, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Henderson, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Peurose, Perrin, Phelps, Pusey, Rikken, Sargent, Upton, Waterman, Young—36.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Byers, Cheshire, Eaton, Ellis, Harper, Harriman, Healy, Hipwell, Hobart, Lehfeldt, Ranck, Rowen, Trewin—14.

The substitute for joint resolution No. 3 having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senate resumed consideration of Senate file No. 10.

Senator Carney moved to amend section 17, chapter 3, by adding to the section the following: "in case of special election to fill vacancies in office, certificates of nomination or nomination papers for nomination of candidates for office to be filled by the electors of a larger district than a county may be filed with the Secretary of State not later than ten days before the time of election. Certificates of nomination or nomination papers nominating candidates for office to be filled by the electors of a county may be filed with the county auditor at any time not less than five days before the election."

Adopted.

Senator Carney moved to amend chapter 3, section 18, by inserting in line 4, after the word "election," the words "and the order in which the tickets shall appear on the ballot." Add to the section: "in case of special election to fill vacancy in office the certificate by the Secretary of State to the county auditor may be made at any time not later than seven days before the election.

Adopted.

Senator Carney moved to amend chapter 3, section 19, by inserting in line 9, after the word "decide," "except as otherwise provided."

Adopted.

Senator Carney moved to amend chapter 3, section 19, by inserting in line 9, after the word "ticket," "but the name of no candidate shall appear upon the ballot in more than one place for the same office, whether nominated by convention, primary or caucus. Where two or more conventions, primaries or caucuses, or any two of them may nominate the same candidate for any office the name of such candidate shall be printed under the name of the party first filing nomination papers bearing such name unless the candidate himself shall request the officer with whom the nomination papers are filed to cause the name to be printed upon some other ticket;" also, in the ninth line change the period after "ticket;" to a semicolon, and also insert small squares before the names of all candidates.

On this the yeas and nays were demanded.

On the question, "Shall the committee amendments to section 19 be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Carney, Carpenter, Carroll, Craig, Druet, Eaton, Ellison, Ericson, Funk, Gilbertson, Harriman, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rigger, Sargent, Upton, Waterman, Young—32.

The nays were:

Senators Bonson, Downey, Ellis, Everall, Garst, Gorrell, Hipwell, Hurst, Lothrop—9.

Absent or not voting:

Senators Blanchard, Byers, Cheshire, Harper, Healy, Lehfeldt, Ranck, Rowen, Trewin—9.

So the amendments were adopted.

Senator Carney moved to amend chapter 3, by inserting in section 20, line 8, after the word "State," the words, "in the

order the same appear upon the certificate issued by the Secretary of State." In line 10, after the word "precinct" insert "not less than twelve hours."

Adopted.

Senator Lothrop moved to amend section 19, by striking out the circles when they occur opposite the name of the head of the several tickets in said section.

Lost.

Senator Carney moved to amend chapter 3, section 23, by striking out of line 5 the words "one hundred" and insert in lieu thereof the words "seventy-five."

Adopted.

Senator Carney moved to amend chapter 3, section 24, by inserting in line 17 after the word "instructions" the words "and ballot law."

Lost.

Senator Funk, President *pro tem.*, presiding.

Senator Carroll moved to amend chapter 3, section 24, by striking out after the word "type," line 2, the words, "under the heading 'ballot law' the sections of this chapter relating to ballots, and upon others in the same type."

Adopted.

Senator Carney moved to amend chapter 3, section 24, line 3, by striking the "s" from the word "cards" and add "s" to the word "instruction," in same line.

Adopted.

Senator Carney moved to amend chapter 3, section 24, line 21, by striking out the words "and of the ballot law."

Adopted.

Senator Carpenter moved to amend chapter 3, section 25, by striking out all after the word "used," in line 7, to the end of the section.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Allyn, Berry, Bonson, Carpenter, Cheshire, Craig, Downey, Ellis, Ellison, Ericson, Everall, Garst, Gorrell, Hipwell, Hurst, Kilburn, Lothrop, Mitchell, Pusey, Upton, Waterman—21.

The nays were:

Senators Alexander, Bell, Carney, Carroll, Druet, Funk, Gilbertson, Harriman, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Palmer, Penrose, Perrin, Phelps, Riggen, Sargent, Young—20.

Absent or not voting:

Senators Blanchard, Byers, Eaton, Harper, Healy, Lehfeldt, Ranck, Trewin—8.

The amendment was adopted.

Senator Carney moved to amend chapter 3, section 28, line 10, by striking out the words "good faith" after the word "a" and insert after the word "resident" the words "in good faith."

Adopted.

Senator Carney moved to amend chapter 3, section 32, by striking out lines 1, 2, 3, 4, 5, 6, 7, and the first five words of line 8, and insert in place thereof the following: "Upon retiring to the voting booth the voter shall prepare his ballot by placing a cross in the square opposite the name of each candidate for whom he desires to vote, or if he desires to vote for all the candidates upon any ticket, he may do so by placing a cross in the circle at the head of the ticket."

On this a division was called for and the amendment was adopted.

Senator Carney moved to amend chapter 3, section 33, line 2, by striking out all that line after the word "squares" and all of line 3 including the word "tickets." Line 4, strike out the words "and no marks placed in any square on another ticket."

Amendment to section 33 was withdrawn, and sections 33 and 34 passed until to-morrow.

Senator Waterman filed a motion to reconsider the vote by which the amendments to section 32 were adopted.

Senator Carney moved to amend chapter 3, section 34, line 1, by striking out all after the word "mark" to and including the word "chapter" in the second line. After the word "two" in line 2, insert the word "substantially." In line 3, after the word "practicable" insert the words "placed in the circle or square."

Senator Carpenter offered the following substitute for the amendment: Strike from section 34, chapter 3, line 1, all between the word "square" and word "any" in line 3.

Adopted.

Senator Carney moved to amend chapter 3, section 34, lines 5, 6 and 7, by striking out the sentence commencing "If a voter" and ending "such office."

Adopted.

Senator Carney moved to amend chapter 3, section 35, by inserting in lines 2 and 3, after the word "papers" the words "or certificates of nomination."

Adopted.

President Parrott presiding.

Senator Carney moved to amend chapter 3, section 44, by adding to the section: "the right of any citizen to vote at any city, town or school election on the question of issuing any bonds for municipal or school purposes, and for the purpose of borrowing money, or on the question of increasing the tax levy, shall not be denied or abridged on account of sex."

Adopted

Senator Garst moved that further consideration of Senate file No. 10 be postponed until to-morrow, for the purpose of taking up House messages.

Carried.

HOUSE MESSAGES.

House file No. 21, a bill for an act to revise, amend and codify the statutes in relation to internal improvements, was read first and second time and referred to Committee on Code Revision.

House file No. 74, a bill for an act to revise, amend and codify the statutes in relation to mechanics' liens, was read first and second time and referred to Committee on Judiciary.

Senator Carney offered the following resolution:

Resolved, That, beginning Monday afternoon, the Senate hold afternoon sessions, beginning at 2 o'clock P. M., until otherwise ordered.

Laid over.

Senator Mitchell filed motion to reconsider the vote by which amendment to section 25, chapter 3, was adopted.

The hour for adjournment having arrived, the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, February 13, 1897. }

Senate met in regular session at 9 o'clock A. M., Senator Funk, President *pro tem.*, presiding.

Prayer was offered by Rev. E. W. Curtis of Des Moines.

On request of Senator Alexander, leave of absence was granted Senators Harriman and Sargent until Tuesday.

On request of Senator Craig, leave of absence was granted Senators Everall and Lothrop until Tuesday.

PETITIONS AND MEMORIALS.

Senator Downey presented petition of the Iowa Farming Tool company and sixty-seven other firms of Lee county, for fire marshal.

Referred to Committee on Insurance.

Senator Perrin presented petition of C. M. Billings and other citizens of Nashua, for a repeal of chapter 104, acts of the Twenty-first General Assembly, and chapter 66, acts of the Twenty-second General Assembly, and enact a substitute therefor.

Referred to Committee on Public Health.

Senator Carney presented remonstrance of O. N. Hoyt and other citizens of Marshall county, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Harper presented petition of John Blaul & Sons and other business houses of Burlington, for fire marshal.

Referred to Committee on Insurance.

Senator Harper presented petition of Drake Hardware company and other business houses of Burlington, in regard to taxation.

Referred to Committee on Ways and Means.

Senator Berry presented remonstrance of Jesse Willis and other citizens of Warren county, against a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

REPORTS OF STANDING COMMITTEES.

Senator Ellis, from the Committee on Judiciary, submits the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 76, a bill for an act to revise, amend and codify the statutes in relation to warehousemen, carriers, hotel keepers, livery stable keepers and herders, 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 amendments be adopted:

Change the word "six," in line 5, section 9, to the word "three."

Add to section 16 the following: "If such charges and expenses are not sooner paid, the lienholder may sell said property at public auction, after giving to the owner or claimant ten days' notice in writing of the time and place of such sale if found within the county, and also by posting written notices thereof in three public places in the township where said stock was kept or let. And out of the proceeds of such sale he shall pay all of said charges and expenses of keeping said stock together with the costs and expenses of said sale, and the balance, if any, shall be paid to the owner or claimant of said property."

Strike out all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at end of sections.

And when so amended the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 71, a bill for an act to revise, amend and codify the statutes in relation to warehousemen, carriers, hotel keepers, livery stable keepers and herders, 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 indefinitely postponed for the reason that House file No. 76, on the same subject, has been recommended for amendment and passage.

L. A. ELLIS,
Chairman.

Report of committee adopted.

Senator Perrin, from the Committee on Suppression of Intemperance, submits the following report:

MR. PRESIDENT—Your Committee on Suppression of Intemperance, to whom was referred House file No. 89, a bill for an act to amend sections 17, 18, and 24, of chapter 62 of the acts of the Twenty-fifth General Assembly, and to make the same applicable to cities organized and operating under special charters, beg leave to report that they have had the same

under consideration in committee and have instructed me to report the same back to the Senate with the recommendation that the bill do pass.

WM. B. PERRIN,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 43, a bill for an act to revise, amend and codify the statutes in relation to the domestic relations.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Senator Carney called up resolution relative to afternoon sessions.

Senator Waterman moved as a substitute that the Senate hold afternoon sessions on Tuesdays and Thursdays commencing at 2 o'clock P. M.

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

Relative to a joint committee for the purpose of electing a trustee of the Agricultural College.

JAS. D. ROWEN,
Chief Clerk.

Passed on file.

The Journal of Friday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 10.

Senator Waterman filed a motion to reconsider the vote by which amendment to section 44, chapter 3, were adopted, on Friday.

Senator Carney moved to amend chapter 4, section 8, as follows: In line 8, omit "copies of the register lists" and insert in place thereof "the registry books and lists and other papers pertaining to registration;" also, change "six" to "eighteen."

Adopted.

Senator Carney moved to amend chapter 6, section 8, as follows: In line 7, strike out the word "and" and add to the section the words "and the Superintendent of Public Instruction in the sum of not less than two thousand dollars."

Adopted.

Senator Penrose moved to amend chapter 6, section 6, by striking out the word "mayors" in line 2.

Lost.

Senator Carney moved to amend chapter 6, section 8, by striking out the figure "5" and insert the figures "10" in line 1.

Adopted.

Senator Carney filed motion to reconsider the vote by which amendment to chapter 6, section 6, was lost.

Senator Carney moved to amend chapter 6, section 11, as follows: After the word "required" insert the words "except as hereinafter specified." At the end of the section add the words "provided that any association or incorporation which does the business of insuring the fidelity of others and which has authority by law to do business in this State, shall be accepted as surety upon bonds required by law with the same force and effect as sureties above qualified."

Adopted.

Senator Carney moved to amend the section as amended by striking out the word "shall" after the word "state," and insert the word "may" in lieu thereof.

Adopted.

Senator Carney moved to reconsider the vote by which the amendment to the section as amended was adopted.

Carried.

The question recurring on the amendment to the amendment striking out the word "shall" and inserting the word "may," Senator Upton moved the previous question, which motion prevailed.

On the question, "Shall the amendment to the amendment be adopted?" a division was called for and the amendment was lost.

Senator Cheshire presiding.

Senator Carney moved to amend the amendment to section 11, chapter 6, by striking out the words "provided that."

Adopted.

Senator Carney moved to amend chapter 7, section 1, as follows: In lines 16 and 18, strike out the word "for" at the beginning of each line.

Adopted.

Senator Carney moved to amend chapter 10, section 12, by adding at the end of the section: "except that when the office is one to be filled by the General Assembly the appointee shall hold only until the General Assembly elects."

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Carney moved to amend chapter 11, section 4, line 1, by striking out the words "when any surety on the bond required of a civil officer" and insert "when any surety on a bond required by law except as otherwise provided."

Adopted.

HOUSE MESSAGES.

House concurrent resolution relative to a joint convention for the purpose of electing a trustee of the Agricultural College was read first and second time.

Senator Garst moved that the concurrent resolution be concurred in.

Carried.

Senator Berry moved that the Senate adjourn until 11 A. M. Monday.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Monday, February 15, 1897. }

Senate met in regular session at 11 o'clock A. M., Senator Funk, President *pro tem.*, presiding.

Prayer was offered by Rev. Thos. Johnson of Boone, Iowa.

PETITIONS AND MEMORIALS.

Senator Byers presented remonstrance of H. W. Tate and other citizens of Chariton, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

INTRODUCTION OF BILLS.

By Senator Ellis, Senate file No. 82, a bill for an act to exonerate from penalties under the prohibitory law in cities acting under special charters.

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

REPORTS OF STANDING COMMITTEES.

Senator Palmer, from the Committee on Agriculture, submits the following report:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred Senate file No. 14, a bill for an act to revise, amend and codify the statutes in relation to certain corporations, 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 do pass after the following amendments have been adopted:

Page 312, section 4, line 1, strike out the word "and," and insert a comma after the word "society;" line 2, same section, strike out all after the word "year," up to the word "a," in line 3; same section, line 4, insert the words "and reports," after the word "recommendations."

Page 312, section 6, line 1, change "shall" to "may."

Page 314, section 21, line 1, change "twenty-five hundred" to "two thousand."

Page 315, section 21, strike out lines 4 and 5 and insert a comma after the word "society" in line 3, page 314.

Pages 315 and 316 strike out sections 25, 26, 27, 28 and 29 and substitute the following in lieu thereof:

Sec. 25. There is established under the supervision of the State Agricultural society, a weather and crop service, which shall co-operate, so far as may be practicable, with the United States weather bureau, for the purpose of collecting crop statistics and meteorological data and disseminating the weather forecasts and storm and frost warnings among the people and to promote the growth of the knowledge of meteorological science and the climatology of the State.

Sec. 26. The central station shall be at the seat of government, under the charge of a director and assistant director; the director to be appointed by the Governor for a term of two years, upon the recommendation of the directors of the State Agricultural society; the assistant director to be an officer of the United States weather bureau if one shall be detailed for that purpose.

Sec. 27. The director shall establish volunteer stations at one or more places in each county in the State, appoint observers thereat, supervise such stations and receive reports of meteorological events and crop conditions therefrom, and tabulate the same for permanent record; he shall issue weekly climate and crop bulletins during the crop season, from April 1st to October 1st, which bulletins shall be printed by the State printer; he shall also edit and cause to be published at the office of the State printer a monthly review containing meteorological and agricultural matter of public interest and educational value. The State printer shall print three thousand copies thereof, or less number at the discretion of the director, for free distribution from the office of the weather and crop service. The director shall also serve as supervisor of farmers' county institutes, with advisory powers only, to assist in their organization, and to secure so far as may be practicable a systematic arrangement of dates, whereby the attendance of instructors and lecturers may be secured at the least expenditure of time and money and travel.

Sec. 28. The director shall compile an annual report to the Governor, which shall contain a complete review and summary of the results of the service for the year, which report may also include articles and papers upon subjects of meteorological science and climatology, and extracts from approved works and publications on such subjects; and said report shall be bound and printed in such numbers as the Executive Council shall direct, the expenses to be paid as in the case of other reports.

Sec. 29. There is appropriated out of any money in the State treasury not otherwise appropriated, for the support of said service, the sum of twenty-seven hundred dollars annually, or as much thereof as may be necessary, to be drawn and expended upon the order of the president and secretary of the State Agricultural society. The salary of the director shall be fifteen hundred dollars per annum, to be drawn from the sum herein appropriated; and the necessary expenses of the director in visiting farmers' institutes, and in carrying into effect the provision relating thereto in section 27, shall be paid from the fund herein appropriated; provided, that said expenses shall not exceed two hundred dollars per annum.

Strike out all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the

title wherever they occur; also, all reference words and characters wherever they occur at ends of sections.

D. J. PALMER,
Chairman.

Ordered passed on file.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in the Senate amendments to House amendments to Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent.

JAMES D. ROWEN,
Chief Clerk.

The Journal of Saturday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 10.

Senator Carney moved to amend chapter 12, section 5, line 4, by striking out the words "set solid" and in place thereof insert the words "or its equivalent;" also, in line 4 strike out the words beginning "and for the same matter" to and including the words "charge may be made."

Adopted.

Senator Trewin moved to amend chapter 12, section 5, line 3, by striking out the words "square of."

Adopted.

Senator Carpenter moved to amend chapter 2, by changing the word "registers" to "registrars" wherever it occurs in the chapter.

Lost.

Senator Carney moved to amend chapter 12 by adding as section 13 the following: "Section 13. All officers required by the provisions of this Code to collect and pay over fines and fees shall, except as otherwise provided, on the first Monday in January in each year, make report thereof under oath to the board of supervisors of the proper county, showing the

amount of fines assessed and the amount of fines and fees collected together with vouchers for the payment of all sums collected, to the proper officer."

Adopted.

Senator Carney moved to amend chapter 12 by adding the following as section 14: "Section 14. Clerks of district, superior and police courts, mayors of cities and towns, and justices of the peace shall, on the first Monday in January in each year, make report in writing to the board of supervisors for their respective counties of all forfeited recognizances in their offices; of all fines, penalties and forfeitures imposed in their respective courts which by law go into the county treasury for the benefit of the school fund; in what cause or proceeding, when and for what purpose, against whom and for what amount rendered; whether said fines, penalties, forfeitures and recognizances have been paid, remitted, cancelled or otherwise satisfied; if so, when, how and in what manner, and if not paid, remitted, cancelled or otherwise satisfied, what steps have been taken to enforce the collection thereof, and the prospect of such collection. Such report must be full, true, and complete with reference to the matters therein contained, and of all things required by this section to be reported, and be under oath, and any officer failing to make such report shall be guilty of a misdemeanor," and when so amended it do pass.

Adopted.

Senator Pusey moved to amend section 14, chapter 12, by striking out of line 5 the words "and the prospect of such collection."

Adopted.

Senator Waterman moved to amend chapter 10, section 8, by inserting in line 17 after the word "days" the words "except in case of councilmen."

Adopted.

Senator Carney moved that a committee consisting of the Senators from Dubuque, Linn, Scott and Montgomery counties be appointed to examine Senate file No. 10 and ascertain and report whether or not it regulates and authorizes elections in cities under special charters.

Carried.

Senator Penrose offered the following substitute for section 9, chapter 3: "Section 9. At all elections the polls shall be opened at eight o'clock in the forenoon, except in cities where

registration is required, when the polls shall be opened at seven o'clock in the forenoon, or as soon thereafter as vacancies in the places of judges or clerks of election have been filled. In all cases the polls shall be closed at six o'clock in the evening."

Senator Carney moved that further consideration of Senate file No. 10 be postponed until to-morrow morning.

Carried.

Senator Trewin moved that the time of adjournment be extended for the purpose of taking up House messages.

Carried.

HOUSE MESSAGES.

House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence, was read first and second time and referred to Committee on Code Revision.

Amended Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent, was read and passed on file.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, February 16, 1897. }

Senate met in regular session at 9 o'clock A. M., Senator Funk, President *pro tem.* presiding.

Prayer was offered by Rev. H. J. Everly of Ames, Iowa.

On request of Senator Harriman, leave of absence was granted Senator Young until Wednesday.

PETITIONS AND MEMORIALS.

Senator Upton presented remonstrance of S. A. Converse and 249 other citizens of Howard county, against a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Upton presented remonstrance of Geo. C. Thomas and 104 other citizens of Winneshiek county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Druet presented remonstrance of E. E. Haines and twenty-eight other citizens of Marion county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Garst presented remonstrance of Mrs. A. C. Harris and other citizens of Greene county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Craig presented remonstrance of J. T. Wendrow and other citizens of Butler county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Carney presented petition of W. W. Sloan and other citizens of Marshall county, in favor of a 2-cent fare bill.

Referred to Committee on Railways.

Senator Phelps presented petition of E. O. Gibbs and other citizens of Cass county, in favor of a 2-cent fare bill.

Referred to Committee on Railways.

Senator Rowen presented remonstrance of Rev. A. McClintock and 103 other citizens of Wright county, against a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Rowen presented remonstrance of Congregational church of Belmond, against a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Henderson presented remonstrance of Anna Good-enough and other citizens of Humboldt county, against a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Trewin presented remonstrance of A. L. Davis and forty-four other citizens of Fayette county, on same subject.

Referred to Committee on Suppression of Intemperance.

REPORTS OF STANDING COMMITTEES.

Senator Craig, from the Committee on Military, submitted the following report:

MR. PRESIDENT—Your Committee on Military, to whom was referred Senate file No. 40, a bill for an act to revise, amend and codify the statutes in relation to the Soldiers' Home, 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 substitute filed herewith be adopted, and when so adopted it do pass:

A BILL

For an act to revise, amend and codify the statutes in relation to the Soldiers' Home.

Be it enacted by the General Assembly of the State of Iowa:

CHAPTER 20, OF TITLE 12, OF THE SOLDIERS' HOME.

Section 1. The Iowa Soldiers' Home, located at Marshalltown, shall be maintained for dependent honorably discharged union soldiers, sailors and marines, their dependent widows, wives and mothers, and dependent army nurses, and shall be under the management and control of five trustees who served in the union army or navy, who shall be appointed by the Governor of the State by and with the consent of the Senate, and not more than three (3) of whom shall belong to the same political party, and no two of whom shall be from the same Congressional district. No member of the General Assembly shall be eligible to the office of trustee.

The members of the board shall hold their office for the term of six years and until their successors shall be appointed and qualified. In case of a vacancy in the board of trustees by death or any other cause, the appointing power provided for shall have power to fill the vacancy for the unexpired portion of the term. Three members of the board shall constitute a quorum for the transaction of business. Provided, that for the adoption of plans and letting of contracts for buildings, and for the selection of a commandant for said home, the affirmative vote of a majority of the entire board shall be required.

Before entering upon his office each member of the board of trustees shall take and sign an oath and execute a bond in the general sum of ten thousand dollars for the use of the State of Iowa, to be approved by the

Executive Council and filed in the office of Secretary of State conditioned for the faithful performance of his duties.

Sec. 2. All persons named in section one (1) of this act not having sufficient means for his or her own support who are disabled by disease, wounds, old age or otherwise, who served in Iowa regiments or batteries or were accredited to the State of Iowa or who have been residents of the State for three years next preceding the date of application, shall be eligible to admission into said home.

Sec. 3. The board of trustees shall meet annually on the second Wednesday in May and organize by electing from their number a president, secretary and treasurer, each of whom shall hold his office for one year or until his successor shall be elected and qualified. The treasurer shall give a bond which shall be approved by the Executive Council for double the amount of money liable to come into his hands at any one time, and said bond shall be filed with the Secretary of State.

The board shall also meet on the second Wednesdays in August, November and February, and at such other times as may be necessary. It shall adopt a seal, have power to determine the eligibility of applicants for admission to the home, and adopt all needed rules for the preservation of order, enforcement of discipline, the preservation of the health of the members and for the government of the home and control of the grounds surrounding the same. It shall biennially, on October 1st, prior to the meeting of the General Assembly, make a full and detailed report to the Governor of the State, showing the condition of the home, the number of members, the order and discipline enforced and of its condition financial and otherwise, and any and all other matters of importance.

Sec. 4. The board of trustees shall appoint a commandant to serve during the pleasure of the board and who shall be one who has an honorable discharge from the United States army or navy, and whose salary shall not exceed twelve hundred dollars per year. The commandant may appoint, subject to the approval of the board, the adjutant, quartermaster and surgeon, of like qualifications as to service in the army or navy, with himself, and also a matron and other necessary subordinate employes, and they shall be subject to removal by him for misconduct or incompetency, but in the case of every removal a detailed statement of the cause shall be reported at once to the board of trustees. The board shall fix the compensation to be paid the subordinate officers and employes of the home not to exceed that paid for like services in similar institutions.

Sec. 5. When a member of the home is discharged therefrom or voluntarily leaves the same, or be adjudged insane, his residence shall be that of the county in which he was residing at the time of his admission.

Sec. 6. The board of trustees may receive into the home dependent honorably discharged union soldiers, sailors or marines, and their wives, if married prior to the year 1885, under such rules and regulations and subject to such conditions as the said board may prescribe, and permit such husband and wife to occupy a cottage on the grounds or such other quarters as may be specifically set apart for such; *provided*, such soldiers shall have the qualifications for membership prescribed in sections one (1) and two (2) of this act, subject to the same rules and regulations such army nurses and the mother and widow of any union soldier, sailor or marine as would

be eligible to admission to the home and as are unable to support themselves, may be admitted therein and be supported and maintained and receive the same allowance from the State as is granted to other members of the home.

Sec. 7. No trustee or officer of the Iowa Soldiers' Home shall be in any way interested in any contract for the erection or purchase of any buildings or lands, for furnishing any materials or supplies of any kind whatsoever for the use of said home, and if any such trustee or officer shall be so interested he shall be deemed guilty of a misdemeanor and on conviction be fined in any sum not exceeding five thousand dollars.

Sec. 8. There is hereby appropriated out of any money in the treasury the sum of thirteen thousand dollars per annum, or so much thereof as may be required for the salaries and wages of the officers and employes of said home. For the general support of said home there is hereby appropriated the sum of ten dollars per month for each member, or so much thereof as may be necessary, to be estimated by the average number for the preceding quarter.

These appropriations to be drawn monthly on the requisition of the board of trustees of the home in the usual manner, and then only in such amounts as the wants of the home may require.

GEO. M. CRAIG,
Chairman.

Ordered passed on file.

Senator Ellis, from the Committee on Judiciary, submits the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 76, a bill for an act to revise, amend and codify the statutes in relation to attachment, garnishment, execution and supplementary proceeding, 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 according to accompanying report, and when so amended the bill do pass:

Amend section 10, page 755, line 2, by striking out the words "value of the property sought to be attached" and insert in lieu thereof the words "amount of the claim."

Substitute for section 12 the following: "In an action on such bond, the plaintiff therein may recover if he shows that the attachment was wrongfully sued out, and that there was no reasonable cause to believe the ground upon which the same was issued to be true, the actual damages sustained and reasonable attorney's fees to be fixed by the court; and if it be shown such attachment was sued out maliciously, he may recover exemplary damages, nor need he wait until the principal suit is determined before suing on the bond."

Add the following as a new section, numbering it "13," and renumber the subsequent sections in the bill:

Sec. 13. The fact stated as a cause of attachment, shall not be contested in the action by a mere defense. The defendant's remedy shall be on the bond, but he may in his discretion, sue thereon by way of counterclaim, and in such case shall recover damages as in an original action on such bond.

Amend section 25, page 756, line 5, by adding after the word "pending," the words "a commissioner appointed for that purpose."

Substitute the following for section 28: "In executing an attachment against a person who owns property jointly or in common with another, or who is a member of a partnership, the officer may take possession of such property so owned jointly, in common, or in partnership, sufficiently to enable him to inventory and appraise the same, and for that purpose shall call to his assistance three disinterested persons; which inventory and appraisal shall be returned by the officer with the attachment, and such return shall state who claims to own such property.

"The plaintiff shall, from the time such property is taken possession of by the officer, have a lien on the interest of the defendant therein, and may either before or after he obtains judgment in the action in which the attachment issued, commence action by equitable proceedings to ascertain the nature and extent of such interest and to enforce the lien; and, if deemed necessary or proper, the court or judge may appoint a receiver under the circumstances and conditions provided in chapter 12, of title 17."

Page 756, section 19, strike out all of the section and substitute the following: "Judgments, money, bank bills and other things in action may be levied upon by the officer under an attachment in the same manner as levies are made under execution, except that notice of such levy shall be given as in levies by attachment, and after judgment such property shall be sold, appropriated or transferred as provided for in the chapter on executions."

Section 23, strike out in the first line the words "a levy upon real estate" and insert "Real estate or equitable interests therein may be attached, and the levy."

Strike out all of section 24, down to and including the word "another," and insert "when any property is attached." Also in fifth line, same section, after the word "return," insert "a like notice shall be given to the party in possession of the property attached. If the party required to be notified is not found at his usual place of business or residence such notice may be served upon a member of his family over fourteen years of age at such place."

Strike out the sentence commencing with "failure," etc., fifth and sixth lines, section 24.

Page 757, section 30, put period after the word "attachment," and strike out the rest of sentence.

Section 44, page 759, strike out in lines 3 and 4 the words "nor to release attached property for failure of plaintiff to furnish such bond."

After the word "levy" in third line of same section substitute a period for comma.

Substitute the following for section 4, page 761: "If the garnishee die after he has been summoned by garnishment, and pending the litigation, the proceedings may be revived by or against his heirs or legal representatives."

Strike out in line 3, page 761, bottom of page, the word "subsequently."

Strike out "or a judge thereof" in line 2, section 7, page 762.

Substitute the word "proper" for the word "right" in same line.

Strike out section 11, page 762.

Strike out the words "or judge" in line 8, section 13, same page.

Substitute the following for section 6, page 764: "When sent into any court other than that in which the judgment was rendered, return may be made by mail. But money cannot thus be sent except by direction of the party entitled thereto, or his attorney."

Strike out all after the second word ("the") in fourth line of section 16, and substitute the word "execution" for the word "judgment" in same line. Add to the end of the same section the following words: "He may retain his own costs on receiving therefor on the judgment docket."

Strike out the word "thereon" in sixth line, section 18, and substitute therefor the words "on the execution."

Insert the word "by" after the word "reached," in first line, section 22.

Page 766, add after the word "property," first line, section 26, the words "not exempt from execution."

Amend section 38, page 769, by inserting after the word "him" in the fourth line, the words "or from the defendant that the property is exempt from execution, but failure to give such notice shall not deprive the party of any other remedy."

Strike out all of line 12 on page 770.

Transpose the words "unless waived by the party in whose favor the judgment is rendered," as they occur in lines 1 and 2, section 44, page 770, so that they shall appear after the word "thereof" in second line of the section. Strike out the word "the" before the word "property" in line 2, same section.

Insert the words "in writing" after the word "required" in third line section 64, page 772.

Page 773, section 67, lines 7 and 8, strike out all after the word "remaining;" change the comma to a period after the word "remaining."

Same page, section 68, line 4, insert after the word "property" the words "or from which such process issued."

Strike out the sixth line and the first six words in seventh line, and insert the following: "unless objection be made thereto as provided in the following section, such claim shall be allowed and paid."

Strike out all after the word "property" in the second line and change comma to period.

Strike out in lines 1 and 2, section 82, page 774, the words "not belonging to the execution defendant," and substitute the words "on which the judgment upon which the execution issued was not a lien at the time of levy."

Strike out in line 2, section 85, page 775, the words "as in other cases" and insert in lieu thereof "on the first day of the term."

Add to the close of section 94, page 776, the following words: "The owner of a claim which has been allowed and established against the estate of a decedent may redeem as in this chapter provided by making application to the district court or any judge of the district where the real estate to be redeemed is situated. Such application shall be heard after notice to such parties as said court or judge may direct and shall be determined with due regard to rights of all persons interested."

Amend section 98, pages 776 and 777, by striking out in second and third lines the words "eight per cent per annum" and insert after the word "interest" the words "the same as the lien redeemed from bears."

Section 99, line 4, strike out the words "eight per cent per annum."

Strike out section 18, on page 781, and substitute therefor the following: "In the case contemplated in the two preceding sections, a lien shall be created on the property of the judgment debtor, or his interest therein, in the hands of any defendant or under his control, which is sufficiently described in the petition, from the time of the service of notice and copy of the petition on the defendant holding or controlling such property or any interest therein."

Strike out all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at end of sections.

L. A. ELLIS,
Chairman.

Ordered passed on file.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House file No. 16, a bill for an act to revise, amend and codify the statutes in relation to corporation, for pecuniary profits.

Also:

House file No. 43, a bill for an act to revise, amend and codify the statutes in relation to State board of health.

Also:

House file No. 63, a bill for an act to revise, amend and codify the statutes in relation to the school fund.

Also:

House file No. 82, a bill for an act to revise, amend and codify the statutes in relation to proceeding in particular cases.

JAS. D. ROWEN,
Chief Clerk.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 10, substitute for section 9, chapter 3, being under discussion.

Senator Carroll moved to amend the substitute by inserting after the word "or" the words "in each case," in line 4.

Adopted.

The substitute as amended was adopted.

Senator Carney called up the motion filed by Senator Mitchell to reconsider the vote by which amendment to chapter 3, section 25, was adopted.

Senator Carney moved that the vote be reconsidered.

Carried.

On reconsideration the amendment was lost.

Senator Carney moved to amend chapter 12, section 5, by inserting after the word "squares" the words "In no case shall the cost of publishing the official ballot exceed \$30.00 for each of the two papers in which it shall be published, except in presidential years, when it shall not exceed the sum of \$50.00 for each of said papers."

Adopted.

Senator Waterman offered the following amendment to section 5, chapter 12: In line 2 strike out the words "one dollar" and insert the words "fifty cents," and in line 3 strike out the word "fifty" and insert the words "twenty-five."

Senator Carney moved to amend the amendment by striking out the word "fifty" and inserting the words "seventy-five," and strike out the words "twenty-five" and insert the words "thirty-seven and one-half."

Adopted.

The amendment as amended was adopted.

Senator Carroll moved to amend section 5, chapter 12, line 6, as follows: Strike out the words "two-fifths of above rate" and insert the words "forty cents for each ten lines of brevier or its equivalent."

Adopted.

Senator Carney moved to amend section 5, chapter 12, as follows: Strike out word "but" in line 5, and in line 4 put period after word "width" and commence "for," line 5, with a capital.

Adopted.

Senator Trewin moved to amend section 5, chapter 12, line 7, by striking out the words "in such squares."

Adopted.

Senator Waterman moved to amend section 5, chapter 12, line 5, by striking out the word "such."

Adopted.

Senator Phelps moved to strike out of chapter 3, section 25, the words commencing with the word "they," in the third line and ending with the word "used," in the seventh line.

Adopted.

Senator Trewin moved to amend chapter 3, section 33: After the word "chapter" in line 11, insert the words "and so that such mark may be used for the purpose of identifying such ballot."

On this a division was called and the amendment was adopted.

Senator Carney moved to take up motion filed by Senator Waterman to reconsider the vote by which amendments to section 32, chapter 3, were adopted.

Carried.

Senator Waterman offered the following substitute for section 32, chapter 3:

Section 32. Upon retiring to the voting booth, the voter shall prepare his ballot in one of the three following ways:

First.—If he desires to vote for all the candidates of one political party, he may make a cross thus: (X) in the circle at the head of the ticket preceding the party name, and his ballot shall be counted for all the candidates on such party ticket.

Second.—If he desires to vote for the candidates of a party with some exceptions, he may make a cross X in the circle preceding the party name thus: (X) and then make a cross X in the square, thus: [X] preceding the name of any candidate of another party, where there is only one to be elected to the same office, and his ballot shall be counted for the candidates of the party marked thus: (X) except as to the candidates marked under another party title and these will be counted for the candidates marked.

Third.—Where two or more candidates for the same office are to be voted for, such as justices of the peace or judges of the district court, and the voter desires to vote for such candidates on more than one ticket, a cross X shall be placed in the square, thus: [X] preceding each and every candidate for whom he desires to vote and no circle shall be marked at the head of any ticket.

Senator Waterman moved that the further consideration of the substitute for section 32, chapter 3, be postponed until to-morrow morning.

Lost.

Senator Bonson offered the following motion:

MR. PRESIDENT—I move to refer chapter 3 back to the committee with instructions to so amend the same that the circle at the head of the ticket be abolished.

Lost.

A committee from the House appeared in the Senate chamber and informed the Senate that the House was ready to receive the Senate in joint convention for the purpose of electing a trustee of the Agricultural College to fill vacancy caused by the resignation of A. F. Meservey.

Senator Blanchard moved that the Senate proceed to meet the House in joint convention.

Carried.

JOINT CONVENTION.

The sergeant-at-arms announced the Senate in a body, who took seats on the west side of the House chamber, which were vacated for their use.

Senator Funk, President *pro tem.* of the Senate, took the chair and called the convention to order, and stated that the purpose of the convention was to elect a trustee of the Agriculture College at Ames, to fill vacancy caused by the resignation of A. F. Meservey.

The roll was ordered called and those present were:

Messrs. Alexander, Allyn of Ringgold, Bailey, Bell of Jefferson, Bell of Washington, Berry, Bird, Blanchard, Bonson, Bowen, Brady, Brant, Brighton, Brinton, Byers of Lucas, Byers of Shelby, Byington, Carney, Carpenter, Carroll, Chapman, Cheshire, Clark, Cook, Craig, Crow, Davis, Doubleday, Dowell, Downey, Druet, Early, Edwards, Ellis, Ellison, Ericson, Evans, Everall, Finch, Funk of Dickinson, Funk of Hardin, Garst, Gilbertson, Good, Griswold, Gurley, Harriman, Haugen, Hauger, Healy, Hendershot, Henderson, Hinkhouse, Hinman, Hipwell, Hobart, Hoppers, Hotchkiss, Hunt, Huntley, Hurst, Jackson, Johnson of Webster, Johnston of Franklin, Junkin, Kilburn, Klemme, Ladd, Lambert, Lauder, Lavender, Loomis, Lothrop, Lowry, McAchran, McArthur, McDonald, McDowell, McNulty, McQuin, Manahan, Marti, Martin, Mayne, Merriam, Miller of Buena Vista, Miller of Warren, Morrison of Grundy, Morrison of Keokuk, Mullin, Nietert, Nolan, Palmer, Parker, Penrose, Perrin, Perrott, Phelps, Potter, Power, Prentis, Pusey, Putnam, Ranck, Ray, Reed, Riggen, Rowen, Sargent, Scott, Spaulding, St. John, Sullivan, Temple, Thompson, Tibbitts, Trewin, Upton, Voelker, Waterman, Weaver, Wells, Wheeler, Whelan, Whittier, Williams, Wilson, Wood, Young—129.

Those absent were:

Messrs. Allen of Van Buren, Baker, Classen, Cornwall, Eaton, Frazee, Frink, Garner, Gorrell, Grote, Harper, Hayes, Hazen, Jay, Lehfeldt, Miller of Cherokee, Mitchell, Porter, Smith, Van Houten, Watters—21.

There being a quorum present, Senator Lothrop placed in nomination W. J. Dixon of Sac county to fill out the unexpired term of A. F. Meservey.

The President appointed as teller on behalf of the Senate, Senator F. O. Ellison.

The Speaker appointed as teller on behalf of the House, Representative J. A. Thompson.

The roll was called.

Those voting for Mr. Dixon were:

Messrs. Alexander, Allyn of Ringgold, Bailey, Bell of Jefferson, Bell of Washington, Berry, Blanchard, Bowen, Brady, Brant, Brighton, Brinton, Byers of Lucas, Byers of Shelby, Carney, Carpenter, Carroll, Clark, Cook, Craig, Crow, Davis, Doubleday, Dowell, Downey, Druet, Early, Edwards, Ellis, Ellison, Ericson, Evans, Finch, Frink, Funk of Dickinson, Funk of Hardin, Garner, Garst, Gilbertson, Good, Griswold, Gurley, Harriman, Haugen, Hauger, Healy, Hendershot, Henderson, Hinkhouse, Hinman, Hobart, Hospers, Hotchkiss, Huntley, Johnson of Webster, Johnston of Franklin, Junkin, Kilburn, Klemme, Ladd, Lambert, Lauder, Lavender, Lothrop, McCachran, McDonald, McDowell, McNulty, Mayne, Merriam, Miller of Buena Vista, Miller of Warren, Morrison of Grundy, Morrison of Keokuk, Mullin, Nietert, Nolan, Palmer, Parker, Penrose, Perrin, Perrott, Phelps, Potter, Power, Prentis, Putnam, Ray, Reed, Riggen, Rowen, Sargent, Scott, Smith, Spaulding, Temple, Thompson, Tibbitts, Trewin, Upton, Voelker, Waterman, Watters, Weaver, Wells, Whelan, Whittier, Williams, Wilson, Wood—110.

The nays were:

None.

Absent or not voting:

Messrs. Allen of Van Buren, Baker, Bird, Bonson, Byington, Chapman, Cheshire, Classen, Cornwall, Eaton, Everall, Frazee, Gorrell, Grote, Harper, Hayes, Hazen, Hipwell, Hunt, Hurst, Jackson, Jay, Lehfeldt, Loomis, Lowry, McArthur, McQuin, Manahan, Marti, Martin, Miller, Mitchell, Porter, Pusey, Ranck, St. John, Sullivan, Van Houten, Wheeler, Young—40.

W. J. Dixon having received a majority of all the votes was declared elected.

The following certificate of election was then signed in the presence of the joint convention.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, Iowa, February 16, 1897. }

This is to certify that an election by the two houses of the Twenty-sixth General Assembly of the State of Iowa, in joint convention on Tuesday, the sixteenth day of February, A. D. 1897, for the purpose of electing a trustee of the Agricultural College at Ames, W. J. Dixon having received

a majority of all the votes cast for said office, was declared duly elected trustee of the Agricultural College at Ames, Iowa, for the unexpired term of A. T. Meservey, resigned, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this sixteenth day of February, A. D. eighteen hundred and ninety-seven.

A. B. FUNK,

President pro tem. of the Senate.

H. W. BYERS,

Speaker of the House of Representatives.

Attest:

F. O. ELLISON,

Teller of the Senate.

J. A. THOMPSON,

Teller of the House of Representatives.

The Journal of the joint convention was read and approved. On motion of Senator Blanchard, the joint convention dissolved.

Senate re-assembled.

Senator Blanchard moved that the Senate do now adjourn.

Carried.

Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment, at 2 o'clock P. M., Senator Funk, President *pro tem.* presiding.

The Journal of Monday was taken up, read, corrected and approved.

Senator Trewin moved to take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 63, a bill for an act to revise, amend and codify the statutes in relation to the school fund, was read first and second time and referred to Committee on Schools.

House file No. 82, a bill for an act to revise, amend and codify the statutes in relation to procedure in particular cases, was read first and second time and referred to Committee on Code Revision.

House file No. 16, a bill for an act to revise, amend and codify the statutes in relation to corporations for pecuniary profit, was read first and second time and referred to Committee on Corporations.

House file No. 43, a bill for an act to revise, amend and codify the statutes in relation to the State board of health, was read

first and second time and referred to Committee on Public Health.

BILLS ON THIRD READING.

Senate resumed consideration of substitute by Senator Waterman for section 32, chapter 3, Senate file No. 10.

Senator Garst moved to recommit the substitute and bill to the Committee on elections.

Senator Healy moved to amend the motion by instructing the committee to report the old law without alteration or amendment.

Senator Waterman moved the previous question.

On the question, "Shall the main question be now put?" the motion prevailed.

The amendment to the motion was lost.

On the question to recommit a division was called for and the motion was lost.

The vote recurring on the substitute, the substitute was lost.

Senator Carney moved to amend chapter 3 by striking out of section 32 lines 1, 2, 3, 4, 5, 6, 7, and the first five words of line 8, and insert in place thereof the following: "Upon retiring to the voting booth the voter shall prepare his ballot by placing a cross in the square opposite the name of each candidate for whom he desires to vote, or if he desires to vote for all the candidates upon any ticket, he may do so by placing a cross in the circle at the head of the ticket."

Adopted.

Senator Carney moved to amend chapter 3, section 32, as follows: Add to the section "The making of a mark in the square of another ticket than the one marked in the circle shall not affect the validity of the ballot except as to the office for which the person opposite whose name such mark was made is a candidate, and as to that office the vote shall not be counted."

On this a division was called for and the amendment was lost.

Senator Waterman called up motion filed to reconsider vote on amendment to section 44, chapter 3.

Senator Waterman moved to reconsider the vote by which the amendment to section 44, chapter 3, was adopted.

Senator Trewin presiding.

Senator Funk, President *pro tem.*, presiding.

Senator Bonson moved the previous question.

On the question, "Shall the main question be now put?" the motion prevailed.

On the question, "Shall the vote by which the amendment to section 44, chapter 3, was adopted be reconsidered?" the yeas were:

Senators Alexander, Berry, Bonson, Carpenter, Downey, Ellison, Everall, Funk, Gilbertson, Harper, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Palmer, Pusey, Ranck, Trewin, Upton—21.

The nays were:

Senators Allyn, Bell, Blanchard, Byers, Carney, Carroll, Craig, Druet, Eaton, Ellis, Ericson, Garst, Gorrell, Harriman, Healy, Henderson, Hobart, Kilburn, Mitchell, Penrose, Perrin, Phelps, Rigger, Rowen, Sargent, Waterman—26.

Absent or not voting:

Senators Cheshire, Lehfeldt, Young—3.

So the question to reconsider was lost.

Senator Blanchard moved that the Senate do now adjourn until 9 o'clock A. M. to-morrow.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, February 17, 1897. }

Senate met in regular session at 9 o'clock A. M., Senator Funk, President *pro tem.*, presiding.

Prayer was offered by Rev. T. W. Williams of Council Bluffs, Iowa.

PETITIONS AND MEMORIALS.

Senator Ranck presented remonstrance of J. D. Butler and other citizens of Iowa county, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Ranck presented remonstrance of A. G. Miller and other citizens of Johnson county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Ranck presented remonstrance of Chas. Hilborn and other citizens of Johnson county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Everall presented remonstrance of George Oathout and other citizens of Clayton county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Healy presented remonstrance of the Congregational people of Kalo, Webster county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Carney presented remonstrance of A. T. Dunton and other citizens of Marshall county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Sargent presented remonstrance of Geo. Dawson and sixty other citizens of Waterloo, against taxing building and loan associations.

Referred to Committee on Ways and Means.

Senator Hotchkiss presented remonstrance of F. E. Butterfield and other citizens of Guthrie county, against a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Ericson presented petition of L. G. Carlson and other citizens of Boone county, in reference to taxation of building and loan associations.

Referred to Committee on Ways and Means.

Senator Ericson presented remonstrance of Wm. F. Boggs and 440 other citizens of Boone county, asking that no change be made in the revenue laws.

Referred to Committee on Ways and Means.

Senator Rowen presented remonstrance of Z. L. Martin and 125 others of Hamilton county, against a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Hobart presented remonstrance of C. Durant Jones and other citizens of Cherokee county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Bonson presented remonstrance of the Dubuque Trades and Labor congress, against a change in the law relating to printing.

Referred to Committee on Printing.

Senator Allyn presented remonstrance of C. W. Riches and other citizens of Creston, against a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Allyn presented remonstrance of Rev. J. E. Mal-treney and other citizens of Decatur county, on same subject; also, of C. W. Fox and other citizens of Ringgold county, on same subject.

Referred to Committee on Suppression of Intemperance.

REPORT OF COMMITTEE.

Senator Trewin, from the Committee on Schools, submits the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House file No. 63, a bill for an act to revise, amend and codify the statutes in relation to the school fund, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be amended as follows:

Insert after the enacting clause the following: "Chapter 16 (of title 13), of the school fund."

Page 585, section 2, line 5, strike out the word "auditor" and in lieu thereof the word "treasurer."

Page 585, section 3, line 3, after the word "same" strike out the word "in" and insert in lieu thereof the word "into."

Page 586, section 4, line 10, strike out the word "auditor" and in lieu thereof insert the word "treasurer."

Page 587, section 6, line 15, strike out the word "auditor" and in lieu thereof insert the word "treasurer."

Page 588, section 12, line 1, strike out the word "his" and in lieu thereof insert the word "the."

Page 588, section 12, line 2, after the word "hands" insert the words "of the county treasurer."

Page 588, section 12, line 6, after the word "to" insert the words "or be carried by."

Page 589, section 12, line 8, strike out the word "semi-annually" and in lieu thereof insert the word "annually."

Page 589, section 13, line 9, after the word "and" insert the words "certify the same to the treasurer who shall."

Page 589, section 13, line 10, after the word "dollars" insert the words "to be paid to the auditor."

Page 589, section 14, line 1, strike out the words "in detail."

Page 589, section 14, line 2, strike out the word "the" and in lieu thereof insert the words "a minute of such;" also, in same line strike out the word "spread" and in lieu thereof insert the word "entered."

Page 590, section 16, line 2, after the words "made to the" strike out the word "auditor" and in lieu thereof insert the word "treasurer;" also, in same line strike out the word "proper;" also, in same line, after the word "county" insert the following: "upon a certificate from the auditor showing the amount due;" also, in same line strike out the words "who as such" and in lieu thereof insert the words "and the."

Page 590, section 16, line 4, strike out the word "he" and in lieu thereof insert the words "The auditor."

Page 590, section 16, line 7, after the word "hands" insert the words "and those of the treasurer."

Page 590, section 16, line 8, after the word "kept," change the period to semicolon and add the following: "and the county treasurer shall keep a like account and record of all school funds coming into his hands."

Page 590, section 17, lines 8 and 9, strike out the words "it shall be bid in for the use of such fund, in behalf of the State," and in lieu thereof insert the following: "the auditor shall bid such sum as the interests of the fund require."

Strike out all underscorings.

And when so amended that the bill do pass.

J. H. TREWIN,
Chairman.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 89, a bill for an act to amend sections 17, 18 and 24 of chapter 62 of the acts of the Twenty-fifth General Assembly, and to make the same applicable to cities organized and operating under special charters.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

BILLS ON THIRD READING.

On motion of Senator Alexander, House file No. 89, a bill for an act to amend sections 17, 18 and 24, chapter 62, acts of the Twenty-fifth General Assembly, and to make the same applicable to cities organized and operating under special charters, with report of committee recommending that it do pass, was taken up, considered and the report of the committee adopted.

Senator Hipwell offered the following amendment to section 4 of the bill: "Section 4. A sale of intoxicating liquors to any person taxed under the provision of this law shall be legal, and the sale of intoxicating liquors by any such person and who theretofore has complied with all the provisions of this law, shall be legal."

Senator Garst moved the previous question.

On the question, "Shall the main question be now put?" the motion prevailed.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bonson, Downey, Everall, Harper, Hipwell, Hurst, Lothrop, Pusey, Ranck, Upton—10.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Riggen, Rowen, Sargent, Trewin, Waterman, Young—39.

Absent or not voting:

Senator Lohfeldt—1.

The amendment was lost.

Senator Alexander moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Ellis, Ellison, Ericson, Funk, Garst, Gilbertson, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—39.

The nays were:

Senators Bonson, Downey, Gorrell, Harper, Hipwell, Hurst—6.

Absent or not voting:

Senators Eaton, Everall, Lehfeldt, Phelps, Ranck—5.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Hipwell offered the following explanation of his vote:

MR. PRESIDENT—I am in favor of a just license law regulating the sale of intoxicating liquors. While chapter 62, acts of the Twenty-fifth General Assembly, is a license law in some features, but because of its unreasonable and hypocritical restrictions and regulations it has become a sham and a fraud. The present bill proposes to extend the provisions of this law to cities acting under special charters only and cures none of its evils.

Sections 16 and 17 of this law should condemn it in the mind of any reasonable man; therefore I vote "no."

C. G. HIPWELL.

REPORT OF SPECIAL COMMITTEE.

The special committee on cities organized under special charters presented the following report: Insert at the end of section 1, page 199, of Senate file No. 10, "The provisions of this title shall apply to cities acting under special charter with like effect as though said cities were acting under the general incorporation laws of the State."

Report adopted.

The Journal of Tuesday was taken up, read, corrected and approved.

Senator Trewin presiding.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 10.

Senator Carney moved to amend by adding to chapter 2, section 1, the following: "The provisions of this title shall apply to cities acting under special charter with like effect as though said cities were acting under the general incorporation laws of the State."

Adopted.

Senator Carney moved to amend chapter 3, section 25, as follows: Insert in line 2, after the word "four," the words "with an equal number of sample ballots;" and also insert after the word "election" in line 3 the words "before the opening of the polls."

Adopted.

Senator Carney moved to amend section 33, chapter 3, line 2, as follows: Strike out all after the word "square" to and including the word "ticket," line 3.

Adopted.

Senator Carney moved to amend section 33, chapter 3, line 4, by striking out the words "and no marks placed in any square on another ticket."

Adopted.

Senator Carney moved to amend chapter 3, section 33, as follows: In line 10, after the word "candidates," insert "if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office."

On this a division was called for and the amendment was adopted.

Senator Carpenter offered the following amendment to chapter 3, section 33: Strike out the word "thus" in line 1 and insert after the word "marked" the words, "as first provided in the preceding section."

Adopted.

Senator Carney moved to take up motion to reconsider the vote by which amendments to section 6, chapter 6, were adopted.

Carried.

Senator Carney moved to amend chapter 6, section 6, by striking out of line 2 the words "and the mayors."

Adopted.

Senator Henderson filed the following motion:

MR. PRESIDENT—I move to reconsider the vote by which the amendment to line 11, section 33 of chapter 3 was adopted (page 214).

GEO. W. HENDERSON.

Senator Carney moved to amend section 1, chapter 4, line 1, by inserting after the word "shall" the words "forthwith and without adjournment."

Adopted.

Senator Garst moved that the rules be suspended and the vote by which section 19, chapter 3, was adopted, be reconsidered.

Senator Blanchard demanded a division on the motion, and the same was ordered.

The chair held that the motion to suspend the rules was first in order, and not debatable.

On the question, "Shall the rules be suspended?" the yeas were:

Senators Bonson, Byers, Cheshire, Downey, Ellis, Ericson, Everall, Funk, Garst, Gorrell, Harper, Healy, Henderson, Hipwell, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Young—26.

The nays were:

Senators Allyn, Bell, Berry, Blanchard, Carney, Carroll, Craig, Druet, Eaton, Ellison, Gilbertson, Hobart, Hospers, Mitchell, Rigger, Rowen, Sargeant, Trewin, Upton—19.

Absent or not voting:

Senators Alexander, Carpenter, Harriman, Lehfeldt, Waterman—5.

The motion to suspend, failing to receive a two-thirds vote, was lost.

Senator Healy called up the motion to reconsider the vote by which amendment to line 11, section 33, chapter 3, was adopted.

Senator Carney moved the previous question.

On the question, "Shall the main question be now put?" the motion prevailed.

On the motion to reconsider a division was called for and the motion was lost.

Senator Carney moved that the further consideration of Senate file No. 10 be postponed until to-morrow morning.

Carried.

Senator Blanchard asked that House file No. 52 be recommended to the Committee on Educational Institutions and that it retain its place on the Calendar.

So ordered.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House file No. 45, a bill for an act to revise, amend and codify the statutes in relation to the practice of pharmacy.

JAMES D. ROWEN,
Chief Clerk.

BILLS ON THIRD READING.

On motion of Senator Gorrell, Senate file No. 36, a bill to revise, amend and codify the statutes in relation to the practice

of dentistry, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

Senator Gorrell moved that the bill be read section by section for the purpose of amendment.

Carried.

Senator Gorrell moved to amend section 1 by striking out the words "twenty-five" in the fifteenth line of section 1, and insert in lieu thereof the word "ten;" also, by inserting in the seventeenth line, just after the word "office," the following: "Any one who desires to continue in the practice of dentistry shall on or before May 15 of each year, pay to the board of examiners the sum of one dollar, for which he shall receive a renewal of his certificate unless his name has been stricken from the register for violation of law. Any person who shall fail or neglect to procure his annual renewal of registration shall for each such offense be liable to a fine of ten dollars for each calendar month during which he is so delinquent;" also, by striking out all marginal numbers, reference numbers at end of sections and marginal lines.

Adopted.

Senator Blanchard moved to amend section 1 as follows: Add after the word "university" in line 12 the words "or to those who have been in regular practice of dentistry in this State for six years."

Adopted.

Senator Blanchard moved to amend the amendment to section 1 by inserting after the word "person" the words "continuing to practice dentistry."

Adopted.

Senator Gorrell moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Ranck, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—45.

The nays were:

None.

Absent or not voting:

Senators Bell, Healy, Hobart, Lehfeldt, Pusey—5.

So the bill, having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Carpenter, House file No. 8, a bill for an act relating to the submission of constitutional amendments, with report of committee recommending certain amendments, was taken up, considered and the report of the committee adopted.

Senator Carpenter moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Sargent, Trewin, Upton, Waterman, Young—44.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Ellison, Healy, Hobart, Lehfeldt, Rowen—6.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Penrose moved that the Senate do now adjourn until 9 o'clock to-morrow.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Thursday, February 13, 1897. }

Senate met in regular session at 9 o'clock A. M., Senator Funk, President *pro tem.*, presiding.

Prayer was offered by Rev. A. D. Beckhart of Anita, Iowa.

PETITIONS AND MEMORIALS.

Senator Byers presented remonstrance of O. Canfield and twenty-one other citizens of Lucas county, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Druet presented remonstrance of F. E. Pelton and 350 other citizens of Knoxville, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Harper presented remonstrance of Albert Gordon and other citizens of Des Moines county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Ellis presented remonstrance of J. N. Hulbert and 294 other citizens of Clinton county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Phelps presented remonstrance of J. G. Rishel and other citizens of Cass county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Mitchell presented petition of citizens of Adams county, in relation to freight rates.

Referred to Committee on Railways.

REPORTS OF STANDING COMMITTEES.

Senator Ellis, from the Committee on Judiciary, submits the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 10, a bill for an act to revise, amend and codify the statutes in relation to the judicial department, 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 as shown in accompanying report, and when so amended it do pass.

Amend chapter 1, page 46, by adding after section 10 the following: "On and after the first day of January, 1899, the court shall appoint a supreme court reporter for a term not exceeding four years, who may be removed at the pleasure of the court."

Strike out all of sections 2 and 3 and substitute the following in lieu thereof:

Section 2. The salary of the clerk of the supreme court shall be twenty-two hundred dollars per annum, and the salary of the deputy clerk of the supreme court shall be fifteen hundred dollars per annum. The clerk shall collect the following fees and account for them as provided in section 13, of chapter 9, of title II of this Code, and shall also keep account of and report in like manner all uncollected fees:

Upon filing each appeal, three dollars;

Upon entering judgment when the cause has been tried on its merits, two dollars;

Upon each continuance, one dollar;

Upon issuing each execution, one dollar and twenty-five cents;

Upon entering satisfaction of each judgment, fifty cents;

Upon each writ, rule or order to be served upon any person not in court, twenty-five cents;

For copying an opinion to be transmitted to an inferior court upon reversal of a judgment or an order, to be paid by the party against whom the costs are adjudged, or for a copy of such opinion, or any record made at the request of any person, for each hundred words, ten cents.

Sec. 3. If any of the foregoing fees of the clerk are not paid in advance, execution may issue therefor, except where the fees are payable by the county or the State.

Page 47, section 1, line 1, strike out the words, "The Attorney General shall attend in person at the seat of government during the," and insert in lieu thereof the words, "The office of the Attorney General shall be at the seat of government, and he shall attend at his office in person during the."

Page 47, section 2, lines 3 and 4, strike out the words "county attorneys;" also, insert before the word "executive" in line 3, same section, the word "and;" also, insert the following words before "General Assembly" in fifth line, same section, "Governor preceding each;" also, add after the word "Assembly" in fifth line, same section, the words, "the condition of his office, opinions rendered and business transacted of public interest;" also, strike out the following words in fifth and sixth lines, same section, "when requested upon any business pertaining to his office."

Strike out section 4, chapter 3, page 48, and substitute the following:

Section 4. He shall be provided with an office in the capitol building. His salary shall be four thousand dollars per annum, as full compensation; and whenever he is required by the duties of his office, or by direction of the Governor or General Assembly to attend any of the courts of this State, or any of the federal courts, or transact other business for the State, he shall receive his actual expenses when so engaged elsewhere than at the seat of government.

Section 5. He shall be supplied with a clerical assistant, whose annual salary shall not exceed twelve hundred dollars.

Amend section 1, page 51, by striking out all after the word "provided" in the eighth line thereof and substituting the following:

First.—The district court of each county shall have original and exclusive jurisdiction to probate the will of, and to grant administration upon the estates of all persons who at the time of their death were residents of the county; and of non-residents of the State who die leaving property within the county subject to administration, or whose property is afterwards brought into the county.

Second—To appoint guardians of the persons and property of all persons resident in the county subject to guardianship.

Third.—To appoint guardians of the property of all such persons non-residents of the State who have property within the county subject to guardianship, or whose property is afterwards brought into the county.

Fourth.—It shall have jurisdiction in all matters in relation to the appointment of executors and trustees, and the management and disposition of the property of, and settlement of such estates.

Provided, that where jurisdiction has heretofore been acquired the same shall be retained until such estate is closed.

Add to section 1, page 5, the following: "The district court shall succeed to, and exercise full authority and jurisdiction over the records of the circuit court, and may enforce all judgments, decrees and orders thereof in the same manner and to the same extent as it may exercise like jurisdiction and authority over its own records, and for the purpose of the issuance of process, and of any and all other acts necessary to the due and efficient enforcement of the orders, judgments and decrees of the circuit court, the records thereof shall be deemed records of the district court. Transcripts and process from the judgments, decrees and records of the circuit court, shall be issued by the clerk of the district court, and under the seal of his office."

Amend section 3, page 51, by striking out the word "nineteen" in line 1 and substituting the word "twenty" therefor.

Amend line 11, section 3, page 51, by adding the word "and" before the word "Washington."

Substitute for line 34, page 52, section 3, the following:

"The district judge shall be a resident of the district in which he is elected and each judge shall hold office until the expiration of the term for which he has been heretofore elected. Each district judge hereafter elected, except to fill a vacancy, shall hold office four years and until his successor is elected and qualified. Each judge elected to fill a vacancy shall hold for the unexpired term and until his successor is elected and qualified."

Add after the word "o'clock," fourth line, section 10, page 53, the letters "p. m."

Strike out the words "other sufficient" in first line, section 11, page 53.

Substitute the word "shall" for "may" in first line, section 21, page 54.

Strike out the words "triable by indictment" in line 2, same section.

Strike out all after the word "case" in third line, same section, to and including the word "causes" in fifth line, and insert the words "and perform

all duties required of him on the trial, as provided by section 29 of chapter 9, of title 18."

Strike out from line 6, same section, the words "by first paying or securing to said reporter his fees;" also, substitute period for comma after the word "judge," in same line.

Amendment in line 1, section 23, page 55, not concurred in.

Page 55, section 26, sub-section 3, line 9, strike out the words "jurisdictional acts provided in the probate chapter of this Code" and insert in lieu thereof the words "acts within his jurisdiction, as provided for in this Code."

Add after the word "afterwards," line 3, section 27, page 55, the words, "unless upon good cause shown."

Add to section 28, page 56, the following: "No clerk, deputy or employe shall make or assist in making, drafting or filling out, any report of any administrator, executor, guardian, assignee, receiver, trustee, or any other report to be filed in his office."

Strike out the word "six" in line 3, section 30, page 56, and insert the word "five" therefor.

Add at end of section 30, page 56, the following words: "The judge shall not order the attendance of the reporter except during that part of the term when in his judgment the reporting of testimony will be required. And he shall discharge said reporter from further attendance at each term as soon as in his judgment the reporting of further testimony will not be required at such time."

In section 1, page 56, strike out all after the word "provided" in line 3, and change comma to period.

Amendment in line 3, section 3, page 56, not concurred in.

Amendment in line 4, same section, page 57, not concurred in.

Amendment to section 4, page 57, not concurred in.

Amendment to section 11, page 58, fourth line, not concurred in.

Page 58, section 14, lines 4 and 5, strike out the words "No juryman shall be detained longer than one week, except upon a trial commenced within the first week of his attendance."

Amendment to first and second lines, section 15, page 58, not concurred in.

Page 58, strike out section 15, and insert in lieu thereof the following: "Section 15. In order to provide jurors for the superior courts the county auditor, clerk of the district court and recorder of the county in which any city having a superior court is located, shall meet at the court house on the third Monday of February, April, June, August, October and December of each year, and proceed to draw, from the first box provided by section 11, chapter 11 of this title, and in the manner provided by this chapter, the names of fifteen persons to act as jurors in said superior court. The persons whose names are drawn at any drawing under the provisions hereof shall be subject to jury duty and constitute the regular panel of jurors in said superior court for the two calendar months commencing with the first day of the month next succeeding the drawing. A list of the names of the persons drawn at each drawing provided by this act shall be immediately made out and certified by the clerk of the district court, under his hand and seal, and such certified list, transmitted by mail to the recorder or clerk of the city in which said superior court is located, and a precept of

said superior court shall issue, five days before the first day of each term of court, for the jurors constituting the panel for such term, under the provisions hereof, which precept shall be issued and served as provided by law in like cases in the district court."

Page 59, section 16, lines 5 and 7, strike out the words, "if the judge shall deem proper he shall cause a special venire to issue for said extra jurors, or for any number not exceeding twenty-four, or he may order the marshal to complete the same from the bystanders," and insert in lieu thereof the words "talesmen may be summoned on the order of the court by the marshal from the body of the county."

Page 63, section 9, line 1, insert after the word "by" and before the word "decree" the words "judgment or;" also, line 2, same section, strike out the word "by" after the word "or" and before the word "the" and insert in lieu thereof the word "of;" also, in same line, insert after the word "judgment" and before the word "will" the word "decree."

Strike out the forty-sixth, forty-seventh and forty-eighth lines on page 64 and insert the following in lieu thereof, "all of which fees shall be paid into the county treasury."

Amendment to section 11, lines 6 and 7, page 65, not concurred in.

Page 66, section 2, line 2, strike out the words "civil officers of his;" also, insert in same line after the word "county" and before the word "when" the word "officers."

Amendment to section 5, line 2, page 67, not concurred in.

Strike out all that part of line 2, of section 8, after the word "at" to "in counties" and insert the words "any regular or special session of said board, and in case said board has failed or may hereafter fail or neglect to fix said salary, then the compensation as last fixed shall continue until changed by the board at a regular or special session thereof."

Page 67, section 8, line 8, insert after the word "dollars" and before the word "but" the words "except that where the court is held at two places in a county it may be any sum not exceeding \$3,000."

Amend section 3, line 5, by adding the word "who" before the word "requests."

Amend section 6, line 3, by adding before the word "the" and after the word "for" the words "each of."

Amend section 6, line 4, by adding before the word "jurors" the words "grand or petit."

Amend same section and line by striking out the words "during the preceding year" and insert in lieu thereof the words "since January first preceding."

Amend section 6, line 13, by adding before the word "juror" the words "grand or petit."

Amend same section, line 14, by striking out the words "during the preceding year" and inserting in lieu thereof the words "since January first preceding."

Amend same section, line 15, by striking out "a" before "juror" and inserting "such."

Amend same section, line 16, by striking out the word "preceding" before the word "year" and insert the word "jury."

In same line, insert after the word "year" the words "as defined in section 4 of this chapter."

, Amend same section, line 17, by adding after the word "certifying" the word "to."

Add to section 7 the following: "In preparing the lists as herein provided the county auditor and clerk shall omit therefrom the names of all persons who have served as grand or petit jurors since January first preceding."

Amend section 8, line 7, by adding before the word "the" the word "during;" also, insert after the word "preceding" the word "jury."

Amend section 11, line 20, by adding after the word "provided" a period; also, strike out the word "the" and insert the word "such."

In line 21, of same section, after the word "drawn" add the word "may."

Amend section 18, line 3, by inserting after the word "as" the word "the."

In same section, line 12, place a period after the word "before."

Page 76, section 4, line 1, strike out the words "by this Code," after the word "for," and before the word "must," and insert in lieu thereof the words "or authorized by law;" also, in line 3, same section, insert after the word "secured," the words "except as otherwise provided by law."

Page 76, section 5, line 1, strike out the words "by this Code," after the word "for," and before the word "shall," and insert in lieu the words "or authorized by law."

Page 75, section 5, line 5, add at the end of the section the following words: "any company engaged in the business of becoming surety upon bonds shall file with the clerk of any county in which it shall do business, a certificate from the State Auditor that it has complied with the law, and is authorized to do business in this State, and should said authority be withdrawn at any time the State Auditor shall at once notify the clerk of each district court to that effect. The clerk shall keep a book properly indexed in which shall be recorded all such certificates and revocations."

Page 76, strike out all of section 6, and insert in lieu thereof the following:

Section 6. Whenever any person who now or hereafter may be required or permitted by law to give a bond, applies for the approval thereof, any officer or body who is now or shall hereafter be required to approve the sufficiency of such bond, may, in lieu of the sureties or securities required by law, accept and approve the same, whenever its conditions are guaranteed by a company or corporation duly organized or incorporated within this State, or authorized to do business therein, and to guaranty the fidelity of persons holding positions of public or private trust, or secure any bond above referred to, and which company shall have an unimpaired paid up capital of not less than \$150,000. Except that local corporations organized under the laws of this State with a paid up unimpaired cash capital of not less than \$50,000 may be accepted as surety on such bonds. The certificates of the State Auditor to the effect that such company has complied with the requirements of this chapter and has such paid up capital shall be sufficient evidence to authorize the officer or body having the approval of the same, to accept and approve it; but nothing herein contained shall apply to bonds in criminal cases.

Page 79, line 3, section 1, chapter 13, change "1897" to "1900."

Make same change in sixth line, same section.

Amend further by striking out all figures prefixed to lines throughout the title; all figures referring to McLain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at end of sections.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 7, a bill for an act to revise, amend and codify the statutes in relation to the judicial department, beg leave to report that they have had the same under consideration and have instructed me to make a supplemental report to the Senate with the recommendation that the bill be indefinitely postponed for the reason that House file No. 10 on the same subject has been amended and recommended for passage.

L. A. ELLIS,
Chairman.

Report of committee adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

House file No. 87, a bill for an act to revise, amend and codify the statutes in relation to the discipline and government of jails and penitentiaries.

Also:

House file No. 62, a bill for an act to revise, amend and codify the statutes in relation to common schools.

Also:

The House desires to recall Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent.

JAMES D. ROWEN,
Chief Clerk.

BILLS ON THIRD READING.

On motion of Senator Ellison, Senate file No. 34, a bill for an act to revise, amend and codify the statutes in relation to

lost goods, with report of committee, was taken up, considered and the report of the committee adopted.

Senator Ellison moved that House file No. 39, a bill for an act to revise, amend and codify the statutes in relation to the inspection of passenger boats, be substituted for Senate file No. 34.

Carried.

Senator Ellison moved that the marginal figures, reference figures and underscoring be stricken from the bill.

Carried.

Senator Ellison moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allen, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Upton, Waterman—47.

The nays were:

None.

Absent or not voting:

Senators Hobart, Lehfeldt, Young—3.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Mitchell presiding.

The Senate resumed consideration of Senate file No. 10.

Senator Funk, President *pro tem.*, presiding.

Senator Carney moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading.

Senator Healy moved that the time of adjournment be postponed until the bill under discussion is disposed of.

Lost.

Senator Ellis moved that the further consideration of Senate file No. 10 be postponed until this afternoon.

Carried.

Senate adjourned until 2 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 2 o'clock P. M., President *pro tem.* Funk presiding.

Senator Harriman offered the following resolution:

Resolved, That the standing rules of the Senate be amended by inserting at the end of rule five the following:

And no member shall speak more than once on the same question without leave of the Senate, nor more than twice until every member choosing to speak shall have spoken, except as provided in rule eleven.

Referred to Committee on Rules.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Substitute for House file No. 1, a bill for an act making a special appropriation for the Institution for Feeble Minded at Glenwood, Iowa.

JAS. D. ROWEN,

Chief Clerk.

REPORTS OF STANDING COMMITTEES.

Senator Junkin, from the Committee on Charitable Institutions, submits the following report:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred House file No. 29, a bill for an act to revise, amend and codify the statutes in relation to care of the insane, 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 same be amended as follows:

Page 444, section 2, line 2, insert the word "and" between the words "president" and "one."

Page 444, section 2, line 3, add after the word "treasurer," "who shall be a resident of the county in which the hospital for which he is treasurer is situated."

Section 3, line 10, strike out the words "a steward and a matron" and insert in the same line between the words "and" and "be" the words "a steward and a matron and they shall."

Section 4, lines 1 and 2, strike out the words "the office of steward or superintendent thereof" and insert "no office or position in the hospital." Add to the end of the section the following: "No person related within the fourth degree by consanguinity or affinity to any trustee shall be appointed to any office or hold any position in the hospital during the term of office of such trustee."

Pages 444 and 445, strike out section 5, and insert the following as a substitute therefor: "The treasurer shall execute a bond to the State of

Iowa for the use of the hospital (naming which), in double the highest amount of money likely to come into his hands, and with such securities as the Executive Council shall require, conditioned that he will faithfully perform the duties of his office, and pay over and account for all money that shall come into his hands, and the same shall be filed with the Secretary of State, and he shall serve without compensation. Upon authority granted by the board he may draw upon the State treasury out of money not otherwise appropriated, upon his order, approved by the superintendent and not less than two of the trustees, and under seal of the hospital, a sufficient amount quarterly in advance for the purpose of defraying the current expenses of the hospital, but the amount of each requisition shall in no case exceed fourteen dollars per month for each public patient in the hospital, taking the number of such patients on the fifteenth day of each month for the previous three months as the average number on which the estimate shall be made, the number then in the hospital to be certified to the Auditor of State by the superintendent and steward, which certificate shall accompany the requisition. But no part of the money so drawn for current expenses shall be used in making improvements. Upon the presentation of such order to the Auditor of State, he shall draw a warrant upon the Treasurer of State for the amount therein specified, not exceeding the amount for each patient hereinbefore specified. But that no requisition shall be issued earlier in any one quarter of the year than the first day of February, May, August and November."

Page 445, section 6, line 4, insert after the word "medical" the word "mental."

Page 447, section 14, line 6, insert between the words "hospital" and "and" the words "in the district in which the county is situated."

Page 451, section 31, strike out all of section 31 and insert the following as a substitute therefor: "Section 31. Patients hereafter committed to the hospital who have no legal settlement in the State and whose legal settlement cannot be ascertained shall be supported at the expense of the county from which they were committed, the same to be collected and paid in like manner as the expense for insane persons having legal settlement within the State. If a person has a legal settlement within another state the commissioners of insanity may direct the sheriff to remove such person to the place of his legal settlement and the sheriff shall receive as compensation therefor three dollars per day and his actual expenses which shall be itemized and sworn to and filed with the county auditor and the same shall be paid as other claims against the county. The trustees of any asylum may authorize the superintendent to remove any patient who has no legal settlement within the State. The cost of such removal to be paid directly from the state treasury upon a sworn statement of the superintendent and the approval of the trustees appended to each voucher."

Page 455, section 45, strike out all of said section after the word "just," in the eleventh line thereof, and add the following as a substitute: "The estates of insane or idiotic persons who may be treated or confined in any county asylum or poor house, and the estates of persons legally bound for their support, shall be liable to the county for the reasonable expense or so much thereof as may be determined by the board of supervisors."

Strike out all marginal figures, all figures, letters, words and characters in brackets at the end of sections and the brackets containing the same and all the underscoring in said bill.

And when so amended that it do pass.

J. M. JUNKIN,
Chairman.

Ordered passed on file.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 10, under consideration at the time of adjournment.

The motion to pass the bill to a third reading prevailed.

Third reading of the bill.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carney, Carpenter, Carroll, Craig, Druet, Eaton, Ellison, Funk, Gilbertson, Harriman, Henderson, Hospers, Hotchkiss, Junkin, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Rikken, Rowen, Sargent, Trewin, Upton, Waterman—31.

The nays were:

Senators Bonson, Byers, Cheshire, Downey, Ellis, Ericson, Everall, Garst, Gorrell, Harper, Healy, Hipwell, Hurst, Lothrop, Pusey, Ranck, Young—17.

Absent or not voting:

Senators Lehfeltd and Hobart—2.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Hotchkiss offered the following explanation of his vote on Senate file No. 10:

MR. PRESIDENT—While opposed to some of the provisions of section 19, chapter 3, relative to the right of parties to place the names of nominees upon the ballot, rather than vote against the entire bill I vote "aye."

A. C. HOTCHKISS.

Senator Ranck offered the following explanation of his vote on Senate file No. 10:

MR. PRESIDENT—The amendment to section 19, chapter 3, on elections, providing "that the name of no candidate shall appear upon the ballot in more than one place for the same office, whether nominated by a convention, primary or caucus," is arbitrary, unjust, un-American and will prevent an elector from voting, in many instances, for the person of his choice to an office.

I am also opposed to section 44, of same chapter, referred to above, authorizing women to vote, and I believe this section to be unconstitutional.

The above are some of the objections I have to the bill.

C. S. RANCK.

The Journal of Wednesday was taken up, read, corrected and approved.

On motion of Senator Gorrell, House file No. 41, a bill for an act to revise, amend and codify the statutes in relation to the State veterinary surgeon, with report of committee recommending certain amendments, was taken up, considered and the report of the committee adopted.

The bill was read for information

Senator Gorrell moved to amend the bill by striking out of section 6, line 6, the words "any person qualified as a juror," and insert the words "the nearest justice of the peace;" also, all marginal figures, reference numbers and underscoring.

Adopted.

Senator Gorrell moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rowen, Sargent, Trewin, Upton, Waterman, Young—42.

Senator Hurst voted in the negative.

Absent or not voting:

Senators Byers, Druet, Eaton, Hipwell, Hobart, Lehfelddt, Rigger—7.

So the bill, having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Ellis, House file No. 67, a bill for an act to revise, amend and codify the statutes in relation to weights and measures, with report of committee recommending certain amendments, was taken up, considered and the report of the committee adopted.

Senator Ellis moved to amend section 18 by inserting in line 6, after the word "and" the words "shall be."

Adopted.

Senator Ellis moved to amend the bill by striking out all reference figures, marginal numbers and underscoring.

Adopted.

Senator Ellis moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Ranck, Rowen, Sargent, Trewin, Upton—38.

The nays were:

None.

Absent or not voting:

Senators Berry, Byers, Druet, Healy, Hipwell, Hobart, Lehfeldt, Phelps, Pusey, Riggen, Waterman, Young—12.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Ellis, House file No. 73, a bill to revise, amend and codify the statutes in relation to the assignments for creditors, with report of committee recommending certain amendments, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Ellis moved to amend section 15 by striking out the words "one-half" in line 1 and insert the words "two-thirds" in lieu thereof.

Adopted.

Senator Ellis moved to amend section 15 by striking out of line 1 the words "two-thirds."

Adopted.

Senator Harper moved to amend section 13 by adding at the end of the section the words "except as provided in this chapter."

Adopted.

Senator Ellis moved to amend the bill by striking out section 17.

Adopted.

Senator Ellis moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey,

Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rowen, Sargent, Trewin, Upton, Waterman—43.

The nays were:

None.

Absent or not voting:

Senators Druet, Hipwell, Hobart, Lehfeldt, Ranck, Riggen, Young—7.

The bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Ellis, Senate file No. 63, a bill for an act to revise, amend and codify the statutes in relation to tender, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Ellis moved to amend section 4, line 1, by striking out the word "and," after the word "gold," and insert the word "or" in lieu thereof.

Adopted.

Senator Lothrop moved to amend section 4 as follows: Strike out all after the words "United States" to the end of the section.

Senator Blanchard moved that the Senate do now adjourn.

Lost.

Senator Junkin moved to amend the amendment by striking out all of section 4.

Adopted.

The amendment as amended was adopted.

Senator Ellis moved to amend the bill by striking out all reference figures, marginal numbers and underscoring.

Adopted.

Senator Ellis moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Ellison, Ericson, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hotchkiss,

Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rowen, Sargent, Trewin, Upton, Waterman, Young—43.

The nays were:

None.

Absent or not voting:

Senators Druet, Everall, Hobart, Hospers, Lehfeldt, Ranck, Rigger—7.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Penrose moved to take up House messages.

Carried.

HOUSE MESSAGES.

Substitute House file No. 1, a bill for an act making a special appropriation for the Institution for Feeble Minded at Glenwood, Iowa, was read first and second time and referred to Committee on Appropriations.

House file No. 62, a bill for an act to revise, amend and codify the statutes in relation to the system of common schools, was read first and second time and referred to Committee on Schools.

House file No. 87, a bill for an act to revise, amend and codify the statutes in relation to the discipline and government of jails and penitentiaries, was read first and second time and referred to Committee on Penitentiaries and Pardons.

House file No. 45, a bill for an act to revise, amend and codify the statutes in relation to the practice of pharmacy, was read first and second time and referred to Committee on Pharmacy.

Senator Garst moved that the Senate do now adjourn until 9 o'clock A. M. to-morrow.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, February 19, 1897. }

Senate met in regular session at 9 o'clock A. M., Senator Funk, President *pro tem.* presiding.

Prayer was offered by Rev. A. W. Haines of Des Moines, Iowa.

PETITIONS AND MEMORIALS.

Senator Harriman presented remonstrance of Wm. Kling and several hundred other citizens of Cerro Gordo county, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

REPORTS OF STANDING COMMITTEES.

Senator Ellis, from the Committee on Judiciary, submits the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 68, a bill for an act to revise, amend and codify the statutes in relation to money of account and interest, 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 as follows:

Insert figure "2" after the word chapter in heading.

Amend further by striking out all figures prefixed to lines throughout the title, all figures referring to McClain's Code wherever they occur at end of sections and all references to rules of practice, and all lines italicizing, portions of the title wherever they occur; also, all reference words and characters wherever they occur at end of sections.

And when so amended that the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Senator Blanchard, from the Committee on Educational Institutions, submits the following report:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred House file No. 52, a bill for an act to revise, amend and codify the statutes in relation to the State College of Agriculture and Mechanic

Arts, 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 further recommendation that the same be amended as follows:

Add after the title the following: "Chapter 4 of title 13."

Also, that section 25 be amended by striking out the words "fifteen hundred" after the word "of" in the second line and inserting in lieu thereof the words "twelve hundred;" also, add in the same line after the word "annually" the words "and eight hundred dollars annually in addition for assistants and sub-agent."

And when so amended that the same do pass.

L. C. BLANCHARD,
Chairman.

Ordered passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills, respectfully report that they have examined, and find correctly enrolled, Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Senator Carney moved to reconsider the vote by which Senate file No. 63 was passed.

Carried.

The Journal of Thursday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

On motion of Senator Trewin, House file No. 63, a bill for an act to revise, amend and codify the statutes in relation to the school fund, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Trewin moved to amend section 2, line 5, by striking out the word "auditor" and inserting the word "treasurer" in lieu thereof.

Adopted.

Senator Trewin moved to amend section 3, line 3, after the word "same" by striking out the word "in" and insert in lieu thereof the word "into."

Adopted.

Senator Trewin moved to amend section 4, chapter 16, as follows: In line 10 strike out the word "auditor" and in lieu thereof insert the word "treasurer."

Adopted.

Senator Berry, presiding.

Senator Trewin moved to amend section 6 as follows: In line 15 strike out the word "auditor" and in lieu thereof insert the word "treasurer."

Adopted.

Senator Trewin moved to amend section 7 as follows: In line 5 strike out the word "is" and insert the word "as" in lieu thereof.

Adopted.

Senator Trewin moved to amend section 12 as follows: In line 1 strike out the word "his" and in lieu thereof insert the word "the;" also, in line 2, after the word "hands" insert the words "of the county treasurer."

Adopted.

Senator Trewin moved to amend section 12 as follows: In line 6, after the word "to," insert the words "or be carried by."

Adopted.

Senator Trewin moved to amend section 12 as follows: In line 8 strike out the word "semi-annually" and in lieu thereof insert the word "annually."

Adopted.

Senator Trewin moved to amend section 13 as follows: In line 9, after the word "and," insert the words "certify the same to the treasurer who shall."

Adopted.

Senator Trewin moved to amend section 13 as follows: In line 10, after the word "dollars" insert the words "to be paid to the auditor."

Adopted.

Senator Trewin moved to amend section 14 by striking out the words "in detail" in line 1.

Adopted.

Senator Trewin moved to amend section 14 as follows: In line 2, strike out the word "the" and in lieu thereof insert the words "a minute of such;" also, in same line strike out the word "spread" and in lieu thereof insert the word "entered."

Adopted.

Senator Trewin moved to amend section 16 as follows: Strike out the word "auditor" where it first occurs in line 2, and insert the word "treasurer" in lieu thereof.

Adopted.

Senator Trewin moved to amend section 16 as follows: In line 2, strike out the word "proper."

Adopted.

Senator Trewin moved to amend section 16 as follows: In line 2, after the word "county," insert the words "upon a certificate from the auditor showing the amount due."

Adopted.

Senator Trewin moved to amend section 16 as follows: In line 2 strike out the words "who as such," and insert the words "and the."

Adopted.

Senator Trewin moved to amend section 16 as follows: In line 4 strike out the word "he" at end of line and insert the words "the auditor," in lieu thereof.

Adopted.

Senator Trewin moved to amend section 16, line 7, after the word "hands" insert the words "and those of the treasurer."

Adopted.

Senator Trewin moved to amend section 16, line 8, after the word "kept," change the period to semicolon and add the following: "and the county treasurer shall keep a like account and record of all school funds coming into his hands."

Adopted.

Senator Trewin moved to amend section 17, lines 8 and 9, strike out the words "it shall be bid in for the use of such fund, in behalf of the State," and in lieu thereof insert the following: "the auditor shall bid such sum as the interests of the fund require."

Adopted.

Senator Trewin moved to amend the bill by striking out all the underscorings.

Adopted.

Senator Carney moved to amend section 17, line 7, by striking out the words "ten per cent of the recovery" and insert the words "the amount as provided by law for attorneys."

Adopted.

Senator Trewin moved that the rule be suspended, and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Henderson, Hipwell, Hospers, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rigger, Rowen, Sargent, Trewin, Upton, Waterman, Young—43.

The nays were:

None.

Absent or not voting:

Senators Carpenter, Eaton, Harriman, Hobart, Hotchkiss, Lehfelddt, Ranck—7

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Trewin moved to indefinitely postpone Senate file No. 47 for the reason that House file covering the same subject had passed the Senate.

Carried.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishment.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

House file No. 66, a bill for an act to revise, amend and codify the statutes in relation to the rights of property.

JAS. D. ROWEN,
Chief Clerk.

BILLS ON THIRD READING.

On motion of Senator Ellis House file No. 75, a bill for an act to revise, amend and codify the statutes in relation to limited partnership, with report of committee recommending that

reference numbers, marginal figures and underscoring be stricken out, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Ellis moved to amend by striking out all marginal figures, reference numbers and underscoring.

Adopted.

Senator Ellis moved that the rule be suspended, and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Downey, Druet, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Healy, Henderson, Hospers, Hotchkiss, Hurst, Harper, Junkin, Kilburn, Lothrop, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Rowen, Sargent, Trewin, Upton, Young—40.

The nays were:

None.

Absent or not voting:

Senators Craig, Ellison, Harriman, Hipwell, Hobart, Lehfeldt, Mitchell, Palmer, Waterman—10.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Carpenter, Senate file No. 63, a bill for an act to revise, amend and codify the statutes in relation to tender was taken up.

Senator Carpenter moved to substitute House file No. 70, a bill for an act to revise, amend and codify the statutes in relation to tender, for Senate file No. 63.

Carried.

House file No. 70, a bill for an act to revise, amend and codify the statutes in relation to tender, with report of committee, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Carpenter moved that the rule be suspended, and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hospers,

Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rikken, Rowen, Sargent, Trewin, Upton, Waterman, Young—46.

The nays were:

None.

Absent or not voting:

Senators Craig, Hipwell, Hobart, Lehfeldt—4.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Carpenter moved to indefinitely postpone Senate file No. 63.

Carried.

On motion of Senator Ellis, House file No. 68, a bill for an act to revise, amend and codify the statutes in relation to money of account and interest, with report of committee, was taken up, considered and the report of the committee adopted.

Senator Ellis moved to amend the bill by striking out all reference figures at end of sections, marginal numbers and underscorings.

Carried.

Senator Ellis moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rowen, Rikken, Sargent, Trewin, Upton, Waterman, Young—47.

The nays were:

None.

Absent or not voting:

Senators Hobart, Kilburn, Lehfeldt—3.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Ellis, House file No. 72, a bill for an act to revise, amend and codify the statutes in relation to private seals, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Ellis moved to amend the bill by striking out all figures at end of sections, reference numbers, marginal figures and underscoring.

Adopted.

Senator Ellis moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Perrin, Phelps, Pusey, Ranck, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—45.

The nays were:

None.

Absent or not voting:

Senators Berry, Hipwell, Hobart, Lehfeldt, Penrose—5.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Ellison, House file No. 22, a bill for an act to revise, amend and codify the statutes in relation to taking private property for works of internal improvement, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read for information.

President *pro tem.* Funk, presiding.

Senator Ellison moved to amend section 6, line 4, by striking out the word "five" after the word "party," and in lieu thereof insert the word "ten;" also, in same line after the word "writing" insert the words "if a resident of this State.

Adopted.

Senator Ellison moved to amend section 8, line 1, by striking out the words "the county in which the same are situated" and insert in lieu thereof the words "this State."

Adopted.

Senator Ellison moved to amend section 13, line 2, as follows: After the word "appeal" insert the words "including reasonable attorney fees to be taxed by the court."

Senator Carney offered the following substitute for the amendment: After the word "appeal" insert the words "including attorney fees to be computed as provided in cases on contracts."

Lost.

The vote recurring on the amendment, a division was called for and the amendment was adopted.

Section 13 passed over to be further considered.

Senator Ellison moved to amend section 17 as follows: In line 4, at the end of section add the following: "Should the corporation decline to take the property and pay the damages awarded on final determination of the appeal then it shall pay, in addition to the costs and damages actually suffered by the land owner, reasonable attorneys' fees to be taxed by the courts."

Senator Lothrop moved to amend the amendment by striking out the words "and damages actually suffered."

Lost.

The amendment was adopted.

Senator Junkin moved that the time of adjournment be extended ten minutes for the purpose of taking up House messages.

Carried.

Senator Carney moved that when the Senate adjourn it be until 2 P. M. to-day.

Lost.

Senator Junkin moved to take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 66, a bill for an act to revise, amend and codify the statutes in relation to rights of property, was read first and second time and referred to Committee on Judiciary.

House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments, was read first and second time and referred to Committee on Code Revision.

Senator Blanchard moved that the Senate do now adjourn.

Carried.

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

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, February 20, 1897. }

Senate met in regular session at 9 o'clock A. M., Senator Funk, President *pro tem.*, presiding.

Prayer was offered by Rev. Geo. H. Kennedy of Spencer, Iowa.

On request of Senator Carroll, leave of absence was granted Senator Trewin until Tuesday.

On request of Senator Blanchard, leave of absence was granted Senator Ellis until Tuesday.

On request of Senator Rowen, leave of absence was granted Senator Rigen.

On request of Senator Perrin, leave of absence was granted Senator Kilburn.

On request of Senator Harper, leave of absence was granted Senator Downey.

PETITIONS AND MEMORIALS.

Senator Byers presented petition of W. E. Lewis and other citizens of Lucas county, on 2-cent fare bill.

Referred to Committee on Railways.

Senator Healy presented several petitions of citizens of Webster county, for fire marshal.

Referred to Committee on Insurance.

Senator Blanchard presented memorial of barber's mutual protective association of Oskaloosa, for barber law.

Referred to Committee on Ways and Means.

Senator Funk presented memorials of citizens of West Bend and Ayrshire in regard to building and loan associations.

Referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

Senator Carpenter, from the Committee on Code Revision, submits the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred Senate file No. 81, a bill for an act to revise, amend and codify the statutes in relation to evidence, beg leave to report that they have had same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed for the reason that House file No. 84 covers the same subject and has been recommended for passage.

J. M. JUNKIN,
Chairman pro tem.

Report of Committee adopted.

Also:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No 21, 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 referred to the Committee on Judiciary.

J. M. JUNKIN,
Chairman pro tem.

Report of committee adopted, referring it to Committee on Judiciary.

Also:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 65, a bill for an act to revise, amend and codify the statutes in relation to the State Historical society, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be referred to the Committee on Public Libraries.

J. M. JUNKIN,
Chairman pro tem.

Report of committee adopted, referring it to Committee on Public Libraries.

Senator Mitchell, from the Committee on Rules, submits the following report:

MR. PRESIDENT—Your Committee on Rules, to whom was referred the resolution in reference to speaking more than once upon the same subject, 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 rule five of the standing rules of the Senate be amended by adding the following: "And no member shall speak more than once on the same question without leave of the Senate, nor more than twice until every member choosing to speak shall have spoken, except as provided in rule eleven."

W. O. MITCHELL,
Chairman.

Report of committee adopted.

Senator Palmer, from the Committee on Agriculture, submits the following report:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred Senate file No. 30, a bill for an act to revise, amend and codify the statutes in relation to dairy commissioner and imitation of dairy products, 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 do pass after the following amendments have been adopted:

Page 510, section 1, line 7, strike out the word "Babcock" and insert after the word "bottles" the following: "and milk measures or pipettes adapted for use by each milk testing machine, the manufacturers or dealers of which have filed with the dairy commissioner a certificate from the director of the Iowa Agricultural Experiment Station, which shall certify that said milk testing machine when properly and correctly operated will produce accurate measurements of butter fat."

Section 1, lines 7 and 8, strike out the words "for testing milk" and insert the same after the word "same" in line 8 after the word "bottle;" at the end of line 8 insert the words "and such milk measure or pipette for each factory of the kind adapted for the machine operated therein."

Section 1, line 9, after the word "request" insert the word "therefor."

Section 1, line 10, after the word "bottles" insert the words "and pipettes."

Page 510, section 2, line 5, after the second "sell" insert the words "solicit or take orders for delivery."

Page 511, section 3, lines 16, 17 and 18, strike out the word "imitation" and insert the words "substitute for."

Page 511, section 4, line 6, after the word "use" insert the words "solicit orders for delivery."

Page 512, section 7, line 12, strike out remainder of the section after the word "therefor" and substitute the words "the value of the same shall be paid by the dairy commissioner as part of the expenses of his office, to the person from whom it was taken."

Page 512, after section 7, insert the following as section 7 A:

"Sec. 7 A. Every city milk dealer, or the employe of such milk dealer, and every person or corporation, or the employe of such person or corporation, who operates a creamery, cheese, or condensed milk factory, or re-works or packs butter, shall maintain his premises and utensils in a clean and hygienic condition, and shall make upon blanks furnished by the dairy commissioner such reports and statistics as may be required for the purpose of compiling statistics authorized by this chapter, and such dealer, owner, operator or business manager shall make such returns and reports in the manner and in the time prescribed by the commissioner, and certify to the correctness thereof."

Page 512, section 8, line 4, change the word "such" to the word "correct." In same line strike out all after the word "fat" down to the word "and," in line 5.

In section 8, line 6, after the word "bottle" insert the words "and one standard measure or pipette."

Page 513, add to the end of section 11 the following: "And any city milk dealer, or employe of such milk dealer, or any other person who shall resist or interfere with the commissioner or his agent in the performance of his duties in executing any of the requirements of this chapter, shall be guilty of a misdemeanor and punished as provided in this chapter."

Strike out all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at the end of sections.

D. J. PALMER,
Chairman.

Ordered passed on file.

Senator Ellis, from the Committee on Judiciary, submits the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 22, 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 bill be referred to the Committee on Code Revision.

L. A. ELLIS,
Chairman.

Ordered passed on file.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House concurrent resolution relative to free delivery of the postoffice department.

JAMES D. ROWEN,
Chief Clerk.

BILLS ON THIRD READING.

Senate resumed consideration of House file No. 22.

Senator Pusey moved to amend section 13 as follows: Insert after the word "thereof," in line 2, the words "the same or."

Adopted.

Senator Ellison moved to amend the bill as follows: Strike out figures numbering each line, the figures at the end of sections referring to McClain's Code and to acts of the Twenty-fourth and Twenty-fifth General Assembly and all underscorings.

Adopted.

Senator Ellison moved to amend the bill as follows: Strike out the title and enacting clause and insert the following in lieu thereof:

“A bill for an act to revise, amend and codify the statutes in relation to taking private property for works of internal improvement.

“Be it enacted by the General Assembly of the State of Iowa.

“Chapter 4 (of title X).”

Adopted.

Senator Ellison moved that the rule be suspended, and the reading just had be the third reading, which motion prevailed.

On the question, “Shall the bill pass?” the yeas were:

Senators Alexander, Bell, Blanchard, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rowen, Sargent, Upton, Waterman—37.

The nays were:

None.

Absent or not voting:

Senators Allyn, Berry, Bonson, Carney, Carpenter, Downey, Ellis, Ericson, Kilburn, Lehfeltdt, Riggen, Trewin, Young—13.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Blanchard, House file No. 51, a bill for an act to revise, amend and codify the statutes in relation to the State University, with report of committee, was taken up, considered and the report of the committee adopted.

The bill was read.

Senator Blanchard moved to amend the bill as follows: After word and figure “chapter 3” add “of title XIII.”

Adopted.

Senator Blanchard moved to amend section 1 as follows: Add to section 1, line 1, after second word “the,” the word “State.”

Adopted.

Senator Blanchard moved to amend section 7, line 6, as follows: Strike out the words “superintendent of public instruction” and insert the word “Governor” in lieu thereof; also, strike out lines 10 and 11 of the section and change comma after “important” to period.

Adopted.

Senator Blanchard moved to amend by substituting for section 9 the following: “Section 9. That there be and is hereby

appropriated out of any funds in the State treasury, not otherwise appropriated, for the further support of the State University in its several departments and chairs, and in aid of the income fund and for the development of the institution, the sum of sixty-five thousand five hundred dollars (\$65,500) annually hereafter, said sum to be payable in quarterly installments on the order of the board of regents."

Adopted.

Senator Blanchard moved to amend the bill by adding as section 10 the following: "Section 10. That for the purpose of providing for the erection, improvement and equipment of such necessary buildings as shall be determined upon by the board of regents of the State University there shall be levied a special tax of one-tenth (1-10) of a mill on the dollar upon the assessed valuation of the taxable property of the State for the erection of buildings for the State University; and the proceeds thereof shall be carried into the treasury to the credit of said State University, said levy to commence with the levy made by the Executive Council in August, 1896, and the same levy shall be made annually after said first levy for the four (4) successive years thereafter. Any amount in excess of the sum of fifty-five thousand dollars raised by any one of such levies shall be paid into the State treasury. The money realized from such a levy shall be held by the Treasurer of State, and drawn as provided in chapter 31 of the acts of the Twenty-third General Assembly. The amount so realized by said levies shall be in lieu of all appropriations for the erection of buildings for said State University during said period of five years."

Adopted.

Senator Blanchard moved to reconsider the vote by which the amendment to line 4, section 1, was adopted.

Carried.

Senator Blanchard moved to amend section 1, line 1, by striking out the words "in chapter 31 of acts of the Twenty-third General Assembly" and insert in lieu thereof the words "by law."

Adopted.

Senator Harper moved to amend section 10 by striking out the words "in chapter 31 of acts of the Twenty-third General Assembly" and insert in lieu thereof the words "by law."

Adopted.

Senator Blanchard moved to amend the bill by striking out all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at ends of sections and all lines italicizing portions of title wherever they occur; also, all reference words and characters wherever they occur at end of sections.

Adopted.

Senator Blanchard moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Perrin, Phelps, Pusey, Ranck, Rowen, Sargent, Upton, Waterman, Young—38.

The nays were:

None.

Absent or not voting:

Senators Allyn, Carney, Carpenter, Downey, Ellis, Hipwell, Kilburn, Lehfeldt, Palmer, Penrose, Rigger, Trewin—12.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Carroll moved to take up House messages.

Carried.

HOUSE MESSAGES.

Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent, was ordered returned to the House.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendment to House amendments on Senate file No. 49, in which the concurrence of the House was asked:

A bill for an act to revise, amend and codify the statutes in relation to county superintendent.

JAS. D. ROWEN,
Chief Clerk.

Passed on file.

Senator Gilbertson moved to take up House messages.

Carried.

HOUSE MESSAGES.

House concurrent resolution in relation to free delivery of postoffice department.

Senator Blanchard moved that the resolution be read and referred to Committee on Federal Relations.

Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent.

Passed on file.

BILLS ON THIRD READING.

Senator Carroll presiding.

On motion of Senator Blanchard, House file No. 52, a bill for an act to revise, amend and codify the statutes in relation to the State College of Agriculture and Mechanic Arts, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

Bill read for information.

Senator Blanchard moved to amend the bill by adding after the title the words, "chapter 4 of title XIII."

Adopted.

Senator Blanchard moved to amend section 25 by striking out the words "fifteen hundred" after the word "of" in the second line and inserting in lieu thereof the "words "twelve hundred;" also, add in the same line after the word "annually" the words "and eight hundred dollars annually in addition for assistants and sub-agent."

Adopted.

Senator Blanchard moved that the rule be suspended and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Perrin, Phelps, Pusey, Rowen, Sargent, Waterman, Young—36.

The nays were:

None.

Absent or not voting:

Senators Allyn, Carpenter, Carney, Downey, Ellis, Everall, Hipwell, Kilburn, Lehfeldt, Penrose, Ranck, Rikken, Trewin, Upton—14.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Blanchard, House file No. 53, a bill for an act to revise, amend and codify the statutes in relation to the normal school, with report of committee recommending amendments to title, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Blanchard moved to amend the bill as follows:

Add after the title the words "chapter 5 of title XIII."

Adopted.

Senator Blanchard moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Blanchard, Bonson, Byers, Carroll Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Perrin, Phelps, Ranck, Rowen, Sargent, Waterman, Young—36.

The nays were:

None.

Absent or not voting:

Senators Allyn, Berry, Carney, Carpenter, Downey, Ellis, Hipwell, Kilburn, Lehfeldt, Penrose, Pusey, Rigger, Trewin, Upton—14.

The bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

The Journal of Friday was taken up, read, corrected and approved.

President *pro tem.* Funk presiding.

On motion of Senator Junkin, House file No. 58, a bill act to revise, amend and codify the statutes in relation to the Industrial Home for the Blind, with report of committee, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Junkin moved to amend section 2, line 3, by inserting after the word "shall" the words "be a resident in the county in which the Industrial Home is situated and shall serve without compensation and shall."

Adopted.

Senator Junkin moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Cheshire, Craig, Druet, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Ranck, Rowen, Sargent, Upton, Waterman, Young—37.

The nays were:

None.

Absent or not voting:

Senators Allyn, Carney, Carpenter, Carroll, Downey, Eaton, Ellis, Harper, Kilburn, Lehfeldt, Pusey, Rigger, Trewin—13.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Junkin, House file No. 56, a bill for an act to revise, amend and codify the statutes in relation to the Industrial School, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Junkin moved to amend the bill by adding to the title the words "chapter 8, of title XIII."

Adopted.

Senator Junkin moved to amend the bill as follows: Strike out all marginal figures, and all figures, numbers, words and characters in the brackets and the brackets at the end of each section containing the same, and all underscoring.

Adopted.

Senator Junkin moved that the rule be suspended and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Rowen, Sargent, Upton, Young—38.

The nays were:

None.

Absent or not voting:

Senators Allyn, Carney, Carpenter, Downey, Ellis, Kilburn, Lehfeldt, Pusey, Ranck, Riggen, Trewin, Waterman—12.

The bill having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Junkin, House file No. 55, a bill for an act to revise, amend and codify the statutes in relation to the Institution for Feeble Minded Children, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Junkin moved to amend section 1 by striking out the words "and treasurer," in line 4, and insert after the word "number" in said line, the words "and shall elect a treasurer who shall be a resident of the county in which the institution is located, and he shall serve without compensation."

Adopted.

Senator Junkin moved to amend section 1, line 4, by inserting the word "and" after the word "president" and before the word "from."

Adopted.

Senator Junkin moved to amend the bill by adding after the title the words "chapter 7, of title XIII."

Adopted.

Senator Junkin moved to amend the bill by striking out all reference numbers, marginal figures and underscoring.

Adopted.

Senator Junkin moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Rowen, Sargent, Upton, Young—38.

The nays were:

None.

Absent or not voting:

Senators Allyn, Carney, Carpenter, Downey, Ellis, Kilburn, Lehfeldt, Pusey, Ranck, Riggen, Trewin, Waterman—12.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Palmer moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. Monday.

SENATE CHAMBER,
DES MOINES, Iowa, Monday, February 22, 1897. }

Senate met in regular session at 9 o'clock A. M., Senator Funk, President *pro tem.*, presiding.

Prayer was offered by Rev. Timothy Reeves of Des Moines, Iowa.

Senator Lothrop offered the following joint resolution:

JOINT RESOLUTION NO. 4.

Be it resolved by the General Assembly of the State of Iowa, That the President of the Senate and the Speaker of the House of Representatives jointly certify to the Auditor of State the names of the members of the respective houses of this General Assembly, and that the Auditor of State thereupon draw a warrant in favor of each of said members upon the State Treasurer for and to apply upon the salary or per diem compensation due to them for thirty days from and including the nineteenth day of January, 1897, at the rate of six dollars per day, to-wit: The aggregate sum each of one hundred and eighty dollars, and said sum is hereby appropriated to be paid from the State treasury out of any moneys not otherwise appropriated.

Laid over.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Senator Rowen introduced the following resolution:

WHEREAS, Iowa is an agricultural State, and it is incumbent upon the General Assembly to do all possible to promote the agricultural industries of the State; and,

WHEREAS, Conditions exist which have in part destroyed the value of the corn and oats crop; and,

WHEREAS, Hon. James Wilson and other eminent authorities declare the Iowa corn belt to be adapted to the production of the sugar beet and the manufacture of beet sugar, an article of which over \$160,000,000 worth is imported from foreign countries, and over \$6,000,000 worth consumed in Iowa; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That a committee of three, one to be appointed by the presiding officer of the Senate and two by the Speaker of the House, be constituted to obtain by correspondence all possible information and to impart the same to the General Assembly for the press of the State; said committee to report as soon as practicable.

Laid over.

Senator Everall moved that the Senate do now take a recess until 10 o'clock.

Carried.

Senate reconvened at 10 o'clock A. M., President Parrott presiding.

On request of Senator Harper, leave of absence was granted Senator Ranck.

On request of Senator Perrin, leave of absence was granted Senator Kilburn.

On request of Senator Everall, leave of absence was granted Senator Craig until Wednesday.

On request of Senator Gilbertson, leave of absence was granted Senator Upton until Tuesday.

On request of Senator Rowen, leave of absence was granted Senator Rigger.

On request of Senator Junkin, leave of absence was granted Senators Ellis and Downey.

On request of Senator Sargent, leave of absence was granted Senator Harriman.

On request of Senator Carroll, leave of absence was granted Senator Pusey.

Senator Carney offered the following resolution:

Resolved, That a committee of five, exclusive of the mover of this resolution, be appointed from the Senate to examine the reports and if necessary the books of the State institutions, to ascertain whether any regent, trustee or commissioner or other officer connected with said institutions are or have been retaining any funds in form of fees, salary, compensation or allowances to which they are not legally entitled under the law. It shall also inquire as to the prices paid for supplies and whether or not said supplies are purchased at the most advantageous prices. It shall also be empowered to examine as to the officers and employees of said institutions and their salaries or compensation.

The committee shall make report to the Senate of the facts with any recommendations as to additional laws necessary to govern said institutions. It shall also have power to issue subpoenas and administer oaths.

Laid over under the rules.

BILLS ON THIRD READING.

On motion of Senator Carroll, Senate file No. 29, a bill for and act to revise, amend and codify the statutes in relation to mines and mining, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Carroll moved to amend section 1 by striking out of line 4 the word "day" and inserting in lieu thereof the word "Monday;" also, by inserting the words "of State" after the word "secretary" in line 9.

Adopted.

Senator Carroll moved to amend section 2 as follows: Strike out the word "of" in line 2 and insert in lieu thereof the words "each of whom shall have had."

Adopted.

Senator Carroll moved to amend section 3 by striking out of line 2, the word "April" and inserting in lieu thereof the word "March;" also, by inserting after the word "applicants," in line 2, the following: "notice of which examination shall be published in at least one newspaper in each mining district not less than fifteen days preceding the date of such examination."

Adopted.

Senator Carroll moved to amend section 5 by striking out of line 20 the word "fixed," and inserting in lieu thereof the word "approved."

Adopted.

Senator Carroll moved to amend section 7 by inserting in line 2, after the word "be," the word "made."

Adopted.

Senator Carroll moved to amend section 8 by inserting after the word "applicant," in line 15, the following: "Except when it shall be shown that said applicant's property has been undermined, in which case the expense shall be paid by the mine owner or operator."

Adopted.

Senator Carroll moved to amend section 9 by inserting after the word "air-shafts," in line 9, the words "where fans are used."

Adopted

Senator Carroll moved to amend the bill by making sections 10, 11, 12, 13 and 14, respectively, 11, 12, 13, 14 and 15 and add as section 10, the following: "In all mines there shall be allowed one year to make outlets as provided for in section 9, but not more than twenty men shall be employed in such mine at any one time until the provisions of section 9 are complied with; and after the expiration of the period above mentioned, should said mine not have the outlets aforesaid, it shall not be operated until made to conform to the provisions of section 9."

Adopted.

Senator Carroll moved to amend section 11 by striking out of line 1 the word "he" and inserting in lieu thereof the words "the owner or person in charge of any mine;" also, insert after the word "or" in line 9 the words "the men working."

Adopted.

Senator Carroll moved to amend section 12 by striking out of line 1 the word "He" and insert in lieu thereof the words "The owner or person in charge of any mine;" also, change the word "carriages" in line 4 to "cages;" also, add at the close of the section the following: "and shall send such props down when required and deliver them to the places where needed;" charge the period after the word "use" in line 15 to a comma.

Adopted.

Senator Carroll moved to amend section 13 by striking out of line 1 the word "He" and substituting in lieu thereof the words "The owner or operator;" also, by striking out of line 28 the words "upon the first and third Saturdays in each month" and insert in lieu thereof the word "semi-monthly."

Adopted.

Senator Carroll moved to amend the bill by adding as sections 16, 17, 18 and 19 the following:

Section 16. Only pure animal or vegetable oil, paraffine or electric lights shall be used for illuminating purposes in any mine in this State, and for the purpose of determining the purity of oils the State board of health shall fix a standard of purity and establish regulations for testing said oil, and said standard and regulations, when so determined, shall be recognized by all the courts of the State.

Section 17. Any person, firm or corporation, either by themselves, agents or employes, selling or offering to sell for illuminating purposes in any mine in this State any adulterated or impure oil, or oil not recognized by the State board of health as suitable for illuminating purposes as contemplated in this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense; and any mine owner or

operator or employe of such owner or operator who shall knowingly use, or any mine operator who shall knowingly permit to be used for illuminating purposes in any mine in this State any impure or adulterated oil or any oil the use of which is forbidden by this chapter shall, upon conviction thereof, be fined not less than five dollars nor more than twenty-five dollars.

Section 18. It shall be the duty of the State Mine Inspector whenever he has reason to believe that oil is being used or sold, or offered for sale in violation of the provisions of this chapter, to take samples of the same and have them tested or analyzed, and if they are found to be impure he shall make complaint to the county attorney of the county wherein the offense is committed, who shall forthwith commence proceedings against the offender in any court of competent jurisdiction.

All reasonable expenses incurred in testing or analyzing oil under the provisions of this section shall be paid by the owner of the oil whenever it shall be found that he is selling or offering to sell impure oil in violation of the provisions of this chapter. Such costs may be recovered in a civil action, and in criminal prosecutions such expense shall be taxed as part of the costs.

Section 19. The provisions of this chapter shall apply only to coal mines.

Adopted.

Senator Waterman moved to amend section 9 by inserting after the words "escape shafts," in line 7, the words "not provided with hoisting appliances as hereinafter provided."

Adopted.

Senator Carroll moved to amend the bill by striking out all marginal figures, page and reference numbers and underscoring.

Adopted.

Senator Carroll moved that the rule be suspended, and that the bill be considered engrossed, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Berry, Carney, Carpenter, Carroll, Cheshire, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Harper, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Jurkin, Lothrop, Mitchell, Palmer, Perrin, Phelps, Rowen, Sargent, Waterman, Young—30.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Bonsor, Byers, Craig, Downey, Druet, Ellis, Ellison, Gorrell, Harriman, Healey, Kilburn, Lehfelddt, Penrose, Pusey, Ranck, Rigger, Trewin, Upton—20.

The bill having received a constitutional majority, was declared to have passed the Senate and the title 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 has passed the following concurrent resolution, in which the concurrence of the Senate is asked:

Concurrent resolution relative to freight rates on corn.

JAMES D. ROWEN,
Chief Clerk.

BILLS ON THIRD READING.

On motion of Senator Carpenter, Senate file No. 78, a bill for an act to revise, amend and codify the statutes in relation to procedure to reverse, vacate or modify judgments, with report of committee recommending certain amendments, was taken up, considered and the report of the committee adopted.

The bill was read by sections for the purpose of amendments.

Senator Carpenter moved to amend section 1, line 3, by inserting before the word "modify" the words "vacate or."

Adopted.

Senator Carpenter moved to amend section 1, line 13, by striking out the word "maturity" and insert in lieu of the same the word "majority."

Adopted.

Senator Carpenter moved to amend section 5, line 4, by striking out the words, "but there shall be no changes of place of trial unless a new trial is granted," and add at the end of the section the following: "and the issue shall be tried by the court."

Adopted.

Senator Carpenter moved to amend section 9, line 1, by striking out the words "a new" and insert the word "an."

Adopted.

Senator Carpenter moved to amend chapter 2, section 2, subsection 3, by adding after the word "grant," in the seventh line, the words "or refuses;" and also amend by adding at the end of subsection 3 the words "or sustains or overrules a demurrer."

Adopted.

Senator Carpenter moved to amend chapter 2, section 8, line 3, by striking out the word "appellate" and insert in lieu of the same the word "supreme."

Adopted.

Senator Carpenter moved to amend chapter 2, section 8, line 5, by striking out the words "shorthand reporter or."

Adopted.

Senator Carpenter moved to amend chapter 2, section 11, lines 4 and 5, by striking out the words "within three days after the rendition of such judgment" and insert in lieu thereof these words: "during the term at which the judgment was rendered;" also, same section, strike out all of the section after the word "involved" in seventh line.

Adopted.

Senator Carpenter moved to amend section 33, line 2, by striking out the word "upon;" and also strike out lines 3, 4, 5 and 6 down to the word "pending" and insert in lieu thereof the words "apply to the district court or judge thereof, who shall fix the amount and conditions of the bond and approve the same."

Adopted.

Senator Carpenter moved to amend section 6, line 1, by striking out the word "county" and insert in place thereof the words "congressional district."

Adopted.

Senator Carpenter moved to amend section 38, chapter 2, by striking out of line 2 the word "case" and insert the word "cause" in lieu thereof.

Adopted.

Senator Carpenter moved to amend chapter 2, section 40, line 3, by inserting after the word "assigned" the words "unless otherwise directed by the court or the judges thereof."

Adopted.

Senator Carpenter moved to amend chapter 2, section 49, line 2, by adding after the word "order" the words "until after the final decision on the rehearing."

Adopted.

Senator Carpenter moved to amend section 50 by substituting the following: "Section 50. Written notice of intention to petition for a rehearing shall be served on the opposite party or his attorney and the clerk of the supreme court within thirty days after the filing of the opinion. Such petition shall be printed and with proof of service thereof on the opposite party or his attorney shall be filed with said clerk within sixty days after the opinion is filed, and may be made the argument or a brief of authorities relied upon for a rehearing. The

adverse party may file a printed argument in response. If the party applying for a rehearing shall give notice of oral argument in his petition, then both parties shall be entitled to be heard orally, unless the party giving notice waives oral argument."

Adopted.

Senator Carpenter moved to strike out all marginal numbers, reference numbers at end of sections, marginal lines and page numbers.

Adopted.

Senator Carpenter moved to amend section 23, chapter 2, by adding: "The translation of the original notes of the shorthand reporter, certified by him to be true and correct, shall constitute a part of the record, and shall be sent up in its original form in lieu of a transcript thereof where a transcript of the evidence is required, and shall be returned to the clerk of the court of the proper county after the case has been determined by the supreme court."

Adopted.

Senator Carpenter moved to amend section 43, chapter 2, as follows: At the end of the section add, "The court shall also tax the costs of any translation of the shorthand notes filed as provided in this chapter."

Adopted.

Senator Carpenter moved to extend the time of adjournment ten minutes.

Carried.

Senator Carpenter moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Berry, Byers, Carney, Carpenter, Carroll, Cheshire, Druet, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Harper, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Perrin, Phelps, Rowen, Sargent, Waterman, Young—33.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Bonson, Craig, Downey, Ellis, Ellison, Gorrell, Harriman, Kilburn, Lehfelddt, Penrose, Pusey, Ranck, Riggen, Trewin, Upton—17.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Rowen moved to take up House messages.

Carried.

HOUSE MESSAGES.

Concurrent resolution relative to reduction of freight rates on corn for the next three months.

Senator Carpenter moved that the resolution be referred to Committee on Railways.

On this a division was called for and the motion was lost.

Senator Rowen moved that the time of adjournment be extended five minutes.

Carried.

Senator Rowen moved that the resolution be concurred in.

On this a roll call was demanded.

On the question, "Shall the resolution be concurred in?" the yeas were:

Senators Allyn, Berry, Byers, Carney, Carpenter, Carroll, Cheshire, Druet, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Harper, Healy, Hipwell, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Perrin, Phelps, Rowen, Sargent, Waterman, Young—31.

Senator Henderson voted in the negative.

Absent or not voting.

Senators Alexander, Bell, Blanchard, Bonson, Craig, Downey, Ellis, Ellison, Gorrell, Harriman, Kilburn, Lehfeltd, Penrose, Pusey, Ranck, Rigger, Trewin, Upton—18.

The resolution was concurred in.

The Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, February 23, 1897. }

Senate met in regular session at 9 A. M., President Parrott presiding.

Prayer was offered by the Rev. Hugh Morrison of Clarion, Iowa.

On request of Senator Harper, leave of absence was granted Senator Downey.

On request of Senator Perrin, leave of absence was granted Senator Kilburn.

On request of Senator Junkin, leave of absence was granted Senator Ellison.

On request of Senator Byers, leave of absence was granted Senator Blanchard.

PETITIONS AND MEMORIALS.

Senator Rowen presented remonstrance of J. N. Hozier and other citizens of Wright county, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Rowen presented remonstrance of J. F. Young and other citizens, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Phelps presented petition of the Shelby county institute, in favor of the encouragement of the beet sugar industry.

Referred to Committee on Agriculture.

Senator Bell presented seven petitions of citizens of Fairfield, Jefferson county, asking for the appointment of a fire marshal.

Referred to the Committee on Insurance.

Senator Byers presented remonstrance of J. J. George and other citizens of Derby, Lucas county, Iowa, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

INTRODUCTION OF BILLS.

By unanimous consent Senator Hobart introduced Senate file 83, a bill for an act to amend section 1967, Code of Iowa of 1873, as amended by chapter 49, of the acts of the Twenty-fifth General Assembly.

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

REPORTS OF STANDING COMMITTEES.

Senator Gorrell, from the Committee on Public Health, submits the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred House file No. 43, a bill for an act to revise, amend and codify the statutes in relation to the State board of health, 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 do pass.

J. R. GORRELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate file No. 39, a bill for an act to revise, amend and codify the statutes in relation to the State board of health, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed, for the reason that House file No. 43, on the same subject, has been recommended for passage.

J. R. GORRELL,
Chairman.

Report of committee adopted.

Senator Perrin, from the Committee on Suppression of Intemperance, submits the following report:

MR. PRESIDENT—Your Committee on Suppression of Intemperance, to whom was referred Senate file No. 82, a bill for an act to exonerate from penalties under the prohibitory law in cities acting under special charters, 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 substitute be adopted in lieu of said Senate file No. 82, and when so adopted that it do pass.

SUBSTITUTE FOR BILL.

Be it enacted by the General Assembly of the State of Iowa:

Section 1. That all proceedings had by the inhabitants of cities under special charter and their corporate acts and the acts of supervisors of the counties in which such cities are situated, for the purpose of putting into effect chapter 62 of the laws of the Twenty-fifth General Assembly of the State of Iowa, and all statements of consent and bonds given and payments of taxes, liens declared and all other acts done in said cities in attempted compliance with the provisions of said chapter 62, which would have been

authorized if said act had applied to such cities, are hereby made valid, the same as though said act had applied to cities acting under special charters, and all persons in said cities who have paid in whole or in part the taxes prescribed by said act and by said cities thereunder, are hereby protected from prosecution and all other liabilities, the same as though said act had applied to said cities; and all acts heretofore made valid and herein made valid shall remain in full force and effect the same as though authorized by said act, and all future payment of taxes in said cities under that act shall be made as though the said act had originally applied to said cities.

Section 2. This act being deemed of immediate importance shall take effect from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published at Des Moines, Iowa.

WM. B. PERRIN,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Gilbertson, from the Committee on Enrolled Bills, submits the following report:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 49, a bill for an act to revise, amend and codify the statutes in relation to county superintendent

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 43, a bill for an act to revise, amend, and codify the statutes in relation to the domestic relations.

G. S. GILBERTSON,
Chairman.

Passed on file.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to construction and operation of railways.

JAMES D. ROWEN,
Chief Clerk.

Passed on file.

Senator Carroll offered the following resolution:

WHEREAS, The United States Senate has unanimously passed a resolution, introduced by the senior senator from New York, asking that Sylvester Scovel, a citizen of Ohio, and correspondent of the New York World, now imprisoned in the province of Santa Clara, Cuba, be removed to the city of Havana, and that he be granted all the rights and privileges secured to American citizens by treaty between Spain and the United States, and requesting the secretary of state to use his good offices with the Spanish government in Scovel's behalf; therefore, be it

Resolved by the Senate, the House concurring, That we endorse the action of the United States Senate and recommend speedy action upon the part of the secretary of state.

Adopted.

Senator Carney called up resolution relative to examination of reports and investigation of books of trustees and regents of State institutions.

Senator Bonson offered the following amendment to line 7 of the resolution as it appears in the Senate Journal of February 22: After the word "supplies" insert the words "from whom purchased."

Senator Garst moved that the resolution be referred to a special committee of five.

On this the yeas and nays were demanded.

On the question, "Shall the resolution be referred to the special committee?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Carroll, Ellis, Ericson, Funk, Garst, Henderson, Hobart, Lothrop, Palmer, Rowen, Sargent—15.

The nays were:

Senators Bonson, Byers, Carney, Carpenter, Cheshire, Druet, Eaton, Everall, Gilbertson, Gorrell, Harper, Healy, Hipwell, Hoppers, Hotchkiss, Hurst, Junkin, Mitchell, Perrin, Phelps, Pusey, Ranck, Rigger, Trewin, Upton, Young—26.

Absent or not voting:

Senators Blanchard, Craig, Downey, Ellison, Harriman, Kilburn, Lehfeldt, Penrose, Waterman—9.

So the motion to commit was lost.

The amendment to the resolution was adopted.

Senator Druet offered the following amendment to the resolution:

MR. PRESIDENT—I move to amend by inserting after the word “resolution” in lines 1 and 2 the following: “and members representing a district in which is situated a State institution.”

Adopted.

Senator Ellis moved to amend the resolution as follows:

MR. PRESIDENT—I move to amend the resolution by striking out the words after the word “ascertain” to the word “law” and substitute the following words: “the manner of conducting the business of such institutions, and whether or not there is a demand for additional legislation.”

On this a division was called and the amendment prevailed.

On the question, “Shall the resolution as amended be adopted?” the yeas were:

Senators Berry, Bonson, Carney, Carroll, Cheshire, Druet, Everall, Garst, Gilbertson, Gorrell, Harper, Healy, Henderson, Hospers, Hotchkiss, Junkin, Mitchell, Pusey, Ranck, Rowen, Trewin, Upton, Waterman, Young—24.

The nays were:

Senators Alexander, Allyn, Bell, Byers, Carpenter, Eaton, Ellis, Ericson, Funk, Hipwell, Hobart, Hurst, Lothrop, Palmer, Penrose, Perrin, Phelps, Rigger, Sargent—19.

Absent or not voting:

Senators Blanchard, Craig, Downey, Ellison, Harriman, Kilburn, Lehfeldt—7.

The resolution as amended and adopted is as follows:

Resolved, That a committee of five, exclusive of the mover of this resolution, and members representing a district in which is situated a state institution, be appointed from the Senate to examine the reports and if necessary the books of the State institutions, to ascertain the manner of conducting the business of such institutions, and whether or not there is a demand for additional legislation. It shall also inquire as to the prices paid for supplies, from whom purchased, and whether or not said supplies are purchased at the most advantageous prices. It shall also be empowered to examine as to the officers and employees of said institutions and their salaries or compensation.

The committee shall make report to the Senate of the facts with any recommendations as to additional laws necessary to govern said institutions. It shall also have power to issue subpoenas and administer oaths.

Senator Ellis offered the following:

CONCURRENT RESOLUTION.

Be it resolved by the Senate, the House concurring, That a committee of five, two from the Senate and three from the House, be appointed to obtain information and to report to the respective houses in regard to the desirability of providing for the annotation of the proposed new Code by this General Assembly.

Laid over.

Senator Lothrop called up joint resolution No. 4 and moved that it be referred to the Committee on Judiciary.

Carried.

HOUSE MESSAGES.

Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to construction and operation of railways.

Senator Penrose moved that the bill be referred to Committee on Railways.

Carried.

The Journals of Saturday and Monday were taken up, read, corrected and approved.

Senator Rowen called up concurrent resolution relative to manufacture of beet sugar.

Senator Henderson offered the following amendment to the resolution: After the word "said" in fifth line, add "committee to have power to appoint a clerk and have furnished it all necessary stationery and postage, both domestic and foreign, and railway mileage and telephone and telegraph franks, and to employ an interpreter."

Senator Waterman moved that the resolution and amendment be referred to Committee on Agriculture.

Adopted.

BILLS ON THIRD READING.

On motion of Senator Carpenter, House file No. 5, a bill for an act to revise, amend and codify the statutes in relation to the General Assembly, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Carpenter moved to amend the bill by adding after the enacting clause "chapter 2, of title I, of the General Assembly."

Adopted.

Senator Carpenter moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

Senator Carpenter moved to amend section 9, by striking out of the section as amended the words "Speaker's clerk, Lieutenant-Governor and."

Adopted.

Senator Carpenter moved to amend the bill by striking out all marginal numbers, page and reference numbers and under-scoring.

Adopted.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Druet, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Lothrop, Mitchell, Palmer, Penrose, Ferrin, Phelps, Ranck, Rigger, Rowen, Sargent, Trewin, Waterman, Young—39.

The nays were:

None.

Absent or not voting:

Senators Bell, Craig, Downey, Ellis, Ellison, Harper, Junkin, Kilburn, Lehfeltd, Pusey, Upton—11.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Carpenter, House file No. 4, a bill for an act in relation to the sovereignty and jurisdiction of the State and the legislative department with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Carpenter moved to amend the bill as follows: Strike out the title and insert in lieu thereof the following: "A bill for an act to revise, amend and codify the statutes in relation to the sovereignty and jurisdiction of the State;" and a so amend by adding after the enacting clause the following: "Chapter 1 (of title 1), of the sovereignty and jurisdiction of the State."

Adopted.

Senator Carpenter moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll Cheshire, Druet, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Herderson, Hobart, Hospers, Hotchkiss, Hurst, Lothrop, Mitchell, Penrose, Perrin, Phelps, Ranck, Rikken, Sargent, Trewen, Waterman, Young—36.

The nays were:

None.

Absent or not voting:

Senators Bell, Berry, Craig, Downey, Ellis, Ellison, Hipwell, Junkin, Kilburn, Lehfeldt, Palmer, Pusey, Rowen, Upton—14.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Carpenter, House file No. 83, a bill for an act to revise, amend and codify the statutes in relation to justices of the peace, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read section by section for information.

Senator Carpenter moved to amend the bill by striking out all page numbers, reference numbers and underscoring.

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Carpenter moved to amend section 30, line 2, by inserting after the word "shall" the words "without further proceedings."

Adopted.

Senator Carpenter moved to amend section 42, House file No. 83, as amended in the last line of section 42 and strike out the word "circuit."

Adopted.

Senator Carpenter moved to amend section 63, line 3, by inserting after the word "court" the words "as of the date of its rendition in the justice court."

Adopted.

Senator Carpenter moved to amend section 69, line 1, by striking out the word "garnishee" and insert the word "garnishment."

Adopted.

Senator Carpenter moved to amend section 77, by striking out the word "in" and insert the word "on" in line 12.

Adopted.

Senator Carpenter moved to amend section 78, line 1, by striking out the word "taken" and insert "perfected."

Adopted.

Senator Carpenter moved to amend section 80, line 1, by striking out the words "taking of an" and after the word "appeal" insert the words "being perfected."

Adopted.

President Parrott presiding.

Senator Carpenter moved to amend section 105, as follows: In line 1, after the word "attachment," add "or on execution."

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

Concurrent resolution relative to printing and binding the proposed Code.

JAS. D. ROWEN,
Chief Clerk.

Passed on file.

Senator Carpenter moved that the Senate do now adjourn until 2 P. M. to-day.

Carried.

Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 2 o'clock P. M., President Parrott presiding.

BILLS ON THIRD READING.

Senate resumed consideration of House file No. 83.

Senator Carpenter moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargeant, Trewin, Upton, Waterman, Young—42.

The nays were:

None.

Absent or not voting:

Senators Craig, Downey, Eaton, Hipwell, Lehfeldt, Mitchell, Phelps, Riggen—8.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

INTRODUCTION OF BILLS.

By Ways and Means Committee, Senate file No. 84, a bill for an act to amend section 3756, Code of 1873, as amended by chapters 118 and 125 of the acts of the Twenty-first General Assembly, relative to collection of fees by Secretary of State.

Read first and second time and ordered placed on Calendar.

Senator Waterman filed a motion to reconsider the vote by which House file No. 83 was passed.

Senator Trewin moved to take up House messages.

Carried.

HOUSE MESSAGES.

House concurrent resolution in relation to the printing and binding of the proposed Code was read and laid over.

BILLS ON THIRD READING.

On motion of Senator Ellis, House file No. 76, a bill for an act to revise, amend and codify the statutes in relation to warehousemen, carriers, hotel keepers, etc., with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read section by section for the purpose of amendments.

Senator Ellis moved to amend section 9, line 5, as follows: Strike out the word "six" and insert the word "three" in lieu thereof.

Adopted.

Senator Ellis moved to amend by adding to section 16 the following: "If such charges and expenses are not sooner paid, the lienholder may sell said property at public auction, after giving to the owner or claimant ten days' notice in writing of the time and place of such sale if found within the county, and also by posting written notices thereof in three public places in the township where said stock was kept or let. And out of the proceeds of such sale he shall pay all of said charges and expenses of keeping said stock, together with the costs and expenses of said sale, and the balance, if any, shall be paid to the owner or claimant of said property."

Adopted.

Senator Ellis moved to amend the bill by striking out all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at end of sections.

Adopted.

Senator Ellis moved that the rule be suspended and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Druet, Eaton, Ellis, Ericson, Everall, Garst, Gilbertson, Gorrell, Harper, Harri- man, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—42.

The nays were:

None.

Absent or not voting:

Senators Berry, Craig, Downey, Ellison, Funk, Hurst, Leh- feldt, Phelps—8.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Waterman withdrew the motion filed to reconsider the vote by which House file No. 83 was passed.

On motion of Senator Ellis, Senate file No. 76, a bill for an act to revise, amend and codify the statutes in relation to attach- ments, garnishments and supplementary proceedings, with

report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for the purpose of amendments.

Senator Lothrop moved to amend section 3, chapter 1, line 9, as follows: Insert after the word "absconded" the words "or conceals himself."

Lost.

Senator Ellis moved to amend section 10, chapter 1, line 2, by striking out the words "value of the property sought to be attached" and insert in lieu thereof the words "amount of the claim."

On request of Senator Blanchard, the amendment to section 10 was laid over.

Senator Ellis moved to substitute for section 12 the following: "In an action on such bond, the plaintiff therein may recover if he shows that the attachment was wrongfully sued out, and that there was no reasonable cause to believe the ground upon which the same was issued to be true, the actual damages sustained and reasonable attorney's fees to be fixed by the court; and if it be shown such attachment was sued out maliciously, he may recover exemplary damages, nor need he wait until the principal suit is determined before suing on the bond."

Adopted.

Senator Ellis moved to add the following as a new section numbering it "13," and renumber the subsequent sections in the bill: "Section 13. The fact stated as a cause of attachment, shall not be contested in the action by a mere defense. The defendant's remedy shall be on the bond, but he may in his discretion, sue thereon by way of counterclaim, and in such case shall recover damages as in an original action on such bond."

Senator Ellis moved to amend section 19 by striking out all of the section and substituting the following: "Judgments money, bank bills and other things in action may be levied upon by the officer under an attachment in the same manner as levies are made under execution, except that notice of such levy shall be given as in levies by attachment, and after judgment such property shall be sold, appropriated or transferred as provided for in the chapter on executions."

Adopted.

Senator Ellis moved to amend section 23 by striking out in the first line the words "a levy upon real estate" and insert "Real estate or equitable interest therein may be attached, and the levy."

Adopted.

Senator Ellis moved to strike out all of section 24, down to and including the word "another," and insert "when any property is attached;" also, in fifth line, same section, after the word "return," insert "a like notice shall be given to the party in possession of the property attached. If the party required to be notified is not found at his usual place of business or residence such notice may be served upon a member of his family over fourteen years of age at such place."

Adopted.

Senator Ellis moved to amend section 24, chapter 1, as follows: Strike out the sentence commencing with "failure," etc., fifth and sixth lines, section 24.

Adopted.

Senator Ellis moved to amend section 25, line 5, by adding after the word "pending" the words "a commissioner appointed for that purpose."

Adopted.

Senator Ellis moved to amend the amendment to section 25 by inserting the word "or" before the words "a commissioner."

Adopted.

Senator Ellis moved to substitute the following for section 28: "In executing an attachment against a person who owns property jointly or in common with another, or who is a member of a partnership, the officer may take possession of such property so owned jointly, in common, or in partnership, sufficiently to enable him to inventory and appraise the same, and for that purpose shall call to his assistance three disinterested persons, which inventory and appraisement shall be returned by the officer with the attachment, and such return shall state who claims to own such property. The plaintiff shall, from the time such property is taken possession of by the officer, have a lien on the interest of the defendant therein, and may either before or after he obtains judgment in the action in which the attachment issued, commence action by equitable proceedings to ascertain the nature and extent of such interest and to enforce the lien; and, if deemed necessary or proper, the court

or judge may appoint a receiver under the circumstances and conditions provided in chapter 12, of title 17.”

Senator Trewin moved to amend the substitute by striking out the figures “17” in the last line and insert “18” in lieu thereof and add to the substitute the words, “of this Code.”

Adopted.

The substitute as amended was adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Ellis moved to amend section 30, chapter 1, as follows: Put period after the word “attachment” and strike out the rest of the sentence.

Adopted.

Senator Upton moved that section 31, chapter 1, be amended by striking out the word “by” in line 3, and inserting the word “to” in lieu thereof.

Adopted.

Senator Ellis moved to amend section 44 by striking out of lines 3 and 4 the following words: “nor to release attached property for failure of plaintiff to furnish such bond;” also, after the word “levy,” in third line of same section, substitute a period for comma.

Adopted.

President Parrott announced the following committee as provided by the Carney resolution: Senators Carroll, Healy, Craig, Harriman and Bonson.

Senator Ellis moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, February 24, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. J. L. Gillin of Hudson, Iowa.

On request of Senator Kilburn, leave of absence was granted Senator Bell.

On request of Senator Cheshire, leave of absence was granted Senator Junkin.

PETITIONS AND MEMORIALS.

Senator Hobart presented remonstrance of citizens of Cherokee county, against cutting down legal rate on printing.

Referred to Committee on Printing.

Senator Hobart presented petition of H. B. Strever and other citizens of Cherokee county, in favor of women's suffrage.

Referred to Committee on Constitutional Amendments.

Senator Byers presented petition of Building and Loan Association League of Iowa, relative to building and loan associations.

Referred to Committee on Ways and Means.

Senator Funk presented memorial of business men of Keokuk, relative to corporation laws, and asked that it be read.

Referred to Committee on Corporations.

President Parrott presented petition of LeGrand Byington relative to election contests, and asked that it be read.

Referred to Committee on Elections.

INTRODUCTION OF BILLS.

By unanimous consent, by Senator Cheshire, Senate file No. 85, a bill for an act to repeal so much of section 1, chapter 179, of the laws of the Twenty-fifth General Assembly, as legalizes a certain contract entered into between the city of Des Moines, Iowa, and the Des Moines Brick Manufacturing Company.

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

REPORTS OF STANDING COMMITTEES.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 83, a bill for an act to amend section 1967 of the Code of Iowa of 1873 as amended by chapter 49 of the acts of the Twenty-fifth 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 the accompanying substitute be adopted for the bill and when so adopted the bill do pass.

SUBSTITUTE FOR SENATE FILE NO. 83.

A bill for an act to legalize acknowledgments of instruments in writing heretofore taken by notaries public.

Be it enacted by the General Assembly of the State of Iowa:

Section 1. That the acknowledgments of all deeds, mortgages or other instruments in writing heretofore taken or certified, and which instruments have been recorded in the recorder's office of any county of this State, including acknowledgments of instruments made by any private or other corporation, or to which such corporation was a party, or under which such corporation was a beneficiary, and which have been acknowledged before or certified by any notary public who was at the time of such acknowledgment or certifying, a stockholder or officer in such corporation, be and the same are hereby declared to be legal and valid official acts of such notaries public, and to entitle such instruments to be recorded, anything in the laws of the State of Iowa in regard to acknowledgments to the contrary notwithstanding.

Sec. 2. This act shall not affect the rights of parties in any action or suit now pending in any court of this State.

Sec. 3. This act being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers published at Des Moines, Iowa.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred joint resolution No. 4, relative to pay for members of the General Assembly, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed.

L. A. ELLIS,
Chairman.

Report of committee adopted and resolution indefinitely postponed.

Senator Penrose, from the Committee on Railways, submits the following report:

MR. PRESIDENT—Your Committee on Railways, to whom was referred Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to the Board of Railway Commissioners, 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 as follows:

Section 2, line 2, after the word "steam" insert the words "express companies, car companies, sleeping car companies, freight and freight line companies and any common carrier engaged in the transportation of passengers or freight by railroad, street railroads excepted."

Section 4, line 3, strike out the word "the" before the word "system" and insert the word "such" in lieu thereof; add the letter "s" to the word "system" and strike out the word "its" and insert the word "their" in lieu thereof.

Section 7, strike out all of section 7.

Section 8, line 2, after the word "the" insert the words "rate of passenger fare or."

Section 9, line 1, insert the words "or the succeeding" after the word "this."

Strike out all of section 10 and substitute the following in lieu thereof:

"SEC. 10. The district courts of this State shall have jurisdiction to enforce, by proper decrees, injunctions and orders, the rulings, orders and regulations affecting public right, made or to be made by the board, such as are now, or may hereafter be, authorized to be made by them for the future direction and observance of railroads in this State. The proceedings therefor shall be by equitable action in the name of the State of Iowa and shall be instituted by the attorney-general, whenever advised by the board that any railway corporation, or person operating a line of road in this State, is violating and refusing to comply with any rule, order or regulation made by the board, and applicable to such railroad or person. It shall be the duty of the court in which any such cause shall be pending to require the issue to be made up at the first term of the court to which such cause is brought, which shall be the trial term, and to give the same precedence over other civil business. If the court shall find that such rule, regulation, or order is reasonable and just, and that in refusing compliance therewith said railway company is failing and omitting the performance of any public duty or obligation, the court shall decree a mandatory and perpetual injunction compelling obedience to and compliance with such rule, order or regulation by said railroad company, or other person, its officers, agents, servants and employes, and may grant such other relief as may be deemed just and proper.

"All violations of such decree shall render the company, persons, officers, agents, servants and employes who are in any manner instrumental in such violation, guilty of contempt of court, and the court may punish such contempt by a fine not exceeding one thousand dollars for each offense, and may imprison the person guilty of contempt until he shall sufficiently purge himself therefrom. And such decree shall continue and remain in effect and be enforced until the rule, order or regulation shall be modified or vacated by the board."

Renumber the sections consecutively from and after section 6.

Strike out all reference and line numbers, and underscoring.
And that when so amended the bill do pass.

E. G. PENROSE,
Chairman.

Ordered passed on file.

Senator Carpenter, from the Committee on Code Revision, presented the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 84, 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 following amendments:

Page 850, section 8, strike out the following: "or the stenographer or confidential clerk of any person who obtains such information by reason of his employment."

Page 850, section 8, line 5, strike out the word "are" and insert the word "is."

Page 850, section 13, amend by adding after the word "no" and before the word "proof," in the first line, the word "other."

Page 850, amend section 15 by striking out the section in the proposed Code and inserting in lieu thereof the following as section 15: "When part of an act, declaration or writing is given in evidence by one party the whole on the same subject may be inquired into by the other; thus, when a letter is read all other letters on the same subject between the same parties may be given. And when a detached act, declaration or writing is given in evidence any other act, declaration or writing which is necessary to make it fully understood or to explain the same may also be given in evidence."

Page 851, section 23, line 2, after the word "evidence" insert the word "only."

Page 852, section 25, subsection 3, line 8, amend by striking out the word "their" and inserting the word "the."

Page 852, section 25, line 2, strike out after the word "contracts" the following: "and no evidence of a change in any written contract."

Page 852, section 30, strike out lines 3 and 4 down to and including the word "evidence" in the fifth line, and insert, "whenever by the party's own oath or otherwise the original is shown to be lost or not belonging to the party wishing to use the same nor within his control."

Page 853, strike out the whole of section 31 and insert in lieu thereof the following: "The provisions of the preceding section are intended to apply to all instruments heretofore recorded, as well as those hereafter to be recorded."

Page 853, section 33, line 1, after the word "that" insert the words "have been or."

Page 853, section 37, line 3, strike out "his" and insert "the."

Page 854, section 41, line 1, after the word "or" insert "if that be lost or destroyed or beyond the reach of the party."

Page 854, section 43, line 1, strike out the word "seven" and insert the word "ten."

Page 854, section 45, line 2, after the word "seal" insert the word "together."

Page 855, section 53, line 1, before the word "transcript" insert "The printed copies of the ordinance of any municipal corporation published by its authority or;" and in the same section, first line, after the word "proceeding" strike out the words "of any municipal corporation" and insert the word "thereof."

Page 856, section 58, line 4, strike out the word "not" and in line 5 after the words "served by" insert the words "any person other than."

Page 857, section 62, line 1, strike out after the word "witness" the following words: "except parties to the action."

Page 859, strike out all of section 83 and insert in lieu thereof the following: "After the commencement of a civil action or other civil proceeding, if the witness resides within this State but in a different county from the place of trial, or is about to go beyond the reach of a subpoena, or is for any other cause expected to be unable to attend court at the time of trial, the party wishing his testimony may take his deposition in writing before any person having authority to administer oaths; and if the action is by equitable proceedings, then without any other reason therefor, either party may so take the deposition of any witness."

Page 859, amend section 88 by striking out all after the word "taken" in the seventh line.

Page 860, amend by adding after section 91 as section 92 the following: "When notice is served of taking a deposition on commission the adverse party may elect to appear and orally cross-examine the witness, and if he so elects, he shall serve written notice of his election on the opposite party or his attorney at least one day before the date on which the commission is to be issued; and if such notice is given, then before said commission shall issue, the party suing out the same shall deliver to the adverse party or his attorney a written statement, giving the name and address of the commissioner, the place, and if in a city, the street and number and the day and hour of taking the deposition.

"Such statement must be delivered to said adverse party or his attorney, five days before the date fixed for taking the deposition if taken within the State; if taken elsewhere one additional day for every three hundred miles distance between the place where the commission issues and where the deposition is to be taken. If the adverse party elects to cross-examine the witness orally, the party suing out the commission may waive his written interrogatories and appear and orally examine the witness. Except as otherwise provided in this section, the provision relating to taking depositions on notice shall be followed in taking that part of the deposition which is taken by oral examination."

Page 861, section 97, in line 3, strike out the words "Each answer must refer the interrogatory answered by number and," and insert in lieu thereof the following: "The answer must."

Page 861, section 98, line 2, strike out the words "previously sworn to correctly so do and."

Page 862, section 100, amend by adding at the end of the section the following: "Any one taking depositions in shorthand shall first take and

subscribe an oath correctly to take down and transcribe such testimony, and shall certify that his translation thereof is full, true and complete."

Amend by re-numbering the sections from 92 to the end of the chapter.

The committee recommends that when so amended the bill do pass.

C. A. CARPENTER,

Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 8, a bill for an act to revise, amend and codify the statutes in relation to the submission of constitutional amendments.

G. S. GILBERTSON,

Chairman Senate Committee.

W. E. HAUGER,

Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 70, a bill for an act to revise, amend and codify the statutes in relation to tender.

G. S. GILBERTSON,

Chairman Senate Committee.

W. E. HAUGER,

Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 41, a bill for an act to revise, amend and codify the statutes in relation to the State veterinary surgeon.

G. S. GILBERTSON,

Chairman Senate Committee.

W. E. HAUGER,

Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 39, a bill for an act to revise, amend and codify the statutes in relation to the inspection of passenger boats.

G. S. GILBERTSON,

Chairman Senate Committee.

W. E. HAUGER,

Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 53, a bill for an act to revise, amend and codify the statutes in relation to the normal school.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Senator Trewin called up House concurrent resolution relative to the printing and binding of the proposed Code, laid over from yesterday.

Senator Trewin moved that the House resolution be substituted for the resolution by Senator Ellis on the same subject. the same subject.

Carried.

Senator Trewin moved that the Senate concur in the House resolution.

The resolution was concurred in.

The President appointed Senators Alexander and Lothrop as members of the investigating committee under the resolution of Senator Carney, in place of Senators Harriman and Healy, who asked to be excused.

The President appointed Senators Ranck and Mitchell as members on the part of the Senate on the Committee on Joint Rules.

BILLS ON THIRD READING.

The Senate resumed consideration of Senate file No. 76.

Senator Blanchard called up committee amendment to section 10, chapter 1, laid over from yesterday, and moved to amend the amendment to section 10, line 2, by striking out the words "value of the property sought to be attached" and insert in lieu thereof the words "amount of the claim," by adding the words "for which an attachment is sued out."

The amendment as amended was adopted.

Senator Pusey moved to amend chapter 1, section 33, line 5, by striking out the words "three times" and insert the words "double the amount of," and after the word "claim," line 5, insert the words "for which an attachment is sued out;" also, strike out the words "three times," in line 6, and insert the words "double the amount of," and strike out the word "the," in same line, and insert the word "such."

Adopted.

Senator Ellis moved to reconsider the vote by which the amendment by Senator Upton to line 3, section 31, was adopted. Carried.

Senator Upton withdrew the amendment.

Senator Ellis moved to amend chapter 2 by substituting the following for section 4: "If the garnishee dies after he has been summoned by garnishment, and pending the litigation, the proceedings may be revived by or against his heirs or legal representatives."

Adopted.

Senator Ellis moved to strike out in line 3, page 761, bottom of page, the word "subsequently."

Adopted.

Senator Ellis moved to amend section 7, chapter 2, by striking out "or a judge thereof" in line 2; also, substitute the word "proper" for the word "right" in same line.

Adopted.

Senator Ellis moved to amend the bill by striking out section 11.

Senator Ellis moved to strike out the words "or judge" in line 8, section 13, chapter 2.

Adopted.

Senator Ellis moved to amend section 6, chapter 3, as follows: Substitute the following for section 6, page 764: "When sent into any county other than that in which the judgment was rendered, return may be made by mail. But money cannot thus be sent except by direction of the party entitled thereto, or his attorney."

Adopted.

Senator Ellis moved to amend section 16, chapter 3, as follows: Strike out all after the second word ("the") in fourth line of section 16, and substitute the word "execution" for the word "judgment" in same line. Add to the end of the same section the following words: "He may retain his own costs on receipting therefor on the judgment docket."

Adopted.

Senator Ellis moved to amend section 18, chapter 3, as follows: Strike out the word "thereon" in sixth line, section 18, and substitute therefor the words "on the execution."

Adopted.

Senator Ellis moved to insert the word "by" after the word "reached," in first line, section 22, chapter 3.

Adopted.

Senator Ellis moved to add after the word "property," first line, section 26, chapter 3, the words, "not exempt from execution."

Adopted.

Senator Ellis moved to amend section 38 by inserting after the word "him" in the fourth line, the words "or from the defendant that the property is exempt from execution, but failure to give such notice shall not deprive the party of any other remedy."

Adopted.

Senator Ellis moved to strike out all of line 12.

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Healy moved to amend section 44, chapter 3, as follows: Transpose the words "unless waived by the party in whose favor the judgment is rendered," as they occur in lines 1 and 2, section 44, so that they shall appear after the word "thereof" in second line of the section. Strike out the word "the" before the word "property" in line 2, same section.

Adopted.

Senator Ellis moved to amend section 67, chapter 3, as follows: Insert the words "in writing" after the word "required" in third line, section 64.

Adopted.

Senator Ellis moved to amend section 67, chapter 3, as follows: In lines 7 and 8, strike out all after the word "remaining;" change the comma to a period after the word "remaining."

Adopted.

Senator Ellis moved to amend section 68, chapter 3, as follows: In line 4 insert after the word "property" the words "or from which such process issued;" also, strike out the sixth line and the first six words in seventh line and insert the following: "unless objection be made thereto as provided in the following section, such claim shall be allowed and paid;" also, strike out all after the word "property" in the second line and change comma to period.

Adopted.

Senator Ellis moved to amend section 70, chapter 3, by striking out all after the word "property" in line 2.

Adopted.

Senator Ellis moved to strike out in lines 1 and 2, section 82, chapter 3, the words "not belonging to the execution defendant," and substitute the words "on which the judgment upon which the execution issued was not a lien at the time of levy."

Adopted.

Senator Ellis moved to strike out in line 2, section 85, chapter 3, the words "as in other cases" and insert in lieu thereof "on the first day of the term."

Adopted.

Senator Ellis moved to amend section 94, chapter 3, as follows: Add to the close of section 94, the following words: "The owner of a claim which has been allowed and established against the estate of a decedent may redeem as in this chapter provided by making application to the district court or any judge of the district where the real estate to be redeemed is situated. Such application shall be heard after notice to such parties as said court or judge may direct and shall be determined with due regard to rights of all persons interested."

Adopted.

Senator Ellis moved to amend section 98, chapter 3, by striking out in second and third lines the words "eight per cent per annum" and insert after the word "interest" the words "the same as the lien redeemed from bears."

Adopted.

Senator Ellis moved to amend section 99, chapter 3, by striking out in line 4, the words "eight per cent per annum."

Adopted.

Senator Ellis moved to amend section 99, chapter 3, as follows: After the word "interest" in line 4, insert the words "at contract rate."

Adopted.

Senator Ellis moved that further consideration of Senate file No. 76 be postponed until to-morrow.

Carried.

President Parrott presiding.

On motion of Senator Ellis, Senate file No. 83, a bill for an act to amend section 1967, Code of Iowa of 1873, as amended by chapter 49 of the acts of the Twenty-fifth General Assembly,

with report of committee, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Ellis moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Carney, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Penrose, Perrin, Riggen, Sargent, Trewin, Upton, Waterman, Young—39.

The nays were:

None.

Absent or not voting:

Senators Bell, Byers, Carpenter, Druet, Junkin, Lehfeldt, Palmer, Phelps, Pusey, Ranck, Rowen—11.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Ellis, substitute for Senate file No. 82, a bill for an act to exonerate from penalties under the prohibitory law in cities acting under special charters, with report of committee, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Carney offered the following amendment to the bill: After "act," in the fourth line from the top, insert "and complied with all the provisions of said act, chapter 62, acts of the Twenty-fifth General Assembly of Iowa."

On the amendment the yeas and nays were demanded.

On the question, "Shall the amendment be adopted," the yeas were:

Senators Allyn, Berry, Carney, Carroll, Craig, Ellison, Gilbertson, Gorrell, Harriman, Henderson, Hotchkiss, Kilburn, Mitchell, Sargent, Trewin—15.

The nays were:

Senators Alexander, Blanchard, Bonson, Carpenter, Cheshire, Downey, Ellis, Everall, Funk, Garst, Harper, Healy, Hipwell, Hobart, Hospers, Hurst, Lothrop, Palmer, Penrose, Perrin, Pusey, Riggen, Upton, Waterman, Young—25.

Absent or not voting:

Senators Bell, Byers, Druet, Eaton, Ericson, Junkin, Lehfeldt, Phelps, Ranck, Rowen—10.

The amendment was lost.

Senator Ellis moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allen, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Harper, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Rigger, Sargent Trewin, Upton, Waterman, Young—38.

The nays were:

None.

Absent or not voting:

Senators Bell, Byers, Druet, Eaton, Gorrell, Harriman, Junkin, Kilburn, Lehfeldt, Phelps, Ranck, Rowen—12.

The bill having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Carroll moved that the Senate do now adjourn.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Thursday, February 25, 1897 }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Daniel McPherson of Des Moines, Iowa.

PETITIONS AND MEMORIALS.

Senator Ellis presented petition of citizens of Clinton, Iowa asking for repeal of laws relative to paving the streets of the city of Clinton.

Referred to Committee on Judiciary.

Senator Harper presented remonstrance of Rand Lumber Company and twenty-five other trading corporations of Burlington, against change in incorporation laws.

Referred to Committee on Corporations.

Senator Alexander presented remonstrance of Cook & Lawrence Company and twenty other jobbers and manufacturers of Cedar Rapids, on same subject.

Referred to Committee on Corporations.

INTRODUCTION OF BILLS.

By unanimous consent, by Senator Blanchard, Senate file No. 86, a bill for an act to amend sections 289 and 290 of the Code of 1873, as amended by chapter 76, of the acts of the Twenty sixth General Assembly of the State of Iowa, relating to the bonding of county indebtedness.

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

Senator Trewin offered the following concurrent resolution:

WHEREAS, The rules of the supreme court have been amended from time to time and it is desirable to have them revised and published with the Code; therefore, be it

Resolved by the Senate, the House concurring, That the judges of the supreme court be and are hereby requested to revise the rules of said court so that the same may be published with the Code.

Adopted.

Senator Carroll presented the following request:

MR. PRESIDENT—Your committee on investigation respectfully request that they be empowered to employ a stenographic clerk during such time as the work of the committee may demand the services of a clerk.

B. F. CARROLL,
J. S. LOTHROP,
G. M. CRAIG,
J. S. ALEXANDER,
ROBT. BONSON.

The request was granted.

REPORTS OF STANDING COMMITTEES.

Senator Junkin, from the Committee on Charitable Institutions, submits the following report:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred House file No. 28, a bill for an act to revise, amend and codify the statutes in relation to the settlement and support of the poor, 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 that it do pass.

Page 440, section 15, strike out all after the word "attendance" in line 8 and before the word "when" in line 9.

Page 441, section 16, strike out all of line 1, to the first "or" in said line, and insert the following in lieu thereof: "Any person who has served in the army or navy of the United States."

Page 441, strike out sections 19 and 20 and insert the following as a substitute therefor:

"Section 19. The poor must make application for relief to the trustees of the township where they may be, and, if the trustees are satisfied that the applicant is in such a state of want as requires relief at the public expense, they may afford such relief subject to the approval of the board of supervisors as the necessities of the person require and shall report the case forthwith to the board of supervisors, who may continue or deny relief as they find cause. The board of supervisors may examine into all claims, including claims for medical attendance, allowed by the township trustees for the support of the poor, and if they find the amount allowed by said trustees to be unreasonable, exorbitant or for any goods or services other than for the necessities of life, they may reject or diminish the claim as in their judgment would be right and just, and this act shall apply to all counties in the State whether there are poor houses established in the same or not. This act shall apply to acts of overseers of poor in cities as well as to township trustees."

"Section 20. All claims and bills for the care and support of the poor shall be certified to be correct by the proper trustees and presented to the board of supervisors, and, if they are satisfied that they are reasonable and proper, they shall be paid out of the county treasury. In no case shall a trustee, or either of the trustees, nor overseer of the poor, draw an order upon himself, or upon either of the board, for supplies for the poor, except such trustees or overseer has a contract to furnish such supplies."

Strike out all marginal figures, and all figures, numbers, words and characters in the brackets and the brackets at the end of each section containing the same, and all underscoring.

And when so amended that it do pass.

J. M. JUNKIN,
Chairman.

Ordered passed on file.

The President announced as a committee on the part of the Senate, under House concurrent resolution relative to printing and binding the proposed Code, Senators Ellis and Trewin.

The Journal of Wednesday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

The Senate resumed consideration of Senate file No. 76.

Senator Berry moved to amend section 16, chapter 4, as follows: Insert after the word "judgment," line 1, the words "or levy of a writ of attachment," and after the word "judgment," in line 3, insert the words "or attachment lien;" also, strike out the word "judgment" at the end of line 3.

Lost.

Senator Ellis moved to amend chapter 4 by striking out section 18, and substitute therefor the following: "In the case contemplated in the two preceding sections, a lien shall be created on the property of the judgment debtor, or his interest therein in the hands of any defendant or under his control, which is sufficiently described in the petition, from the time of the service of notice and copy of the petition on the defendant holding or controlling such property or any interest therein."

Adopted.

Senator Ellis moved to amend the bill by striking out all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at the end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at the end of sections.

Adopted.

Senator Ellis moved to amend the bill by renumbering the sections consecutively.

Adopted.

Senator Ellis moved that the final action on Senate file No. 76 be postponed until this afternoon.

Carried.

On motion of Senator Kilburn, House file No. 35, a bill for an act to create a bureau of labor statistics, etc., with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read section by section for the purpose of amendments.

Senator Kilburn moved to amend the bill as follows: Strike out all before section 1 and insert: "A bill for an act to revise, amend and codify the statutes in relation to the bureau of labor statistics. Be it enacted by the General Assembly of the State of Iowa, chapter 8 (of title 12) of the bureau of labor statistics."

Adopted.

Senator Kilburn moved to amend section 1 as follows: Strike out section 1 and section 2, and insert as follows: "Section 1. The bureau of labor statistics shall be under the control of a commissioner biennially appointed by the Governor by and with the advice and consent of the Executive Council, whose term of office shall commence on the first day of April in each even numbered year and continue for two years, and until his successor is appointed and qualified. He may be removed for cause by the Governor with the advice of the Executive Council, record thereof being made in his office; any vacancy shall be filled in the same manner as the original appointment. He shall give bonds in the sum of two thousand dollars with sureties to be approved by the Governor, conditioned for the faithful discharge of the duties of his office, and take the oath prescribed by law. He shall have an office in the capitol, safely keep all records, papers, documents, correspondence and other property pertaining to or coming into his hands by virtue of his office, and deliver the same to his successor (except as hereinafter provided)."

Adopted.

Senator Kilburn moved to amend the bill as follows: Strike out section 4; also, make section 5 section 2 and strike out the words "on or before the 15th day of August preceding each regular meeting of the general assembly." Also strike out all after the word "thereof," and insert "such report shall not

contain more than six hundred printed pages and shall be of the number and distributed in the manner provided by law."

Adopted.

Senator Kilburn moved to amend the bill by making section 6 section 3, and strike out of said section the figures and sign "\$100" and insert the words "one hundred dollars;" also, strike out the figures and sign "\$50" and insert the words "fifty dollars."

Adopted.

Senator Kilburn moved to make section 7 section 4, and strike out the figures and sign "\$100" and insert the words "one hundred dollars;" also, strike out the word "act" and insert the word "chapter."

Adopted.

Senator Kilburn moved to make section 8 section 5, and strike out the word "act" and insert the word "chapter."

Adopted.

Senator Kilburn moved to make section 9 section 6, and strike out the word "act" and insert the word "chapter;" also, strike out the sign and figures "\$100" and insert the words "one hundred dollars" in lieu thereof.

Adopted.

Senator Kilburn moved to make section 10 section 7, and strike out the figures "5" and "6" and insert the words "two" and "three" respectively; also, strike out the word "act" and insert the word "chapter;" also, strike out the figures and sign "\$500" and insert the words "five hundred dollars" in lieu thereof.

Adopted.

Senator Kilburn moved to make section 11 section 8; also, strike out the word "act" and insert the word "chapter."

Adopted.

Senator Kilburn moved to transpose section 3, and number the same section 9, and strike out the last sentence in said section; also, the sign and figures "\$500" and insert the words "five hundred dollars."

Adopted.

Senator Kilburn moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carroll, Downey, Druet, Eaton, Ellison, Ericson, Everall, Gilbertson, Gorrell, Harper, Harriman, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Perrin, Phelps, Ranck, Rigger, Trewin, Waterman—29.

The nays were:

Senators Allyn, Carpenter, Craig, Ellis, Funk, Garst, Healy, Henderson, Penrose, Sargent, Upton—11.

Absent or not voting:

Senators Cheshire, Hipwell, Hobart, Junkin, Lehfeldt, Mitchell, Palmer, Pusey, Rowen, Young—10.

So the bill having received a constitutional majority, was declared to have passed the Senate and title agreed to.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following concurrent resolution, in which the concurrence of the House was asked:

Senate concurrent resolution relative to the removal of Sylvester Scovel from Santa Clara, Cuba, to the city of Havana.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

House file No. 73, a bill for an act to revise, amend and codify the statutes in relation to assignment for creditors.

Also:

Senate file No. 50 (chapter 2 of title XIII), a bill for an act to revise, amend and codify the statutes in relation to the educational board of examiners.

Also:

House file No. 5, a bill for an act to define the organization, powers and duties of the General Assembly.

Also:

Substitute for Senate file No. 83, a bill for an act to legalize acknowledgments in writing heretofore taken by notaries public.

JAMES D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to concur in Senate amendments to section 63 of House file No. 83, in which the concurrence of the House was asked.

Also:

That the House has passed Senate file No. 82, a bill for an act to exonerate from penalties under the prohibitory law in cities acting under special charters.

JAMES D. ROWEN,
Chief Clerk.

On motion of Senator Craig, Senate file No. 40, with substitute, a bill for an act to revise, amend and codify the statutes relative to the Soldiers' Home, with report of committee recommending a substitute, was taken up, considered and the report of the committee adopted.

The substitute was read first and second time.

Senator Craig moved that the substitute be now taken up for consideration.

Carried.

Senator Craig moved to amend section 1, line 9, by striking out the words "members of the board shall hold their office for the term of six years and until their successor shall be appointed and qualify."

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Craig moved to amend section 3, last line, as follows: After the word "otherwise" insert the words "together with an itemized statement of all money paid the trustee."

Adopted.

Senator Craig offered the following amendment: In fourth line of section four insert after the word "year" the words "which shall include all allowances."

Adopted.

Senator Craig moved to amend section 4, third line from last of section, by inserting the words "and subject to its approval" after the word "trustee."

Adopted.

Senator Lothrop moved to amend section 6, line 9, after the word "mother" strike out the word "and" and insert the word "or" in lieu thereof.

Adopted.

Senator Craig moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carroll, Craig, Downey, Druet, Eaton, Ellis,

Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Rowen, Sargent, Waterman, Young—42.

The nays were:

None.

Absent or not voting:

Senators Carpenter, Cheshire, Ellison, Harper, Healy, Lefeldt, Trewin, Young—8.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Blanchard moved that the Senate take up House messages.

Carried.

HOUSE MESSAGES.

Senate concurrent resolution relative to removal of Sylvester Scovel, imprisoned at Santa Clara, Cuba, to Havana, was read and passed on file.

House file No. 73, a bill for an act to revise, amend and codify the statutes in relation to creditors.

Senator Blanchard moved that the Senate insist upon its amendment to the bill striking out section 17.

Carried.

House file No. 5, a bill for an act to revise, amend and codify the statutes in relation to general assembly.

Senator Carpenter moved that the Senate insist upon its amendment to section 9.

Carried.

Substitute to Senate file No. 83, a bill for an act to legalize acknowledgments of instruments in writing heretofore taken by notaries public, was read first and passed on file.

Senate file No. 50, a bill for an act to revise, amend and codify the statutes in relation to educational board of examiners, was read first and passed on file.

BILLS ON THIRD READING.

On motion of Senator Ellis, House file No. 10, a bill for an act to revise, amend and codify the statutes in relation to the judicial department, with report of committee, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Ellis moved to amend section 10, chapter 1, by adding after section 10 the following: "On and after the first day of January, 1899, the court shall appoint a supreme court reporter for a term not exceeding four years, who may be removed at the pleasure of the court."

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Craig, Everall, Gilbertson, Harper, Harriman, Hipwell, Hospers, Hurst, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Trewin, Upton, Waterman—25.

The nays were:

Senators Allyn, Carroll, Druet, Ellis, Ericson, Funk, Garst, Gorrell, Healy, Henderson, Hobart, Hotchkiss, Junkin, Phelps, Riggen, Rowen, Sargent, Young—18.

Absent or not voting:

Senators Carpenter, Cheshire, Downey, Eaton, Ellison, Kilburn, Lehfelddt—7.

So the amendment was adopted.

President Parrott presiding.

Senator Ellis moved to amend sections 2 and 3, chapter 2, as follows: Strike out all of sections 2 and 3 and substitute the following in lieu thereof:

"Section 2. The salary of the clerk of the supreme court shall be twenty-two hundred dollars per annum, and the salary of the deputy clerk of the supreme court shall be fifteen hundred dollars per annum. The clerk shall collect the following fees and account for them as provided in section 13, of chapter 9, of title II of this Code, and shall also keep account of and report in like manner all uncollected fees:

"Upon filing each appeal, three dollars;

"Upon entering judgment when the cause has been tried on its merits, two dollars;

"Upon each continuance, one dollar;

"Upon issuing each execution, one dollar and twenty-five cents;

"Upon entering satisfaction of each judgment, fifty cents;

"Upon each writ, rule or order to be served upon any person not in court, twenty-five cents;

"For copying an opinion to be transmitted to an inferior court upon reversal of a judgment or an order, to be paid by

the party against whom the costs are adjudged, or for a copy of such opinion, or any record made at the request of any person, for each hundred words, ten cents.

“Section 3. If any of the foregoing fees of the clerk are not paid in advance, execution may issue therefor, except where the fees are payable by the county or the State.”

Adopted.

Senator Ellis moved that the further consideration of the bill be postponed until this afternoon and that the Senate take-up House messages.

HOUSE MESSAGES.

Senate file No. 82, a bill for an act to exonerate from penalties under prohibitory law cities acting under special charters.

Senator Ellis moved that the amendment of the House to the title of the bill be concurred in.

On the question, “Shall the House amendments be concurred in?” the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Harper, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Perrin, Phelps, Pusey, Rigger, Rowen, Sargent, Trewin, Upton, Waterman, Young—43.

The nays were:

None.

Absent or not voting:

Senators Cheshire, Eaton, Gorrell, Harriman, Lehfeldt, Penrose, Ranck—7.

The amendments were concurred in.

House file No. 83, a bill for an act to revise, amend and codify the statutes in relation to justices of the peace and their courts.

Senator Carpenter moved that the Senate insist on the Senate amendment to section 63.

Lost.

The Senate receded from amendments to section 63 of the bill.

Senator Craig filed a motion to reconsider the vote by which Senate file No. 40 was passed.

Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 2 o'clock P. M., President Parrott presiding.

Senator Perrin offered the following resolution:

Be it Resolved by the Senate, That the Committee on the Revision of the Code be instructed to consider the advisability of incorporating in the Code section or sections providing for proof of lost or destroyed wills, and if deemed by the said committee advisable, to report amendment in Senate file in relation to estates of decedents.

Adopted and referred to the Committee on Code Revision.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 83, a bill for an act in relation to an act to legalize acknowledgments of instruments in writing heretofore taken by notaries public.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 83, a bill for an act to legalize acknowledgments of instruments in writing heretofore taken by notaries public.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

BILLS ON THIRD READING.

The Senate resumed consideration of Senate file No. 76.

Senator Ellis moved to amend section 14, chapter 2, as follows: Strike out the words "the same," in line 2, and insert the words "ten days" in lieu thereof; also, strike out all after the word "proceedings" and insert the words "to be served in the same manner as original notices."

Adopted.

Senator Healy moved to amend section 15, chapter 2, as follows: Strike out all of section 15.

Adopted.

Senator Blanchard moved to reconsider the vote by which the amendment to section 16, chapter 4, offered by Senator Berry, was lost.

Carried.

The motion recurring on the amendment, a division was called for and the amendments were adopted.

Senator Berry moved to amend section 16, chapter 4, as amended, by adding the following: "But no such proceeding shall be commenced, after the levy of a writ of attachment and before judgment, until the plaintiff shall have filed with the clerk a bond with sureties to be approved by him, in double the amount for which the attachment was sued out, which bond shall be for the benefit of the owner of the property, and conditioned that the obligor will pay all damages caused by the commencement of such action if he shall fail to recover judgment in the attachment suit."

Adopted.

Senator Ellis moved that the rule be suspended, and that the bill be considered engrossed, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Henderson, Hipwell, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—46.

The nays were:

None.

Absent or not voting:

Senators Byers, Harriman, Lehfeldt, Mitchell—4.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Blanchard filed a motion to reconsider the vote by which House file No. 35 was passed.

Senate resumed consideration of House file No. 10.

Senator Ellis moved to amend chapter 3, section 1, line 1, by striking out the words "The Attorney-General shall attend in person at the seat of government during the," and insert in lieu thereof the words "The office of the Attorney-General shall be at the seat of the government, and he shall attend at his office in person during the."

Adopted.

Senator Ellis moved to amend chapter 3, section 2, lines 3 and 4, by striking out the words "county attorneys;" also, insert before the word "executive" in line 3, same section, the

word "and;" also, insert the following words before "General Assembly" in fifth line, same section: "Governor preceding each;" also, add after the word "Assembly" in fifth line, same section, the words, "the condition of his office, opinions rendered and business transacted of public interest;" also, strike out the following words in fifth and sixth lines, same section, "when requested upon any business pertaining to his office."

Adopted.

Senator Ellis moved to strike out section 4, chapter 3, and substitute the following: "Section 4. He shall be provided with an office in the capitol building. His salary shall be four thousand dollars per annum, as full compensation; and whenever he is required by the duties of his office, or by direction of the Governor or General Assembly to attend any of the courts of this State, or any of the federal courts, or transact other business for the State, he shall receive his actual expenses when so engaged elsewhere than at the seat of government."

Adopted.

Senator Ellis moved to amend by adding the following section: "Section 5. He shall be supplied with a clerical assistant, whose annual salary shall not exceed twelve hundred dollars."

Senator Cheshire moved to reconsider the vote by which the amendment to section 1, chapter 3, was adopted.

Carried.

Senator Cheshire moved to amend section 1 as amended by striking out the words "sessions of the General Assembly and supreme court."

Adopted.

Senator Cheshire moved to amend the amendment to section 1, chapter 3, line 1, by striking out the words "during the."

Adopted.

The amendment as amended was adopted.

Senator Trewin moved to amend section 3, chapter 4, by inserting the word "State" before the word "University" in line 6; also, insert the word "State" before the word "historical" in line 7.

Adopted.

Senator Carney moved to amend section 4, chapter 4, as follows: In first line strike out the words "as soon as practica-

ble," and begin the word "after" with a capital "a;" also, change "furnish and" in the fourth line to "forthwith."

Adopted.

Senator Carney moved to amend section 3, chapter 4, as follows: Insert after the word "announced," line 1, the words "and recorded."

Adopted.

Senator Ellis moved to amend section 3, chapter 5, by striking out the word "nineteen" in line 1, and substituting the word "twenty" therefor; also, amend line 11, section 3, page 51, by adding the word "and" before the word "Washington."

Adopted.

Senator Ellis moved to amend section 3, chapter 5, as follows: Substitute for line 34, section 3, the following: "The district judge shall be a resident of the district in which he is elected and each judge shall hold office until the expiration of the term for which he has been heretofore elected. Each district judge hereafter elected, except to fill a vacancy, shall hold office four years and until his successor is elected and qualified. Each judge elected to fill a vacancy shall hold for the unexpired term and until his successor is elected and qualified."

Adopted.

Senator Ellis moved to amend section 10, chapter 5, as follows: Add after the word "o'clock," fourth line, the letters "P. M."

Adopted.

Senator Ellis moved to amend section 11, chapter 5, as follows: Strike out the words "other sufficient," in first line, section 11.

Adopted.

Senator Ellis moved to amend section 21, chapter 5, as follows: Substitute the word "shall" for "may" in first line, section 21, page 54. Strike out the words "triable by indictment" in line 2, same section. Strike out all after the word "case" in third line, same section, to and including the word "causes" in fifth line, and insert the words "and perform all duties required of him on the trial, as provided by law;" also, strike out from line 6, same section, the words "by first paying or securing to said reporter his fees;" also, substitute period for comma after the word "judge" in same line.

Adopted.

Senator Ellis moved to amend chapter 5, section 1, by striking out all after the word "provided" in the eighth line thereof and substituting the following:

First.—The district court of each county shall have original and exclusive jurisdiction to probate the will of, and to grant administration upon the estates of all persons who at the time of their death were residents of the county; and of non-residents of the State who die leaving property within the county subject to administration, or whose property is afterwards brought into the county.

Second.—To appoint guardians of the persons and property of all persons resident in the county subject to guardianship.

Third.—To appoint guardians of the property of all such persons non-residents of the State who have property within the county subject to guardianship, or whose property is afterwards brought into the county.

Fourth.—It shall have jurisdiction in all matters in relation to the appointment of executors and trustees, and the management and disposition of the property of, and settlement of such estates.

Provided, that where jurisdiction has heretofore been acquired the same shall be retained until such estate is closed."

Adopted.

Senator Ellis moved to add to section 1, chapter 5, the following: "The district court shall succeed to, and exercise full authority, and jurisdiction over the records of the circuit court, and may enforce all judgments, decrees and orders thereof in the same manner and to the same extent as it may exercise like jurisdiction and authority over its own records, and for the purpose of the issuance of process, and of any and all other acts necessary to the due and efficient enforcement of the orders, judgments and decrees of the circuit court, the records thereof shall be deemed records of the district court. Transcripts and process from the judgments, decrees and records of the circuit court, shall be issued by the clerk of the district court, and under the seal of his office."

Adopted.

Senator Trewin moved to amend section 21, chapter 5, by striking out all after the word "causes" in line 5.

Adopted.

Senator Trewin moved to amend section 22, chapter 5, by striking out the word "the" in line 2, before the word "clerk,"

and insert the word "any;" and after the word "clerk" insert the words "of any district."

Lost.

Senator Ellis moved to amend section 23, chapter 5, line 1, by inserting the words "special proceedings" after the word "actions."

Adopted.

Senator Ellis moved to amend section 26, chapter 5 as follows: In sub-section 3, line 9, strike out the words "jurisdictional acts provided in the probate chapter of this Code" and insert in lieu thereof the words "acts within his jurisdiction, as provided for in this Code."

Adopted.

Senator Ellis moved to amend section 27, chapter 5, as follows: Add after the word "afterwards," line 3, the words "unless upon good cause shown."

Adopted.

Senator Ellis moved to amend section 28, chapter 5, as follows: Add to section 28, the following: "No clerk, deputy or employe shall make or assist in making, drafting or filling out, any report of any administrator, executor, guardian, assignee, receiver, trustee, or any other report to be filed in his office."

Adopted.

Senator Ellis moved to amend chapter 5 by striking out the word "six" in line 3, section 30, and insert the word "five" therefor.

Adopted.

Senator Ellis moved to amend chapter 5 by adding at the end of section 30 the following words: "The judge shall not order the attendance of the reporter except during that part of the term when in his judgment the reporting of testimony will be required. And he shall discharge said reporter from further attendance at each term as soon as in his judgment the reporting of further testimony will not be required at such term."

Adopted.

Senator Craig moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, February 26, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Clinton Douglas of Des Moines, Iowa.

PETITIONS AND MEMORIALS.

Senator Alexander presented petition of W. H. French and thirty-two others citizens of Cedar Rapids, against increasing the tax on life insurance companies.

Referred to Committee on Insurance.

Senator Gilbertson presented petition of J. H. McKay and other citizens of Winnebago county, relative to a 2-cent fare bill.

Referred to Committee on Railways.

Senator Harper offered the following resolution:

Resolved, That the President of the Senate appoint a committee to draft resolutions of condolence in the matter of the death of Dr. Chas. Beardsley of Burlington, Iowa, an ex-member of this body.

Adopted.

The Journal of Thursday was taken up, read, corrected and approved.

On request of Senator Hurst, leave of absence was granted Senator Hipwell.

REPORTS OF STANDING COMMITTEES.

Senator Gorrell, from the Committee on Public Health, submits the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate file No. 37, a bill for an act to revise, amend and codify the statutes in relation to the practice of medicine, 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 that when so amended the bill do pass:

In section 1, line 7, insert after the word "obstetrics," the following:

"In materia medica, therapeutics, and the principles and practice of medicine, a set of questions shall be used corresponding to the school of medicine which the applicant desires to practice."

Strike out all of section 2 and renumber sections consecutively from 1 to and including section 6. In section 4, line 2, insert after the word "felony" the words "is incompetent or is grossly immoral;" also, in line 3, same section, insert after the word "state" the words "or upon satisfactory evidence by affidavit or otherwise that a certificate had been granted upon false and fraudulent statements as to graduation or length of practice." In same section, at the end of line 11, just after the word "medicines," strike out the words "by a registered pharmacist" and insert the same words after the word "prescriptions" in same line and section.

Insert after section 6 as section 6, after the sections have been renumbered, the following:

"Section 6. Every physician practicing medicine, surgery, or obstetrics, or professing or attempting to treat, cure, or heal diseases, ailments, or injuries, by any medicine, appliance or method, who goes from place to place, or from house to house; or by circulars, letters, or advertisements solicits persons to meet him for consultation or professional treatment at places other than his office at the place of his residence shall be considered an itinerant physician; and any such itinerant physician shall, in addition to the certificate elsewhere provided for in this chapter, procure from the State board of medical examiners a license as an itinerant, for which he shall pay to the secretary of said board, for the use of said board, the sum of two hundred and fifty dollars per annum. Upon payment of this sum the secretary shall issue to the applicant therefor a license to practice within the State, as an itinerant physician, for one year from the date thereof. The board may for satisfactory reasons refuse to issue such license, or may cancel such license upon satisfactory evidence of incompetency or gross immorality. Any person practicing medicine as an itinerant physician as herein defined without having procured such license shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than three hundred dollars, nor more than five hundred dollars and costs and shall be committed to the county jail until such fine is paid; provided, however, that nothing herein shall be construed to prevent any physician otherwise legally qualified from attending patients in any part of the State to whom he may be called in the regular course of business, or in consultation with other physicians."

Insert as section 7, after the sections have been renumbered, the following:

"Section 7. From and after January 1, 1899, all persons beginning the practice of medicine in the State of Iowa must submit to an examination as set forth in this section, and in addition thereto, shall present diplomas from medical colleges recognized as in good standing by the State board of medical examiners, and all persons receiving their diplomas subsequent to January 1, 1899, shall present evidence of having attended four full courses of study of not less than twenty-six weeks each, no two of which shall have been given in any one year."

In section 7, line 2, strike out the word "ten" and insert the word "eight" in lieu thereof; also, in same section, line 3, just after the word "necessary" insert the word "traveling."

In section 7 change the numeral "7" to the numeral "8."

Strike out all marginal numbers, reference numbers at end of sections and all underscoring.

J. R. GORRELL,
Chairman.

Ordered passed on file.

Senator Mitchell, from the Joint Committee on Joint Rules, submits the following report:

MR. PRESIDENT—Your Joint Committee on Joint Rules, to whom was referred the matter of joint rules for the Senate and House of the extra session of the Twenty-sixth 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 the joint rules of the Twenty-sixth General Assembly be amended as follows:

Add to section 1 the following: *Provided*, That either House may make an amendment to an amendment adopted by the other House, in which case the other House shall either concur in or reject such amendment, and when so amended said rules be adopted.

W. O. MITCHELL,
Chairman Senate Committee.
J. B. HENDERSHOT,
Chairman House Committee.

Report of the committee adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 72, a bill for an act to revise, amend and codify the statutes in relation to private seals.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 4, a bill for an act to revise, amend and codify the statutes in relation to the sovereignty and jurisdiction of the State.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 56, a bill for an act to revise, amend and codify the statutes in relation to the Industrial School.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 68, a bill for an act to revise, amend and codify the statutes in relation to money of account and interest.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 30, a bill for an act to revise, amend and codify the statutes in relation to domestic animals.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 58, a bill for an act to revise, amend and codify the statutes in relation to the Industrial Home for the Blind.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

House concurrent resolution relative to evidence in support of pension claims.

JAMES D. ROWEN,
Chief Clerk.

Also:

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

House file No. 31, a bill for an act to revise, amend and codify the statutes in relation to fences.

Also:

The House has amended and passed Senate file No. 3, a bill for an act to revise, amend and codify the statutes in relation to county and township government.

JAMES D. ROWEN,
Chief Clerk.

Also:

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

Substitute for Senate substitute for joint resolution No. 3, relative to appointment of an investigating committee.

JAS. D. ROWEN,
Chief Clerk.

Senator Harriman moved that when the Senate adjourn this morning it be until 2 o'clock P. M. and hold session until 3 o'clock P. M.

Carried.

President Parrott appointed as committee under resolution by Senator Harper, Senators Harper, Ellis and Berry.

The President appointed as conference committee on amendment to section 17 of House file No. 73, Senators Ellis, Carpenter, Healy and Blanchard.

The President appointed as conference committee on amendments to section 9 of House file No. 5, Senators Trewin, Waterman, Funk and Carney.

BILLS ON THIRD READING.

Senate resumed consideration of House file No. 10.

Senator Ellis moved to amend section 1, chapter 6, as follows: In section 1 strike out all after the word "provided," in line 3, and change comma to period.

Adopted.

Senator Ellis filed a motion to reconsider the vote by which amendments to sections 1 and 5, chapter 3, of House file No. 10, were adopted.

Senator Ellis moved to amend section 3, chapter 6, line 3, by striking out the words "when he acts as clerk thereof he shall," being the House amendment.

Lost.

Senator Ellis moved to amend section 3, chapter 6, line 4, by striking out the words "as clerk," being the House amendment.

Lost.

Senator Ellis moved to amend section 4, chapter 6, by striking out the words "in case of inability of any judge to act through sickness or other cause, a judge shall be so appointed to hold during such inability," being the House amendment.

Adopted.

Senator Ellis moved to amend section 14, chapter 6, as follows: In lines 4 and 5, strike out the words "No juryman shall be detained longer than one week, except upon a trial commenced within the first week of his attendance."

Adopted.

Senator Ellis moved to amend section 15, chapter 6, as follows: Strike out section 15, and insert in lieu the following: "Section 15. In order to provide jurors for the superior courts the county auditor, clerk of the district court and recorder of the county in which any city having a superior court is located, shall meet at the court house on the third Monday of February, April, June, August, October and December of each year, and proceed to draw, from the first box provided by section 11, chapter 11 of this title, and in the manner provided by this chapter, the names of fifteen persons to act as jurors in said superior court. The persons whose names are drawn at any drawing under the provisions hereof shall be subject to jury duty and constitute the regular panel of jurors in said superior court for the two calendar months commencing with the first day of the month next succeeding the drawing. A list of the names of the persons drawn at each drawing provided by this act shall be immediately made out and certified by the clerk of the district court, under his hand and seal, and such certified list, transmitted by mail to the recorder or clerk of the city in which said superior court is located, and a precept of said superior court shall issue, five days before the first day of each term of court, for the jurors constituting the panel for such term, under the provisions hereof, which precept shall be

issued and served as provided by law in like cases in the district court."

Senator Harriman moved to amend the substitute by striking out the words and figures "section 11."

Adopted.

The substitute as amended was adopted.

Senator Ellis moved to amend section 16, chapter 6, as follows: In lines 5 and 7, strike out the words "if the judge shall deem proper he shall cause a special venire to issue for said extra jurors, or for any number not exceeding twenty-four, or he may order the marshal to complete the same from the bystanders," and insert in lieu thereof the words "talesmen may be summoned on the order of the court by the marshal from the body of the county."

Adopted.

Senator Blanchard moved to amend section 1, chapter 6, as follows: Strike out the word "seven" in line 1 and insert the word "ten" in lieu thereof.

On this a division was called for and the amendment was lost.

Senator Cheshire asked that section 22 of chapter 6 be passed for further consideration.

Chapter 7 passed over for further consideration.

Senator Ellis moved to amend section 9, chapter 8, as follows: In line 1, insert after the word "by" and before the word "decree" the words "judgment or;" also, line 2, same section, strike out the word "by" after the word "or" and before the word "the" and insert in lieu thereof the word "of;" also, in same line, insert after the word "judgment" and before the word "will" the word "decree."

Adopted.

Senator Ellis moved to amend section 10, by striking out the forty-sixth, forty-seventh and forty-eighth lines and insert the following in lieu thereof: "all of which fees shall be paid into the county treasury."

Adopted.

Senator Pusey moved to amend section 11, chapter 8, as follows: Substitute for section 11: "Section 11. The clerk shall receive in full compensation for his services in counties having a population of ten thousand or less, nine hundred dollars; in counties having over ten thousand and less than fifteen thousand, twelve hundred dollars; in counties having fifteen thousand and under twenty thousand, fourteen hundred dollars;

in counties having twenty thousand and under twenty-seven thousand, sixteen hundred dollars; in counties having twenty-seven thousand and under thirty-five thousand, seventeen hundred dollars; in counties having thirty-five thousand and under fifty thousand, twenty-one hundred dollars; and in counties having forty-five thousand or over, twenty-five hundred dollars per annum, to be paid out of the county treasury in equal monthly installments."

Senator Waterman asked that section 11, chapter 8, be passed over.

So ordered.

Senator Waterman asked that section 12 be passed over.

So ordered.

Senator Ellis moved to amend section 2, line 2, by striking out the words "civil officers of his;" also, insert in same line after the word "county" and before the word "when" the word "officers."

Adopted.

Senator Ellis moved to amend section 5, chapter 9, by striking out House amendment, line 2, the words "nor that be" and insert "nor shall he or any member of a firm with which he may be connected."

Adopted.

Senator Carpenter moved to amend section 7, chapter 9, by striking out line 1 and inserting the words "The county attorney shall, when required by the grand jury, attend it for the purpose of examining witnesses."

Adopted.

Senator Ellis moved to amend chapter 9 by striking out all that part of line 2, of section 8, after the word "at" to "in counties" and insert the words "any regular or special session of said board, and in case said board has failed or may hereafter fail or neglect to fix said salary, then the compensation as last fixed shall continue until changed by the board at a regular or special session thereof."

Adopted.

Senator Ellis moved to amend chapter 9, section 8, line 8, by inserting after the word "dollars" and before the word "but" the words "except that where the court is held at two places in a county it may be any sum not exceeding \$2,000."

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Berry moved to amend chapter 10 by adding to section 3 the words "such examination shall be in open court."

Lost.

Senator Carpenter moved to amend section 2, chapter 10, by striking out of line 2 the word "two" and insert the word "three" in lieu thereof.

Lost.

Senator Harper moved to add to section 10, chapter 10, the words: "Every attorney in the regular practice shall pay to the clerk of the supreme court a fee of \$1.00 each and every year, and on failure to pay such fee he shall not be permitted to practice in any court in the State."

Lost.

President Parrott presiding.

Senator Carpenter moved to amend section 3, chapter 11, as follows: Amend section 3, line 5, by adding the word "who" before the word "requests."

Adopted.

Senator Carpenter moved to amend section 6, chapter 11, as follows: Amend section 6, line 3, by adding before the word "the" and after the word "for" the words "each of;" also, amend section 6, line 4, by adding before the word "jurors" the words "grand or petit;" also, amend same section and line by striking out the words "during the preceding year" and insert in lieu thereof the words "since January first preceding;" also, amend section 6, line 3, by adding before the word "juror" the words "grand or petit;" also, amend same section, line 14, by striking out the words "during the preceding year" and inserting in lieu thereof the words "since January first preceding;" also, amend same section, line 15, by striking out "a" before the word "juror" and inserting the word "such;" also, amend same section, line 16, by striking out the word "preceding" before the word "year" and insert the word "jury;" also, in same line, insert after the word "year" the words "as defined in section 4 of this chapter;" also, amend same section, line 17, by adding after the word "certifying" the word "to"

Adopted.

Senator Ellis moved that further consideration of House file No. 10 be postponed until this afternoon.

Carried.

Senator Carney moved to take up House messages.

Carried.

HOUSE MESSAGES.

House substitute for Senate substitute for joint resolution No. 3, relative to appointment of committee to investigate the books and reports of trustees, regents and officers of State institutions, was read first and second time and referred to special committee originally having charge of the Senate resolution.

House concurrent resolution, relative to evidence in support of pension claims, was read first and second time and referred to Committee on Military.

Amended Senate file No. 3, a bill for an act to revise, amend and codify the statutes in relation to township and county government, was read first and second time and referred to Committee on Code Revision.

Senator Palmer moved that when the Senate adjourn to-morrow it be to meet on Tuesday at 2 o'clock.

Senator Trewin moved to amend by striking out the word Tuesday and inserting the word "Monday" in lieu thereof.

On the amendment a division was called for and the amendment was lost.

The hour of adjournment having arrived, the Senate adjourned until 2 P. M. to-day.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 2 o'clock P. M., President Parrott presiding.

On the question, "Shall the Senate, when it adjourns to-morrow, adjourn until 2 o'clock P. M. Tuesday?" a division was called for, and the motion prevailed.

PETITIONS AND MEMORIALS.

Senator Kilburn presented remonstrance of R. A. Evens and thirty-seven other citizens of Madison county, against a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Lothrop presented remonstrance of J. M. Woodward and fifty-three other citizens of Woodbury county, on the same subject.

Referred to Committee on Suppression of Intemperance.

Senator Craig presented remonstrances of D. L. Van Vlach and eighty-eight others of Butler county and M. H. Robinson and twenty-one others of Bremer county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Riggen presented remonstrance of P. L. Holden and forty-two other citizens of Delta, Keokuk county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Riggen presented remonstrance of James Reed and forty others of Delta, Keokuk county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Blanchard presented petition of C. E. Todd and others of Mahaska county, for the regulation of the practice of medicine.

Referred to Committee on Public Health.

Senator Penrose presented remonstrance of R. E. Williams and others of Gladbrook, against a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Cheshire presented remonstrance of F. S. Dunshee and seventy-one other citizens of Polk county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Rowen presented remonstrance of Mrs. W. H. Lytle and others, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Funk presented remonstrance of C. P. Phelps and other citizens of Clay county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Hotchkiss presented two remonstrances of W. H. Frye and others and J. R. Howell and others of Dallas and Guthrie counties, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Ericson presented petition of Beaver township farmers' union of Boone county, against revenue law.

Referred to Committee on Ways and Means.

Senator Trewin presented remonstrance of Rev. S. N. Fellows and sixteen others of Fayette county, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Gilbertson, from the Committee on Enrolled Bills, submitted the following:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 82, a bill for an act to exonerate from penalties under the prohibitory law in cities acting under special charters, and to make valid acts of city councils and boards of supervisors.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 82, a bill for an act to exonerate from penalties under the prohibitory law in cities acting under special charters and to make valid acts of city councils and boards of supervisors.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Senator Blanchard withdrew motion to reconsider the vote by which House file No. 35 was passed.

BILLS ON THIRD READING.

Senate resumed consideration of House file No. 10.

Senator Carpenter moved to amend section 6, chapter 11, as follows: In line 12, after "has," strike out the words "requested directly or indirectly that his name be returned thereon or any person who has."

Adopted.

Senator Carpenter moved to amend section 6, chapter 11, as follows: Strike out the word "provided" in line 19; also, capitalize the letter "I."

Adopted.

Senator Carpenter moved to amend section 7, chapter 11, as follows: Add to section 7 the following: "In preparing the lists as herein provided the county auditor and clerk shall omit therefrom the names of all persons who have served as grand or petit jurors since January first preceding."

Adopted.

Senator Carpenter moved to amend chapter 11, section 8, line 7, by adding before the word "the" the word "during;" also, insert after the word "preceding" the word "jury."

Adopted.

Senator Carpenter moved to amend chapter 11, section 11, line 20, by adding after the word "provided" a period; also, strike out the word "the" and insert the word "such;" also, in line 21, of same section, after the word "drawn" add the word "may."

Adopted.

Senator Carpenter moved to amend chapter 11, section 18, line 3, by inserting after the word "as" the word "the."

Adopted.

Senator Carpenter moved to amend chapter 11, section 18, line 12, by placing a period before the word "before."

Adopted.

Senator Ellis called up the motion [filed to reconsider the vote by which the amendments to sections 1 and 5, of chapter 3, were adopted.

Senator Ellis moved to reconsider the vote by which the amendments to sections 1 and 5, of chapter 3, were adopted.

Carried.

Senator Ellis moved to amend the section by striking out the words "attend at his office in person."

Adopted.

Senator Carpenter moved to reconsider the vote by which section 5 of chapter 3, was adopted.

Carried.

Time of adjournment having arrived, Senator Carney moved to extend the time of adjournment ten minutes.

Carried.

Senator Carney moved to amend chapter 3 as follows: Add as section 5, the following: "Section 5. He shall be supplied with a clerical assistant whose annual salary shall not exceed \$900."

Senator Healy moved to amend the section by striking out figure "9" and inserting figure "12" in lieu thereof.

On this a division was called for and the amendment was adopted.

Senator Trewin moved to amend the section by striking out the word "clerical."

Adopted.

The section as amended was adopted.

Senator Carpenter moved to reconsider the vote by which the amendments to section 1, chapter 3, were adopted.

Carried.

Senator Carpenter moved to amend chapter 3, section 1, by striking out lines 1 and 2 down to the word "appear" and insert the words "The Attorney-General shall keep his office at the seat of government. He shall."

Adopted.

The time of adjournment having arrived, the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, February 27, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. J. D. Forsyth of Des Moines.

Mrs. Mary E. Craig appeared at the bar of the Senate and was sworn in as clerk of the Military and Insurance Committees, vice Vina E. Clark, resigned.

Mabelle C. Fleming appeared at the bar of the Senate and was sworn in as a committee clerk.

On request of Senator Ranck, leave of absence was granted Senator Harper until Tuesday.

PETITIONS AND MEMORIALS.

Senator Kilburn presented remonstrance of L. E. Barnes and forty-nine other citizens of Madison county, against a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Ranck presented petition of James Simpson and other citizens of Victor, Iowa, asking for an amendment of section 4160, Code of 1873, relative to jurisdiction of criminal offenses.

Referred to Committee on Judiciary.

Senator Garst presented remonstrance of Charley Miller and ninety-two other citizens of Sac county, against a manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Alexander presented remonstrance of H. N. Brokaw and other citizens of Cedar Rapids, against increasing tax on life insurance companies.

Referred to Committee on Insurance.

Senator Sargent presented remonstrance of Wm. Plager and thirty-two other citizens of Grundy Center, on same subject.

Referred to Committee on Insurance.

Senator Hotchkiss presented remonstrance of J. A. Gilmon and other cities of Dallas county, against manufacturers' bill.

Referred to Committee on Suppression of Intemperance.

REPORTS OF STANDING COMMITTEES.

Senator Kilburn, from the Committee on Labor, submits the following report:

MR. PRESIDENT—Your Committee on Labor, to whom was referred Senate file No. 33, a bill for an act to revise, amend and codify the statutes in relation to the bureau of labor statistics, 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 indefinitely postponed for the reason that a House bill embracing the same subject matter has already passed the Senate.

L. M. KILBURN,
Chairman.

Report of committee adopted.

Senator Ellis, from the Committee on Judiciary, submits the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 22, 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 bill be referred to the Committee on Code Revision.

L. A. ELLIS,
Chairman.

Report of committee adopted.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 21, 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 bill be referred to the Committee on Code Revision.

L. A. ELLIS,
Chairman.

Report of committee adopted.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 86, a bill for an act to amend sections 289 and 290 of the Code of 1873, as amended by chapter 76 of the acts of the Twenty-sixth General Assembly of the State of Iowa, relating to the bonding of county indebtedness, 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 do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 50, a bill for an act to revise, amend and codify the statutes in relation to the educational board of examiners.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Gilbertson, from the Joint Committee on Enrolled Bills, submitted the following report.

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 50, a bill for an act to revise, amend and codify the statutes in relation to the educational board of examiners.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Gilbertson, from the Committee on Enrolled Bills, submits the following report:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 82, a bill for an act to exonerate from penalties under the prohibitory law in cities acting under special charters and to make valid acts of city councils and boards of supervisors.

G. S. GILBERTSON,
Chairman.

Passed on file

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 83, a bill for an act to legalize acknowledgments of instruments in writing heretofore taken by notaries public.

G. S. GILBERTSON,
Chairman.

Passed on file.

BILLS ON THIRD READING.

Senate resumed consideration of House file No. 10.

Senator Ellis moved to amend chapter 12, section 4, line 1, by striking out the words "by this Code," after the word "for"

and before the word "must" and insert in lieu thereof the words "or authorized by law;" also, in line 3, same section, insert after the word "secured," the words "except as otherwise provided by law."

Adopted.

Senator Ellis moved to amend chapter 12, section 5, line 1, by striking out the words "by this Code" after the word "for" and before the word "shall" and insert in lieu the words "or authorized by law."

Adopted.

Senator Ellis moved to amend chapter 12, section 5, line 5, by adding at the end of the section the following words: "any company engaged in the business of becoming surety upon bonds shall file with the clerk of any county in which it shall do business, a certificate from the State Auditor that it has complied with the law, and is authorized to do business in this State, and should said authority be withdrawn at any time the State Auditor shall at once notify the clerk of each district court to that effect. The clerk shall keep a book properly indexed in which shall be recorded all such certificates and revocations."

Adopted.

Senator Ellis moved to strike out all of section 6 and insert in lieu thereof the following: "Section 6. Whenever any person who now or hereafter may be required or permitted by law to give a bond, applies for the approval thereof, any officer or body who is now or shall hereafter be required to approve the sufficiency of such bond, may, in lieu of the sureties or securities required by law, accept and approve the same, whenever its conditions are guaranteed by a company or corporation duly organized or incorporated within this State, or authorized to do business therein, and to guaranty the fidelity of persons holding positions of public or private trust, or secure any bond above referred to, and which company shall have an unimpaired paid up capital of not less than \$150,000. Except that local corporations organized under the laws of this State with a paid up unimpaired cash capital of not less \$50,000 may be accepted as surety on such bonds. The certificates of the State Auditor to the effect that such company has complied with the requirements of this chapter and has such paid up capital shall be sufficient evidence to authorize the officer or body having the approval of the same to accept and approve it;

but nothing herein contained shall apply to bonds in criminal cases.

Senator Cheshire moved to amend the substitute by striking out the figures "\$50,000" and insert the figures "\$25,000."

Section 6 and amendments, chapter 12, passed over for further consideration.

Senator Ellis moved to amend section 8, chapter 12, by striking out the word "thirty" in line 3 and insert "fifteen" in lieu thereof.

Adopted.

Senator Ellis moved to amend chapter 13, section 1, lines 3 and 6, change the figures "1897" to "1900."

Adopted.

Senator Ellis moved to amend the bill by adding the words "Title III" after chapter 15.

Adopted.

Senator Cheshire withdrew the amendment to the substitute for section 6 of chapter 12.

Senator Ellis moved to amend the substitute for section 6, chapter 12, by striking out the words "paid up unimpaired cash" before the word "capital" in line 10, and insert after the figures "\$50,000" the words "\$25,000 of which shall be paid up in cash."

Senator Ellis moved to amend the substitute for section 6, chapter 12, by striking out the word "cash" after the word "unimpaired" in the tenth line of the substitute, and add after the word "cash" in the amendment, "the balance to consist of bonds or notes of solvent stock holders."

On this a division was called for and the amendment to the substitute was lost.

Senator Ellis moved to amend the substitute by striking out the word "may," in line 4, and insert the word "shall."

Adopted.

The substitute as amended was adopted

Senator Ellis moved that the further consideration of House file No. 10 be postponed until Tuesday afternoon.

Carried.

The Journal of Friday was taken up, read, corrected and approved.

On motion of Senator Blanchard, Senate file No. 86, a bill for an act to amend sections 289 and 290, of the Code of 1873, as amended by chapter 76 of the acts of the Twenty-sixth

General Assembly of the State of Iowa, relating to the bonding of county indebtedness, with report of committee, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Blanchard moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonsor, Carroll, Cheshire, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Herderson, Hobart, Hospers, Hotchkiss, Junkin, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Upton, Waterman, Young—36.

The nays were:

None.

Absent or not voting:

Senators Byers, Carney, Carpenter, Craig, Eaton, Harper, Hipwell, Hurst, Kilburn, Lehfelddt, Mitchell, Rigger, Rower, Trewin—14.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Palmer, Senate file No. 30, a bill for an act to revise, amend and codify the statutes in relation to the dairy commissioner and imitation dairy products, with report of committee, was taken up, considered and the report of the committee adopted.

Bill was taken up section by section for the purpose of amendment.

Senator Palmer moved to amend the bill by inserting after the words "chapter 13" the words "title XII."

Adopted.

Senator Palmer moved to amend section 1, line 7, by striking out the word "Babcock" and insert after the word "bottles" the following: "and milk measures or pipettes adapted for use by each milk testing machine, the manufacturers or dealers of which have filed with the dairy commissioner a certificate from the director of the Iowa Agricultural Experiment Station, which shall certify that said milk testing machine when properly and correctly operated will produce accurate measurements of butter fat;" also, lines 7 and 8, strike out the words "for testing milk" and insert the same after the word "same" in line 8, after the

word "bottle;" at the end of line 8 insert the words "and such milk measure or pipette for each factory of the kind adapted for the machine operated therein;" also, line 9, after the word "request," insert the word "therefor;" also, line 10, after the word "bottles" insert the words "and pipettes."

Adopted.

Senator Palmer moved to amend section 2, line 5: After the second "sell" insert the words "solicit or take orders for delivery."

Adopted

Senator Palmer moved to amend section 3 by striking out of line 9 the word "imitation" and insert the words "substitute for;" also, section 3, lines 16, 17 and 18, strike out the word "imitation" and insert the words "substitute for."

Adopted.

Senator Palmer moved to amend section 4, line 6: After the word "use" insert the words "solicit orders for delivery."

Adopted.

Senator Palmer moved to amend section 7, line 12, by striking out the remainder of the section after the word "therefor" and substitute the words "the value of the same shall be paid by the dairy commissioner as part of the expenses of his office, to the person from whom it was taken."

Senator Palmer moved to insert after section 7 the following as section 7 A: "Section 7 A. Every city milk dealer, or the employe of such milk dealer, and every person or corporation, or the employe of such person or corporation, who operates a creamery, cheese, or condensed milk factory, or re-works or packs butter, shall maintain his premises and utensils in a clean and hygienic condition, and shall make upon blanks furnished by the dairy commissioner such reports and statistics as may be required for the purpose of compiling statistics authorized by this chapter, and such dealer, owner, operator or business manager shall make such returns and reports in the manner and in the time prescribed by the commissioner and certify to the correctness thereof."

Adopted.

Senator Palmer moved to amend section 8, line 4, by changing the word "such" to the word "correct;" in same line strike out all after the word "fat" down to the word "and," in line 5;

also, in section 8, line 6, after the word "bottle" insert the words "and one standard measure or pipette."

Adopted.

Senator Palmer moved to add to the end of section 11 the following: "And any city milk dealer, or employe of such milk dealer, or any other person who shall resist or interfere with the commissioner or his agent in the performance of his duties in executing any of the requirements of this chapter, shall be guilty of a misdemeanor and punished as provided in this chapter."

Adopted.

Senator Palmer moved to strike out all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at the end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at the end of sections.

Senator Palmer moved that the Secretary be instructed to renumber the sections of the bill.

Carried.

Senator Palmer moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Trewin, Upton. Waterman, Young—40.

The nays were:

None.

Absent or not voting:

Senators Byers, Carney, Carpenter, Garst, Harper, Hipwell, Hurst, Lehfeldt, Riggan, Rowen—10.

The bill having secured a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Ellis filed a motion to reconsider the vote by which the substitute for section 6 of chapter 12, House file No. 10 was adopted.

On motion of Senator Junkin, House file No. 29, a bill for an act to revise, amend and codify the statutes in relation to

the care of insane, with report of committee, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for purpose of amendment.

Senator Junkin moved to amend section 2, line 2, by inserting the word "and" between the words "president" and "one;" also, section 2, line 3, add after the word "treasurer," "who shall be a resident of the county in which the hospital for which he is treasurer is situated."

Adopted.

Senator Junkin moved to amend section 3, line 10, by striking out the words "a steward and a matron" and insert in the same line between the words "and" and "be" the words "a steward and a matron and they shall."

Adopted.

Senator Mitchell presiding.

Senator Junkin moved to amend section 4, lines 1 and 2, by striking out the words "the office of steward or superintendent thereof" and insert "any office or position in the hospital." Add to the end of the section the following: "No person related within the fourth degree by consanguinity or affinity to any trustee shall be appointed to any office or hold any position in the hospital during the term of office of such trustee."

Adopted.

Senator Junkin moved to reconsider the vote by which amendment to section 4 was adopted.

Carried.

Senator Junkin moved to amend the amendment by striking out the word "no" in line 2 and inserting the word "any" in lieu thereof.

Adopted.

The amendment as amended was adopted.

Senator Junkin moved to strike out section 5, and insert the following as a substitute therefor: "The treasurer shall execute a bond to the State of Iowa for the use of the hospital (naming which), in double the highest amount of money likely to come into his hands, and with such securities as the Executive Council shall require, conditioned that he will faithfully perform the duties of his office, and pay over and account for all money that shall come into his hands, and the same shall be filed with the Secretary of State, and he shall serve without compensation. Upon authority granted by the board he may

draw upon the State treasury out of money not otherwise appropriated, upon his order, approved by the superintendent and not less than two of the trustees, and under seal of the hospital, a sufficient amount quarterly in advance for the purpose of defraying the current expenses of the hospital, but the amount of each requisition shall in no case exceed fourteen dollars per month for each public patient in the hospital, taking the number of such patients on the fifteenth day of each month for the previous three months as the average number on which the estimate shall be made, the number then in the hospital to be certified to the Auditor of State by the superintendent and steward, which certificate shall accompany the requisition. But no part of the money so drawn for current expenses shall be used in making improvements. Upon the presentation of such order to the Auditor of State, he shall draw a warrant upon the Treasurer of State for the amount therein specified, not exceeding the amount for each patient hereinbefore specified. But that no requisition shall be issued earlier in any one quarter of the year than the first day of February, May, August and November."

Senator Hobart moved to strike out the word "fourteen" in the thirteenth line of the substitute, and insert the word "sixteen" in lieu thereof.

On this the yeas and nays were demanded.

Senator Henderson excused.

On the question, "Shall the amendment to the substitute be adopted?" the yeas were:

Senators Blanchard, Bonson, Druet, Eaton, Gilbertson, Hospers, Palmer, Perrin, Phelps, Ranck, Upton—11.

The nays were:

Senators Allyn, Bell, Berry, Carroll, Cheshire, Craig, Downey, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gorrell, Harriman, Healy, Hobart, Hotchkiss, Junkin, Kilburn, Mitchell, Penrose, Sargent, Trewin, Waterman, Young—26.

Absent or not voting:

Senators Alexander, Byers, Carney, Carpenter, Harper, Henderson, Hipwell, Hurst, Lehfeldt, Lothrop, Pusey, Rigger, Rowen—13.

The amendment to the substitute was lost.

The substitute for section 5 was adopted.

President Parrott presiding.

Senator Junkin moved to amend section 6, by inserting in line 4, after the word "medical," the word "mental."

Adopted.

Senator Funk moved to amend section 6 as follows: "The salary of the superintendent shall in no case exceed \$2,500 per annum."

Senator Hobart moved that the further consideration of the bill be postponed until Tuesday.

Lost.

The amendment to section 6 was adopted.

Senator Junkin moved to amend section 14 by inserting in line 6, between the words "hospital" and "and," the words "in the district in which the county is situated."

Adopted.

Senator Junkin moved that the further consideration of House file No. 29 be postponed until Tuesday.

Carried.

Senator Penrose moved that the Senate do now adjourn.

Carried.

Senate adjourned until Tuesday at 2 o'clock P. M.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, March 2, 1897. }

Senate met pursuant to adjournment at 2 o'clock P. M., President Parrott presiding.

Prayer was offered by Rev. B. F. W. Cozier of Guthrie Center, Iowa.

PETITIONS AND MEMORIALS.

Senator Cheshire presented memorial of meeting of citizens at University Place Church of Christ, against manufacturing bill, and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Cheshire presented memorial of meeting of citizens held at Y. M. C. A. building, on same subject, and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Blanchard presented memorial of Oskaloosa quarterly meeting of Friends, on same subject, and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Harriman presented memorial of ministerial association of Mason City, on same subject, and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Byers presented memorial of Burlington volunteer relief department of Chariton, and asked that it be read.

Referred to Committee on Railways.

Senator Junkin presented petition of Burlington volunteer relief association of Pacific Junction, on same subject.

Referred to Committee on Railways.

Senator Garst presented remonstrance of L. M. Lyons and other citizens of Carroll county, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Downey presented petition of D. D. Harrington and sixty-six others, to lower the tax on receipts of life insurance companies.

Referred to Committee on Insurance.

Senator Ericson presented petition of S. O. Stockslager and others, on same subject.

Referred to Committee on Insurance.

Senator Blanchard presented remonstrance of sixty farmers of Mahaska county, against increase of taxation.

Referred to Committee on Ways and Means.

Senator Phelps presented remonstrance of C. A. Russell and twenty other citizens of the Ninth district, against increase of tax on life insurance companies.

Referred to Committee on Ways and Means.

Senator Carroll presented remonstrance of Burlington volunteer relief association of Moulton, against passage of Temple amendment.

Referred to Committee on Railways.

Senator Pusey presented remonstrance of Burlington volunteer relief association of Council Bluffs, against the passage of the Temple amendment.

Referred to Committee on Railways.

Senator Pusey presented remonstrance of Burlington volunteer relief association at Des Moines, on same subject.

Referred to Committee on Railways.

Senator Gorrell presented remonstrance of J. F. Albee and 160 other citizens of Newton, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Lothrop presented petition of Tolerton, Stetson & Co. and thirty other citizens of Woodbury county, relative to corporation tax.

Referred to Committee on Corporations.

Senator Waterman presented remonstrance of Burlington volunteer relief association of Ottumwa, against Temple amendment.

Referred to Committee on Railways.

Senator Blanchard presented remonstrance of H. L. Spencer Company and other corporations of Oskaloosa, relative to liability of individuals in corporations.

Referred to Committee on Corporations.

Senator Healy presented remonstrance of R. C. Glass and other citizens of Calhoun county, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

On request of Senator Penrose, leave of absence was granted Senator Henderson.

On request of Senator Ranck, leave of absence was granted Senators Harper and Hurst.

REPORTS OF STANDING COMMITTEES.

Senator Funk, from the Committee on Ways and Means, submits the following report:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to the 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 the accompanying bill be substituted for said Senate file No. 8, and when so substituted that the bill do pass

A. B. FUNK,
Chairman.

Substitute read first and second time and a thousand copies ordered printed.

Senator Harriman, from the Committee on Highways, submits the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate file No. 6, a bill for an act to revise, amend and codify the statutes in relation to roads, bridges and ferries, 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 same be amended as follows, and when so amended the same do pass:

Page 289, that all of section 28, chapter 1, be stricken out and the following substituted therefor: "The trustees or commissioners of the institutions belonging to the State may vacate, alter, change, or establish public highways through the lands belonging to the State, and for the use of such institutions as the said board or trustees or commissioners may deem for the best interests of the State and the public, subject however, to the approval of the board of supervisors of the county or the city council of the city wherein such lands are situated."

Page 289, in line 1, section 30, strike out the words "by the legislature or" and insert "the trustees of State institutions;" also, in same line, the word "or" be inserted after the word "statute."

Page 289, line 1, section 32, strike out the word "application" and insert the word "applicant."

Page 290, line 4, section 35, after the word "board" insert the words "of supervisors."

Page 290, amend section 40, by prefixing to said section the following: "If the same has not been heretofore done, the county auditor shall cause every highway in his county, the legal existence of which is shown by the records and files of his office, to be platted in a book to be obtained for that purpose and known as the Highway Plat Book. Each township shall be platted separately on a scale of not less than four (4) inches to the mile, and such auditor shall have all changes in or additions to the highways legally established, immediately entered upon said plat book, with

appropriate references to the files in which the papers relating to the same may be found."

Page 291, line 2, section 45, after the word "at" strike out the word "the" and insert the word "any;" also, in the beginning of line 3, strike out the words "regular April" and in line 4 insert after the word "bridge" the words "and cattle way."

Page 292, line 3, section 1, chapter 2, after the word "in" strike out the word "October" and insert the word "November;" and after line 11 add the following clause: "Whether to certify to the board of supervisors the desire for an additional road tax of not to exceed one mill to be levied in whole or in part by the board of supervisors as hereinafter provided;" also, in line 12, strike out the word "October" and insert the word "November."

Page 292, line 1, section 3, after the word "county" strike out the word "shall" and insert the word "may." In line 5, after the word "determined" add the following: "But they shall expend so much of the county road fund as arises from property within any city or incorporated town to its benefit on the roads immediately adjacent thereto, or within such city or incorporated town under the direction of the city or town council." In line 6 insert after the word "taxes" the following: "In case the board of supervisors do not make a levy for county road fund or levy less than one mill for said county road fund, the board of supervisors shall levy such an additional sum for the benefit of such townships as shall have certified a desire for such additional levy as provided for in this chapter, which shall be paid by the county treasurer into the township fund."

Page 293, line 1, section 5, after the word "April," strike out the words "upon the petition of a majority of the voters of the township."

Page 293, line 1, section 8, strike out the word "nine" and insert the word "eight."

Page 294, line 1, section 15, strike out the word "October" and insert "November."

Page 295, line 2, section 21, strike out the word "October" and insert "November."

Page 296, line 1, section 26, after the word "of," strike out the words "two dollars," and insert the words "one dollar and fifty cents."

Line 2, section 27, strike out the word "October" and insert "November."

Page 297, line 3, section 29, after the word "any," strike out the words "enclosed or unenclosed;" also, amend said section by adding thereto the following: "And it shall be the duty of the supervisor to use strict diligence in drawing the surface water from the public road in its natural channels, and to this end he may enter upon the adjoining lands for the purpose of removing obstructions from such natural channels that impede the flow of such water."

Page 298, line 1, section 35, after the word "thistles" strike out the words, "or bull thistles."

Page 298, amend section 36, by striking out all of said section after the parenthesis in line 4, and inserting the following: "It shall be the duty of every person or corporation so owning, occupying, or controlling lands, lots or other real property, or any road supervisor or other public officer having charge of any street or road, to cut, burn, or otherwise entirely

destroy such thistle growing on said premises, right-of-way, road, or street, before the same shall come to maturity, and any person, corporation, or public officer, neglecting to destroy all such thistles as aforesaid, after receiving notice in writing of their presence, shall be deemed guilty of a misdemeanor and punished accordingly.

"It shall be the duty of any person knowing of the presence of Russian thistles upon any premises, lands, lots, streets, roads or elsewhere at any time after the first day of July to give notice in writing to the owner, occupant or person or corporation in possession or control thereof, and if not destroyed by such owner, occupant or person in possession in proper time to prevent maturity, to give notice in writing immediately to any member of the board of trustees of the township in which the said thistles are growing; or if within a city or town, then to give notice in writing to the mayor, recorder or clerk thereof, who shall within five days after the receipt of said notice cause their total destruction, the cost thereof together with the cost of serving notice to be paid out of the township fund upon the certificate of the township trustees or the council, as the case may be, to the board of supervisors, which board shall cause the sum so paid to be levied as a special tax against the premises upon which the thistles were growing, and against the person or corporation owning or occupying the same, which amount shall be collected by the county treasurer as other taxes and paid into the county fund.

"Where township trustees have received notice as aforesaid, of the presence of such thistles upon lands owned by the United States or this State, it shall be their duty to cause their destruction, and the cost thereof, upon the proper certificate of the amount, shall be paid out of the county fund."

Page 299, line 1, section 39, strike out the word "October" and insert the word "November."

Page 300, that all of section 44 be stricken out and the following substituted therefor: "Owners of osage orange, willow or other hedge fence along the public road, unless the same shall be used as a wind-break for orchards or feed lots, shall keep the same trimmed by cutting back within five feet of the ground at least once in every two years, and burn or remove the trimmings so cut from the road.

"Upon a failure to comply with the foregoing provisions the road supervisor shall immediately serve notice in writing upon the owner of the hedge to trim the same, and if he fails to do so for sixty days thereafter, such supervisor shall cause the same to be done at a cost not exceeding forty cents a rod, which shall be paid for out of the road fund, and make a return thereof to the township clerk, who shall, in certifying the lands upon which the road tax has not been paid, include the land along which the hedge has been trimmed, together with the amount paid therefor, which shall be collected by the county treasurer in the manner county taxes are collected. Where the one district system is adopted as provided in this chapter, it shall be the duty of the township trustees to enforce the foregoing provisions."

W. F. HARRIMAN,
Chairman.

Ordered passed on file.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

House file No. 17, a bill for an act to revise, amend and codify the statutes in relation to agricultural, horticultural societies and stock breeding associations.

Also:

House file No. 33, a bill for an act to revise, amend and codify the statutes in relation to intoxicating liquors.

JAS. D. ROWEN,
Chief Clerk.

Passed on file.

Also:

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

Concurrent resolution relative to the rules of the supreme court.

JAMES D. ROWEN,
Chief Clerk.

Passed on file.

Senator Funk moved that substitute for Senate file No. 8, be made a special order for Wednesday, March 10, at 9:30 A. M.
Carried.

The Journal of Saturday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

Senate resumed consideration of House file No. 29.

Senator Hobart filed a motion to reconsider the vote by which section 6 of House file No. 29 was adopted.

Senator Junkin moved to amend section 31 as follows: 'Strike out all of section 31 and insert the following as a substitute therefor: "Section 31. Patients hereafter committed to the hospital who have no legal settlement in the State and whose legal settlement cannot be ascertained shall be supported at the expense of the county from which they were committed, the same to be collected and paid in like manner as the expense for insane persons having legal settlement within the State. If a person has a legal settlement within another state the commissioners of insanity may direct the sheriff to remove such person to the place of his legal settlement and the

sheriff shall receive as compensation therefor three dollars per day and his actual expenses which shall be itemized and sworn to and filed with the county auditor and the same shall be paid as other claims against the county. The trustees of any asylum may authorize the superintendent to remove any patient who has no legal settlement within the State. The cost of such removal to be paid directly from the State treasury upon a sworn statement of the superintendent and the approval of the trustees appended to each voucher."

Senator Eaton moved to amend the substitute by striking out all of the substitute down to the words "if a person."

On this the yeas and nays were demanded.

On the question, "Shall the amendment to the substitute be adopted?" the yeas were:

Senators Alexander, Bell, Carney, Craig, Downey, Druet, Eaton, Ellis, Ellison, Everall, Garst, Gilbertson, Hipwell, Hoppers, Hotchkiss, Hurst, Lothrop, Phelps, Pusey, Ranck, Riggen, Trewin, Waterman—23.

The nays were:

Senators Berry, Blanchard, Byers, Carpenter, Carroll, Cheshire, Ericson, Funk, Gorrell, Harriman, Healy, Hobart, Junkin, Kilburn, Palmer, Penrose, Perrin, Rowen, Sargent, Young—20.

Absent or not voting:

Senators Allyn, Bonson, Harper, Henderson, Lehfeldt, Mitchell, Upton—7.

The amendment to the substitute was adopted.

Senator Eaton moved to amend the substitute by inserting for the language stricken out the following words: "Patients in a hospital having no legal settlement in the State, or whose legal settlement cannot be ascertained, shall be supported at the expense of the State."

On this the yeas and nays were demanded.

On the question, "Shall the amendment to the substitute be adopted?" the yeas were:

Senators Alexander, Bell, Carney, Carroll, Craig, Downey, Druet, Eaton, Ellis, Ellison, Everall, Garst, Gilbertson, Hipwell, Hoppers, Hotchkiss, Hurst, Lothrop, Mitchell, Phelps, Pusey, Ranck, Riggen, Sargent, Trewin, Waterman—26.

The nays were:

Senators Blanchard, Byers, Carpenter, Cheshire, Ericson, Funk, Gorrell, Harriman, Healy, Hobart, Junkin, Palmer, Penrose, Perrin, Rowen—15.

Absent or not voting:

Senators Allyn, Berry, Bonson, Harper, Henderson, Kilburn, Lehfeldt, Upton, Young—9.

The amendment to the substitute was adopted.

The substitute as amended was adopted.

Senator Junkin moved to amend section 45 as follows: Strike out all of said section after the word "just" in the eleventh line thereof and add the following as a substitute: "The estates of insane or idiotic persons who may be treated or confined in any county asylum or poor house, and the estates of persons legally bound for their support, shall be liable to the county for the reasonable expense or so much thereof as may be determined by the board of supervisors."

Adopted.

Senator Junkin moved to amend section 58, line 2, as follows: Strike out the words "traveling expenses" and insert the word "mileage" in lieu thereof.

Adopted.

Senator Junkin moved to amend section 4, line 2, by striking out the word "appointed" and insert the word "elected" in lieu thereof.

Adopted.

Senator Junkin moved to amend the bill by striking out all marginal figures, all figures, letters, words and characters in brackets at the end of sections and the brackets containing the same and all the underscoring in said bill.

Adopted.

Senator Blanchard moved that further consideration of House file No. 29 be postponed until to-morrow.

Carried.

Senator Carney moved to take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 17, a bill for an act to revise, amend and codify the statutes in relation to agricultural, horticultural and stock breeders' associations and State dairy associations, was read first and second time and referred to Committee on Agriculture.

House file No. 33, a bill for an act to revise, amend and codify the statutes in relation to intoxicating liquors, was read first and second time and referred to Committee on Suppression of Intemperance.

Senate concurrent resolution relative to the supreme court was passed on file.

Senator Trewin moved that the resolution be ordered engrossed.

Carried.

Senator Carney offered the following resolution and asked that it be laid over under the rule:

MR. PRESIDENT—I move that an afternoon session of the Senate be held from 2 to 4 o'clock on each week day except Saturday.

J. L. CARNEY.

Laid over.

Senator Hobart filed the following motion:

MR. PRESIDENT—I move to reconsider the vote by which the amendment to the substitute for section 5 of House file No. 29, changing the word "fourteen" to "sixteen," was lost.

A. C. HOBART.

Senator Carney moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, March 3, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. G. W. L. Brown of Sioux City, Iowa.

R. R. Robinson appeared at the bar of the Senate and was sworn in as clerk of Committee on Congressional and Judicial Districts, vice J. R. Haword resigned.

PETITIONS AND MEMORIALS.

Senator Bonson presented remonstrance of B. M. Harger and others of Dubuque, against increasing tax on life insurance companies.

Referred to Committee on Insurance.

Senator Junkin presented remonstrance of W. E. Harris and fifty-six other citizens of Red Oak, against Temple amendment.

Referred to Committee on Railways.

Senator Harriman presented remonstrance of J. Massey and twenty-six other citizens of Cerro Gordo county, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Cheshire presented remonstrance of Des Moines local union Christian Endeavor against manufacturing bill, and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Carney presented remonstrance of churches of Marshalltown against manufacturing bill, and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Alexander presented petition of C. E. Burdine and others of Marion, favoring the Temple amendment.

Referred to Committee on Railways.

Senator Penrose presented petition of Connecting Link lodge of brotherhood of railroad trainmen of Belle Plaine, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Harper presented memorial of West Burlington volunteer relief department, protesting against Temple amendment.

Referred to Committee on Railways.

Senator Harper presented remonstrance of Burlington volunteer relief department, protesting against passage of Temple amendment.

Referred to Committee on Railways.

Senator Druet presented memorial of Burlington volunteer relief department of Albia, against Temple amendment.

Referred to Committee on Railways.

Senator Riggen presented remonstrance of M. L. Morris and 193 other citizens of Grinnell, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Riggen presented remonstrance of R. M. Harris and 754 citizens of Grinnell, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Cheshire presented petition of Fred Johnson and 500 other citizens of Polk county, in favor of manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Blanchard presented petition of J. W. Greene, favoring the passage of committee bill regulating the practice of medicine.

Referred to Committee on Public Health.

Senator Carney, from special committee on joint resolution No. 3, presented the following report:

Resolved, That the substitute reported by the House with amendments for joint resolution No. 3, be printed in the Journal.

REPORT OF SPECIAL COMMITTEE.

Senator Carney, from the committee on joint resolution No. 3, submits the following report:

MR. PRESIDENT—Your committee on joint resolution No. 3, to whom was referred substitute for said joint resolution, which is as follows:

SUBSTITUTE FOR JOINT RESOLUTION NO. 3.

Providing for the appointment of a joint committee to investigate the reports of trustees, regents, commissioners or other officers of State institutions, and all State officers, and the books and records of such institutions or offices, for the payment of expenses of such investigation, and defining the powers of the committee.

Be it resolved by the General Assembly of the State of Iowa:

First.—That a joint committee, consisting of one member of the Senate and two members of the House, be appointed by the President of the Senate and the Speaker of the House, to investigate thoroughly the reports of trustees, regents, commissioners and all other officers of State institutions, and the books and records of such institutions and offices, and the conduct and management of their affairs, and the records, reports and doings of all State officials, for the purpose of ascertaining:

First.—Whether the persons holding the positions named have faithfully accounted for all moneys of the State which have been drawn from the State Treasurer or have come into their hands otherwise, and to ascertain if all appropriations made for State officers, or to be expended by them, and for State institutions, have been drawn from the State treasury in accordance with law, and so expended.

Second.—Whether such persons have drawn money for services, per diem, mileage or expenses, or otherwise, not authorized by law, or have authorized expenditures without authority of law.

Third.—To investigate the manner in which all contracts, including those for the purchase of supplies, have been let and to ascertain whether or not the matters in charge of such officials are conducted in an economical and business-like manner.

Fourth.—To ascertain whether the products of the institutions which are owned by the State, are purchased, used or consumed by the other State institutions, and if not, the reason for such discrimination against such products.

Fifth.—To report the result of such investigation to the Twenty-sixth or Twenty-seventh General Assembly, when such investigation shall have been completed, and recommend if any change should be adopted in the government and management of such institutions or offices, and whether the number of officers in charge thereof may not safely be reduced; also, to ascertain whether the number of employes of any and all kinds employed in the various State institutions is greater than is necessary for the proper conduct of affairs, and whether the salaries paid to such employes are greater or less than are paid for service in private institutions of similar character.

Sixth.—No Senator or member of the House shall be eligible to appointment as a member of said committee who resides, in case of a Senator in the Senatorial District, or in case of a Representative in the Representative District, in which any State institution or office which is the subject of this investigation is located.

Seventh.—That such committee shall have power to employ a stenographic clerk at a salary not exceeding \$2 per day and actual traveling expenses, and if deemed necessary, to employ an expert accountant at a salary not exceeding \$5 per day and actual traveling expenses, which per diem and expenses shall be paid out of any money in the treasury not otherwise appropriated, on vouchers signed by the chairman of the committee and filed with the Auditor of State.

Eighth.—The committee shall have the power to visit such State institutions and offices, subpoena and examine witnesses and enforce their attendance, require the production of books, records, papers and memoranda, and it shall have the power to punish as a contempt by fine or imprisonment,

or either of them, the offense or refusal to attend or be sworn or examined before the committee when duly summoned, or for a refusal to produce books, papers, records or memoranda when ordered to do so by the committee. Subpœnas or orders shall be signed by the chairman of the committee and served by any peace officer, who shall be entitled to the same fees for serving the same as for serving similar papers in the district court.

Ninth.—That such committee may hold its sessions either during the time of the present session of the Legislature or after the adjournment thereof.

Tenth.—The members of such committee shall receive, while engaged in the performance of their duties, mileage in the sum of 5 cents per mile each way, and the other actual and necessary expenses incurred, to be paid out of any moneys in the treasury not otherwise appropriated, on vouchers filed with the Auditor of State.

Eleventh.—That the period covered by this investigation shall be from July 1, 1893, to January 1, 1897.

“Section 12. That said committee ascertain from the State records whether the State received any money for property turned over by ex-State Treasurer Rankin and the amount, and if from this or other State funds the Agricultural College was reimbursed or not, and if not, why, and the committee make such recommendation as the facts will warrant.”

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 title be amended by striking out the words “and all State officers” and the words “or offices.”

Also, amend the first paragraph by striking out the words “and the records, reports and doings of all State officials.”

Also, strike from same paragraph the words “and to ascertain if all appropriations made for State officers or to be expended by them and for State institutions.”

Also, strike out the twelfth division of the substitute beginning with the words “That said committee” and ending with the words “facts will warrant.”

And that when so amended the substitute do pass.

J. L. CARNEY,
Chairman.

Laid over.

The Journal of Tuesday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

The Senate resumed consideration of House file No. 10.

Senator Ellis called up the motion filed to reconsider the vote by which the substitute for section 6, chapter 12, was adopted.

Senator Ellis moved to reconsider the vote by which substitute for section 6, chapter 12, was adopted.

Carried.

Senator Ellis withdrew the original substitute for section 6, chapter 12, and moved to amend by substituting the following for section 6: "Section 6. Whenever any person, who now or hereafter may be required or permitted to give a bond, applies for the approval thereof, any officer or body who is now or shall hereafter be required to approve the sufficiency of such bond, shall accept and approve the same whenever its conditions are guaranteed by a company or corporation duly organized or incorporated under the laws of this State, or authorized to do business therein, and to guarantee the fidelity of persons holding positions of public or private trust, or secure any bond referred to, and which company shall have the certificates of the auditor of State authorizing it to do business therein as provided in chapter 4 of title IX of the Code. The certificate of the auditor of State to the effect that such company has complied with the requirements of said chapter and title, and is authorized to do business in this State, shall be sufficient evidence to authorize the officer or body having the approval of such bond to accept and approve the same, but no such security shall be accepted on any bond for an amount in excess of ten per cent of the capital of such company or corporation, but nothing herein contained shall apply to bonds in criminal cases."

Senator Blanchard moved to amend the substitute by striking out the word "ten" before the words "per cent" and insert the word "twenty-five" in lieu thereof.

Lost.

Senator Lothrop moved to amend the substitute by striking out the word "shall" in line 4, and insert the word "may" in lieu thereof.

Lost.

Senator Healy moved to amend the substitute by inserting before the word "capital" in the last line but one the words "paid up cash."

On this amendment a division was called for and the amendment was adopted.

The substitute as amended was adopted.

Senator Ellis called up section 11, chapter 8, passed over on Friday.

Senator Pusey moved to amend section 11, chapter 8, as follows: Substitute for section 11: "Section 11. The clerk shall receive in full compensation for his services in counties having

a population of ten thousand or less, nine hundred dollars; in counties having over ten thousand and less than fifteen thousand, twelve hundred dollars; in counties having fifteen thousand and under twenty thousand, fourteen hundred dollars; in counties having twenty thousand and under twenty-seven thousand, sixteen hundred dollars; in counties having twenty-seven thousand and under thirty-five thousand, seventeen hundred dollars; in counties having thirty-five thousand and under forty-five thousand, twenty-one hundred dollars; and in counties having forty-five thousand or over, twenty five hundred dollars per annum, to be paid out of the county treasury in equal monthly installments."

Senator Ellis moved to amend the substitute by striking out the last sentence beginning with the words "in counties" after the words "seventeen hundred dollars," down to the word "dollars" before the words "per annum," and insert the words "counties having a population of thirty-five thousand and over, two thousand dollars."

On this a division was called for and the amendment to the substitute was lost.

Senator Waterman offered the following substitute for the substitute for section 11, chapter 8: "The clerk shall receive in full compensation for his services in counties having a population of ten thousand or less, one thousand dollars; in counties having over ten thousand population and under fifteen thousand, twelve hundred dollars; in counties from fifteen thousand to twenty thousand, thirteen hundred dollars; from twenty thousand to thirty-five thousand, fifteen hundred dollars; in counties over thirty-five thousand, two thousand dollars, to be paid out of the county treasury in equal monthly installments."

Senator Berry moved to refer chapter 11, section 8, House file No. 10, with substitute, to a special committee of seven, consisting of one from each subdivision mentioned in various amendments, and that the chairman of the Judiciary Committee be chairman of this committee.

On this a division was called for and the motion prevailed.

Senator Ellis moved to amend section 22, chapter 6, title 3, by striking out the words "question of abolishing" and insert in lieu thereof the following: "proposition to abolish;" also, to strike out all the words between the word "form," in fifth line, down to and including the word "court," in sixth line, and insert in lieu thereof the words "shall the proposition to abolish the superior court of county be adopted?"

Senator Cheshire moved that sections 10, 12, 13 and 14 of chapter 8 be referred to the special committee having charge of section 11.

Carried.

Senator Funk offered the following resolution:

Resolved, That the chairman of each standing committee be requested to report to the Secretary, for the information of the Senate, the condition of Code work in his committee.

Laid over under the rules.

BILLS ON THIRD READING.

Senator Druet moved that House file No. 29 be postponed until to-morrow at 9:30 o'clock.

Carried.

On motion of Senator Penrose, Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to the board of railroad commissioners, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

Bill was taken up and read section by section for amendments.

Senator Penrose moved to amend section 2 as follows: In line 2, after the word "steam" insert the words "express companies, car companies, sleeping car companies, freight and freight line companies and any common carrier engaged in the transportation of passengers or freight by railroad, street railroads excepted."

Senator Harper moved to amend the amendment by striking out the words "street railroads excepted."

Lost.

The amendment was adopted.

Senator Penrose moved to amend section 4 as follows: In line 3 strike out the word "the" before the word "system" and insert the word "such" in lieu thereof; add the letter "s" to the word "system" and strike out the word "its" and insert the word "their" in lieu thereof.

Adopted.

Senator Penrose moved to amend section 7 by striking out all of section 7.

The President announced the following as a special committee under motion by Senator Berry:

Senators Ellis, Funk, Sargent, Berry, Carroll, Waterman, Pusey.

The Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Thursday, March 4, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. John Young of Greenfield, Iowa.

Mrs. A. E. Eaton appeared at the bar of the Senate and was sworn in as committee clerk, vice A. L. Druet, resigned.

On request of Senator Hurst, leave of absence was granted Senator Hipwell until noon to-day.

On request of Senator Blanchard, leave of absence was granted Senator Riggen indefinitely.

PETITIONS AND MEMORIALS.

Senator Cheshire presented memorial of Willard W. C. T. U. of Des Moines, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Cheshire presented petition of Geo. M. King and 650 other citizens of Polk county, in favor of manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Cheshire presented petition of Silas Wilson and other citizens, asking for an appropriation for Iowa county to aid centennial of Tennessee.

Referred to Committee on Appropriations.

Senator Ericson presented remonstrance of R. R. Davis and other citizens of Boone, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Penrose presented remonstrance of Rev. Virgil Urbins and other citizens of Benton county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Penrose presented petition of brotherhood of locomotive engineers at Belle Plaine, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Sargent presented remonstrance of J. C. Gates and forty-five other citizens of Waterloo, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Sargent presented remonstrance of F. Lambert and seventy other citizens of Cedar Falls, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Berry presented remonstrance of Fletcher Brown and other citizens of Indianola, against the manufacturing bill, and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Carney presented remonstrance of society of Friends at Albion, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Carney presented remonstrance of B. A. Morgan and other citizens of Marshalltown, against tax on insurance companies.

Referred to Committee on Insurance.

Senator Harriman presented remonstrance of C. E. Robinson and other citizens of Third Congressional District, on same subject.

Referred to Committee on Insurance.

Senator Alexander presented memorial of railway conductors of Marion, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Alexander presented memorial of locomotive engineers of Cedar Rapids, on same subject.

Referred to Committee on Railways.

Senator Phelps presented remonstrance of Epworth league of Griswold, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Byers presented remonstrance of Burlington volunteer relief department of Ottumwa, against Temple amendment.

Referred to Committee on Railways.

Senator Lothrop presented memorial of brotherhood of railway engineers of Woodbury county, in favor of the Temple amendment.

Referred to Committee on Railways.

Senator Perrin presented remonstrance of G. T. Bellamy and forty other citizens of Chickasaw county, against the increased tax on life insurance companies.

Referred to Committee on Insurance.

Senator Harriman presented petition of C. A. Beebe and 167 other citizens, employes of Chicago, Milwaukee & St. Paul railway company, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Healy presented petition of brotherhood of railway trainmen at Lake City, in favor of Temple amendment, and asked that it be read.

Referred to Committee on Railways.

Senator Allyn presented remonstrance of Burlington volunteer relief department of Creston, against Temple amendment.

Referred to Committee on Railways.

Senator Lothrop presented petition of brotherhood of locomotive engineers of Sioux City, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Penrose presented memorial of employes of Chicago & Northwestern railway at Eagle Grove and Tama, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Penrose presented memorial of Belle Plaine lodge No. 311, brotherhood of locomotive firemen in favor of Temple amendment.

Referred to Committee on Railways.

Senator Hotchkiss presented memorial of brotherhood of locomotive engineers of Perry, Iowa, in favor of Temple amendment.

Referred to Committee on Railways.

REPORTS OF STANDING COMMITTEES.

Senator Blanchard, from the Committee on Educational Institutions, submits the following report:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred House file No. 57, a bill for an act to revise, amend and codify the statutes in relation to the College for the Blind, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be amended as follows:

After the title add the words "Chapter 9 of Title XIII," and strike out in the second line of section 1 the word "first" and insert in lieu thereof the word "second."

Also, in the third line of section 1 strike out after the word "president" the words "and treasurer," inserting a period after the word "president," and add in lieu thereof the following: "They shall also elect a treasurer

who shall be a resident of Benton county, but not a member of the board," and when so amended that the same do pass.

L. C. BLANCHARD,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred House file No. 59, a bill for an act to revise, amend and codify the statutes in relation to the School for the Deaf, 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 same be amended as follows:

After the title add the words "Chapter 11, of Title 13," and strike out in third line of section 1, after the word "president" the words "and another as treasurer," inserting a period after the word "president," and add in lieu thereof the following: "They shall also elect a treasurer who shall be a resident of Pottawattamie county, but not a member of the board," and when so amended that the same do pass.

L. C. BLANCHARD,
Chairman.

Ordered passed on file.

BILLS ON THIRD READING.

On motion of Senator Carney, substitute for joint resolution No. 3, providing for the appointment of a joint committee to investigate the reports of trustees, regents, commissioners or other officers of State institutions, and all State officers, and the books and records of such institutions or offices, for the payment of expenses of such investigation, and defining the powers of the committee, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

Senator Carney moved to amend the resolution by striking out the words "and all State officers" and the words "or offices."

Adopted.

Senator Carney moved to amend the resolution as follows: Amend the first paragraph by striking out the words "and the records, reports and doings of all State officials."

Adopted.

Senator Carney moved to amend the resolution as follows: Strike from same paragraph the words "and to ascertain if all appropriations made for State officers or to be expended by them and for State institutions."

Adopted.

Senator Carney moved to amend the resolution as follows: Strike out the twelfth division of the substitute beginning with the words "That said committee" and ending with the words "facts will warrant."

Adopted.

Senator Ranck moved to amend paragraph 5, line 2, by inserting after the word "assembly" the words "with the testimony so taken."

Adopted.

Senator Carney moved that the rule be suspended, and that the substitute for joint resolution No. 3 be considered engrossed and read a third time now, which motion prevailed, and the joint resolution was read a third time.

On the question, "Shall the joint resolution pass?" the yeas were:

Senators Alexander, Berry, Blanchard, Bonson, Carney, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent, Trewin, Upton, Waterman, Young—39.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Byers, Carpenter, Eaton, Hipwell, Hobart, Lehfelddt, Palmer, Phelps, Rigger—11.

The substitute for joint resolution No. 3 having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Funk called up resolution relative to chairmen of committees reporting on Code work in their respective committees.

The resolution was adopted.

The Journal of Wednesday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 19, the committee amendment striking out section 7 being under consideration when the Senate adjourned.

Senator Cheshire offered the following as a substitute for section 7: "Section 7. Upon the occurrence of any serious

accident upon a railroad which shall result in injury to persons or property, or loss of life, it shall be the duty of the board to promptly visit the scene of the accident and if deemed necessary investigate the same and report to the Governor the extent of the personal injuries, or loss of life or property and whether the same is the result of the mismanagement or neglect of the corporation on whose line the injury or loss of life occurred. It shall be the duty of the officials owning or operating the railway on which the accident occurs to immediately notify the board thereof."

Lost.

Senator Upton moved the previous question.

On the question, "Shall the main question be now put?" the motion prevailed.

The substitute was lost.

The motion recurring on the amendment by the committee, to strike out section 7, the amendment was adopted.

Senator Penrose moved to amend section 8 as follows: In line 2, after the word "the," insert the words "rate of passenger fare or."

Adopted.

Senator Penrose moved to amend section 9 as follows: Section 9, line 1, insert the words "or the succeeding" after the word "this."

Adopted.

Senator Penrose moved to amend section 10 as follows: Strike out all of section 10 and substitute the following in lieu thereof: "Section 10. The district courts of this State shall have jurisdiction to enforce, by proper decrees, injunctions and orders, the rulings, orders and regulations affecting public right, made or to be made by the board, such as are now, or may hereafter be, authorized to be made by them for the future direction and observance of railroads in this State. The proceedings therefor shall be by equitable action in the name of the State of Iowa and shall be instituted by the attorney-general, whenever advised by the board that any railway corporation, or person operating a line of road in this State, is violating and refusing to comply with any rule, order or regulation made by the board, and applicable to such railroad or person. It shall be the duty of the court in which any such cause shall be pending to require the issue to be made up at the first term of the court to which such cause is brought, which shall be the trial term, and to give the same precedence over other civil business.

“If the court shall find that such rule, regulation, or order is reasonable and just, and that in refusing compliance therewith said railway company is failing and omitting the performance of any public duty or obligation, the court shall decree a mandatory and perpetual injunction compelling obedience to and compliance with such rule, order or regulation by said railroad company, or other person, its officers, agents, servants and employes, and may grant such other relief as may be deemed just and proper.

“All violations of such decree shall render the company, persons, officers, agents, servants and employes who are in any manner instrumental in such violation, guilty of contempt of court, and the court may punish such contempt by a fine not exceeding one thousand dollars for each offence, and may imprison the person guilty of contempt until he shall sufficiently purge himself therefrom. And such decree shall continue and remain in effect and be enforced until the rule, order or regulation shall be modified or vacated by the board.”

Adopted.

Senator Kilburn moved to amend section 12 by striking out the words “three thousand,” in line 2, and insert the words “twenty-five hundred” in lieu thereof.

Senator Trewin moved the previous question.

On the question, “Shall the main question be now put?” the motion prevailed.

On the amendment a roll call was demanded.

On the question, “Shall the amendment be adopted?” the yeas were:

Senators Allyn, Carney, Carpenter, Carroll, Cheshire, Downey, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Mitchell, Perrin, Phelps, Pusey, Rowen, Trewin, Upton, Young—31.

The nays were:

Senators Alexander, Berry, Blanchard, Bonson, Byers, Craig, Druet, Ellis, Harper, Hobart, Lothrop, Palmer, Penrose, Ranck, Sargent, Waterman—16.

Absent or not voting:

Senators Bell, Lehfeldt, Riggen—3.

The amendment was adopted

Senator Penrose moved to amend the bill as follows: Re-number the sections consecutively from and after section 6.

Adopted.

Senator Penrose moved to amend the bill as follows: Strike out all reference and line numbers and underscoring.

Adopted.

Senator Penrose moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rowen, Sargent, Trewin, Upton, Waterman, Young—47.

The nays were:

None.

Absent or not voting:

Senators Bell, Lehfeltdt, Riggen—3.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Junkin, Senate resumed consideration of House file No. 29.

Senator Hobart called up the motion filed to reconsider the vote by which the amendment to section 6 of House file No. 29 was adopted.

Senator Hobart moved that the vote by which the amendment to section 6 was adopted be reconsidered.

Senator Hospers moved the previous question.

On the question, "Shall the main question be now put?" a division was called for and the motion was lost.

On the motion to reconsider the yeas and nays were demanded.

On the question, "Shall the motion to reconsider prevail?" the yeas were:

Senators Alexander, Bell, Blanchard, Bonson, Byers, Carney, Craig, Downey, Druet, Eaton, Ellis, Ericson, Harper, Harriman, Hipwell, Hobart, Hotchkiss, Hurst, Lothrop, Palmer, Pusey, Ranck, Rowen, Sargent—24.

The nays were:

Senators Allyn, Berry, Carpenter, Carroll, Cheshire, Ellison, Everall, Funk, Garst, Gilbertson, Gorrell, Healy, Henderson,

Hospers, Junkin, Kilburn, Mitchell, Penrose, Perrin, Phelps, Trewin, Upton, Waterman, Young—24.

Absent or not voting:

Senators Lehfeldt and Riggen—2.

So the motion to reconsider was lost.

Senator Hobart withdrew the motion filed to reconsider the vote by which the amendment to section 5 was adopted.

Senator Junkin moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Carpenter, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Penrose, Perrin, Phelps, Rowen, Sargent, Trewin, Upton, Waterman, Young—37.

The nays were:

Senators Blanchard, Byers, Carney, Druet, Harper, Hipwell, Hobart, Hurst, Pusey, Ranck—10.

Absent or not voting:

Senators Lehfeldt, Palmer, Riggen—3.

The bill having received a constitutional majority, was declared to have passed the Senate.

Senator Junkin moved to amend the title by adding the words "chapter 2" after the title.

Adopted.

The title as amended was agreed to.

Senator Hobart offered the following and asked that it be printed in the Journal:

MR. PRESIDENT—I believe that the provisions of the bill fixing a maximum limit to the salary to be paid the superintendents of our asylums at \$2,500 is pernicious and unjust, and that it will tend to mismanagement and extravagance and the employment of inferior ability. I therefore vote "no."

A. C. HOBART.

The hour of adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

BILLS ON THIRD READING.

On motion of Senator Junkin, House file No. 28, a bill for an act to revise, amend and codify the statutes in relation to the support of the poor, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Junkin moved to amend section 15 as follows: Strike out all after the word "attendance," in line 8, and before the word "when" in line 9.

Adopted.

Senator Junkin moved to amend section 16 as follows: Strike out all of line 1, to the first "or" in said line, and insert the following in lieu thereof: "Any person who has served in the army or navy of the United States."

Senator Junkin moved to amend the amendment by striking out the word "any" before the word "person," and inserting the word "no" in lieu thereof.

Adopted.

The amendment as amended was adopted.

Senator Junkin moved to amend section 16 by inserting the word "shall" before the word "relief."

Adopted.

Senator Junkin moved to amend section 19 as follows: Strike out sections 19 and 20 and insert the following as a substitute therefor: "Section 19. The poor must make application for relief to the trustees of the township where they may be, and, if the trustees are satisfied that the applicant is in such a state of want as requires relief at the public expense, they may afford such relief subject to the approval of the board of supervisors as the necessities of the person require and shall report the case forthwith to the board of supervisors, who may continue or deny relief as they find cause. The board of supervisors may examine into all claims, including claims for medical attendance, allowed by the township trustees for the

support of the poor, and if they find the amount allowed by said trustees to be unreasonable, exorbitant or for any goods or services other than for the necessaries of life, they may reject or diminish the claim as in their judgment would be right and just, and this act shall apply to all counties in the State whether there are poor houses established in the same or not. This act shall apply to acts of overseers of poor in cities as well as to township trustees.

“Section 20. All claims and bills for the care and support of the poor shall be certified to be correct by the proper trustees and presented to the board of supervisors, and, if they are satisfied that they are reasonable and proper, they shall be paid out of the county treasury. In no case shall a trustee, or either of the trustees, nor overseer of the poor, draw an order upon himself, or upon either of the board, for supplies for the poor, except such trustees or overseer has a contract to furnish such supplies.”

Adopted.

Senator Junkin moved to amend section 32 as follows: Strike out of line 1 the word “house.”

Adopted.

Senator Junkin moved to amend the bill by striking out all of section 37.

Adopted.

Senator Junkin moved to amend the bill as follows: Strike out all marginal figures, and all figures, numbers, words and characters in the brackets and the brackets at the end of each section containing the same, and all underscoring.

Adopted.

Senator Upton moved to amend section 1 by adding the following: “But no such relative shall be so liable until notice in writing has been given him by said trustees and an opportunity afforded to furnish such poor person with proper relief or support.”

Adopted.

Senator Junkin moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, “Shall the bill pass?” the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harri- man, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin,

Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Rowen, Sargent, Trewin, Upton, Waterman—38.

The nays were:

None.

Absent or not voting:

Senators Allyn, Byers, Cheshire, Funk, Harper, Hipwell, Hurst, Lehfeldt, Pusey, Ranck, Rigger, Young—12.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

REPORTS OF STANDING COMMITTEES.

Senator Ellison, from the Committee on Commerce, submits the following report:

MR. PRESIDENT—Your Committee on Commerce, to whom was referred House file No. 32, a bill for an act to revise, amend and codify the statutes in relation to lost goods, 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 as follows:

Amend the caption so it will read "Chapter 5 (Title XII), of lost goods;" also, amend by striking out all marginal and page figures, bracket and section references and underscoring.

And when so amended that the bill do pass.

F. O. ELLISON,
Chairman.

Senator Ellison moved that House file No. 32 be substituted for Senate file No. 24 on the Calendar and that Senate file No. 24 be indefinitely postponed.

Carried.

BILLS ON THIRD READING.

On motion of Senator Ellison, House file No. 32, a bill for an act to revise, amend and codify the statutes in relation to lost goods, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Ellison moved to amend the title by inserting the words "chapter 5 of title XII, of lost goods."

Adopted.

Senator Ellison moved to amend the bill by striking out all marginal and page numbers, brackets, section references and underscoring.

Adopted.

Senator Ellison moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Juñkin, Mitchell, Palmer, Perrin, Phelps, Pusey, Rowen, Sargent, Upton, Waterman, Young—41.

The nays were:

None.

Absent or not voting:

Senators Allyn, Hipwell, Kilburn, Lehfeldt, Lothrop, Penrose, Ranck, Riggen, Trewin—9.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Healy filed a motion to reconsider the vote by which House file No. 28 passed the Senate.

Senator Penrose moved that the Senate recall Senate file No. 19, messaged to the House this morning.

Carried.

On motion of Senator Carpenter, Senate file No. 72, a bill for an act to revise, amend and codify the statutes in relation to the estates of decedents, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

Senator Carpenter moved to amend the bill as follows: Strike out all line numbers, words and figures at end of sections, page numbers, underscorings, reference words, letters and characters.

Adopted.

Senator Carpenter moved to amend section 2, chapter 1, as follows: In line 2, strike out all after the word "ordered," and insert the following: "when no notice is prescribed by the judge or court as above provided the same notice shall be given as in commencing a civil action."

Adopted.

Senator Carpenter moved to amend section 2, chapter 1, by striking out of line 2 these words: "That it has been given as ordered" and insert in lieu thereof the words "of the giving of such notice."

Adopted.

Senator Carpenter moved to amend chapter 2, section 5, line 1, by striking out the words "typewriting, print or other permanent form."

Adopted.

Senator Perrin moved to amend chapter 2, by adding the following as section 17: "Section 17. A lost or destroyed will may be admitted to probate, the execution and validity thereof having been first established, upon a hearing at which all interested parties shall have been notified to appear, as in action brought in the district court. But no will shall be allowed to be proven and established as lost or destroyed unless shown to have been in existence at the time of the death of the testator, or to have been destroyed in the lifetime of the testator, without his consent or otherwise fraudulently disposed of; nor unless the provisions shall be clearly proven by two credible witnesses, or by a correct copy and the testimony of one witness."

Passed over for further consideration.

Senator Carpenter moved to amend chapter 2, section 37, line 2, by changing the word "county" to "country."

Adopted.

Senator Carpenter moved to amend chapter 2, section 37, line 9, by inserting after the word "residents" the words "so far as the assets thereof shall extend."

Adopted.

Senator Lothrop moved to amend section 38, chapter 2, as follows: Strike out the word "seven" in line 2 and insert "twenty-one" in lieu thereof.

Lost.

Senator Carpenter moved to amend section 39, chapter 2, as follows: Chapter 2, section 39, lines 15 and 16, amend by striking out the words "and that the debt secured by the instrument sought to be released is the property of the estate."

Adopted.

Senator Carpenter moved to amend section 3, chapter 3, line 3, by striking out the words "unless otherwise disposed of by will."

Adopted.

Senator Harriman moved to amend section 4, chapter 3, as follows: "The words 'heirs or legal heirs,' or other equivalent words to designate the beneficiaries of a life insurance policy, and when a contrary intention is not expressed in such instruments, shall be construed to include the surviving husband or wife of the insured, and the shares of such surviving husband or wife in the proceeds of a policy made payable as aforesaid

shall be determined by the general rule governing the distribution of the personal property of persons dying intestate.”

Passed over to be further considered.

Senator Carpenter moved that the further consideration of Senate file No. 72 be postponed until to-morrow.

Carried.

Senator Carpenter moved that the Senate do now adjourn.

Carried.

Senate adjourned until to-morrow at 9 o'clock A. M.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, March 5, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Willard H. Patterson of Des Moines, Iowa.

On request of Senator Ellison, leave of absence was granted Senator Trewin.

On request of Senator Hurst, leave of absence was granted Senator Hipwell.

PETITIONS AND MEMORIALS.

Senator Alexander presented remonstrance of W. L. Fleming and other citizens of Linn county, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Carney presented memorial of various churches of Marshalltown, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Harriman presented petition of John Stanton and 148 other citizens of Mason City, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Carroll presented petition of J. A. Warrington and forty others of Bloomfield, asking a reduction of taxes on life insurance companies.

Referred to Committee on Ways and Means.

Senator Byers presented remonstrance of W. L. Barnard, against Temple amendment.

Referred to Committee on Railways.

Senator Healy presented remonstrance of A. L. Gill and other citizens of Calhoun county, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Healy presented remonstrance of Frank Gates and other citizens of Fort Dodge, against the manufacturing bill

Referred to Committee on Suppression of Intemperance.

Senator Penrose presented three petitions of citizens of Belle Plaine, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Cheshire presented petition of A. J. Zwart and 525 other citizens of Des Moines, in favor of the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of merchants and manufacturers of Council Bluffs, asking the passage of the manufacturing bill and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of fruit growers of Pottawattamie county, asking the passage of the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

INTRODUCTION OF BILLS.

By Senator Ellison, by unanimous consent, Senate file No. 87, a bill for an act to repeal chapter 63 of the laws of the Twenty-third General Assembly and enact a substitute therefor, and providing for the appropriation of money to aid in procuring a library for the penitentiary at Anamosa.

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

REPORT OF STANDING COMMITTEE.

Senator Craig, from the Committee on Military, submits the following report:

MR. PRESIDENT—Your Committee on Military, to whom was referred House concurrent resolution relative to evidence in support of pension claims, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

G. M. CRAIG,
Chairman.

Ordered passed on file.

REPORT OF SPECIAL COMMITTEE.

Senator Trewin, from the committee of conference on amendment to section 9, House file No. 5, submits the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred amendment to section 9, House file No. 5, a bill for an act to revise, amend and codify the statutes relating to the 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 the

Senate recede from the amendment to section 9 of the bill, as shown on page 7 of Senate Journal of February 23, 1897.

J. H. TREWIN,
Chairman.

The Journal of Thursday was taken up, read, corrected and approved.

Senator Waterman moved that the Senate ask the return of House file No. 5.

Carried.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

House file No. 93, a bill for an act to amend an act to revise, amend and codify the statutes in relation to the normal school.

JAS. D. ROWEN,
Chief Clerk.

Passed on file.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns House file No. 5, a bill for an act to define the organization, powers and duties of the General Assembly.

JAS. D. ROWEN,
Chief Clerk.

Passed on file.

Also:

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

Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry.

Also:

House file No. 15, a bill for an act to revise amend and codify the statutes in relation to roads, bridges and ferries.

JAS. D. ROWEN,
Chief Clerk.

Passed on file.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to the board of railroad commissioners.

JAS. D. ROWEN,
Chief Clerk.

Passed on file.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in the Senate amendments to substitute to joint

resolution No. 3, in which the concurrence of the House was asked, providing for the appointment of a joint committee to investigate the reports of trustees, regents, commissioners or other officers of State institutions, and all State officers, and the books and records of such institutions or offices, for the payment of expenses of such investigation, and defining the powers of the committee.

JAS. D. ROWEN,
Chief Clerk.

Passed on file.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 72.

Senator Harriman called up the amendment to section 4, chapter 8 of the bill, found on page 14 of the Journal of March 4.

Senator Cheshire moved to amend the amendment by inserting the words "or accident" before the word "insurance" in the third line of the amendment.

Senator Carpenter offered the following as a substitute for the amendments: "The word heirs as used in any such policy of insurance shall be held to include the surviving spouse unless a contrary intent is expressed therein."

On this a division was called for and the substitute was lost.

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Perrin called up the pending amendment, being the added section 17 of chapter 2, found on page 14, Journal of March 4.

Senator Ranck moved to amend the amendment, section 17, as offered, by striking out the words "or to have been destroyed in the lifetime of the testator, without his consent or otherwise fraudulently disposed of."

Lost.

Senator Healy moved to amend the added section 17, by inserting the word "all" after the word "unless" in tenth line of the amendment, as printed in the Journal.

Adopted.

On the added section 17, as amended, a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Bell, Blanchard, Byers, Druet, Ellis, Ellison, Everall, Funk, Gilbertson, Gorrell, Harriman, Hospers, Kilburn, Lothrop, Mitchell, Palmer, Perrin, Phelps, Rowen, Upton—21.

The nays were:

Senators Allyn, Berry, Bonson, Carney, Carpenter, Carroll, Cheshire, Downey, Eaton, Ericson, Garst, Harper, Healy, Henderson, Hobart, Hurst, Junkin, Pusey, Ranck—19.

Absent or not voting:

Senators Craig, Hipwell, Hotchkiss, Lehfeldt, Penrose, Rikken, Sargent, Trewin, Waterman, Young—10.

The amendment as amended was adopted.

Senator Carpenter moved to amend chapter 3, section 31, by adding the following: "The burden of proving that a claim is unpaid shall not be placed upon the party filing a claim against the estate; but the executor or administrator may, on the trial of said cause, subject the claimant to an examination on the question of payment, but the estate shall not be concluded or bound thereby."

Adopted.

Senator Carpenter moved to amend chapter 3, section 40, line 1, by inserting after the word "or" the words "if filed and," and after the word "thereof" insert the words "as hereinbefore provided is not," and also inserting a comma after the word "allowed."

Adopted.

Senator Funk, President *pro tem.*, presiding.

The amendments to chapter 3, being the laws of the Twenty-sixth General Assembly, as recommended by the committee on pages 4, 5 and 6 of the Journal of February 2, were passed because they are incorporated in the revenue law.

Senator Carpenter moved to amend chapter 4, section 6, lines 3 and 4, by striking out the words "which shall not be permitted to the prejudice of the rights of creditors" and insert the following: "but no such arrangement shall be permitted unless there be sufficient property remaining to pay the debts of the decedents."

Adopted.

Senator Carpenter moved to amend chapter 4, section 11, by inserting after the word "court" the words "or judge."

Adopted.

Senator Carpenter moved to amend chapter 5, section 24, subdivision 3, line 13, by inserting after the word "court" the words "or judge thereof."

Adopted.

Senator Carpenter moved to amend section 44, chapter 3, by inserting in line 3 after the word "time" the words "to time."

Adopted.

Senator Carpenter moved to amend section 18, chapter 2, line 2, by striking out the word "court" and inserting the word "clerk" in lieu thereof. In same line strike out the word "direct" and insert the word "cause" in lieu thereof.

Adopted.

Senator Carpenter moved to amend section 1, chapter 3, as follows: Add at end of section 1 the following: "Inventories as above provided must be filed in all cases, notwithstanding the provisions of any will, or the action of any heirs or devisees waiving the filing thereof, and no administration shall be closed until the same has been filed. The court shall enforce the filing thereof whenever the executor or administrator fails to do so."

Adopted.

President Parrott presiding.

Senator Ellison moved to amend section 1, chapter 2, by striking out all after the word "property" in the first line, down to and including the word "exemptions" in the sixth line, and insert in lieu thereof the words "except what is sufficient to pay his debts, or what is allowed as a homestead or otherwise given by law as privileged property to his wife and family."

Lost.

Senator Ellis called up the motion to reconsider the vote by which the amendment added section 17 was adopted.

Senator Ellis moved to reconsider the vote by which the added amendment section 17 was adopted.

Carried.

Senator Junkin moved that the added section 17 and amendments to Senate file No. 72, be referred to a committee of three, of whom Senator Perrin shall be chairman.

Senator Carpenter moved that the time of adjournment be extended ten minutes.

Carried.

The motion to refer to committee prevailed.

The President appointed as committee to whom was referred added section 17 of Senate file No. 72, Senators Perrin, Junkin and Eaton.

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT—Your special committee appointed to examine and report on the substitute and amendment thereto offered to section 11, chapter 8 of title 3 of House file No. 10, 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 substitute to said section be adopted:

Substitute for section 11, chapter 8, Title 3, page 64: Strike out all of section 11, chapter 8, title 3, and insert the following in lieu thereof:

“The clerks of the district courts shall receive as full compensation for all services the following:

“In counties having a population of less than ten thousand, the board of supervisors shall fix the salary at an amount not exceeding eleven hundred dollars.

“In counties having a population of ten thousand and not exceeding fifteen thousand, the salary shall be twelve hundred dollars.

“In counties having a population of fifteen thousand and not exceeding twenty thousand, the salary shall be thirteen hundred dollars.

“In counties having a population of twenty thousand and not exceeding twenty-five thousand, the salary shall be fourteen hundred dollars.

“In counties having a population of twenty-five thousand and not exceeding thirty thousand, the salary shall be fifteen hundred dollars.

“In counties having a population of thirty thousand and not exceeding thirty-five thousand, the salary shall be sixteen hundred dollars.

“In counties having a population of thirty-five thousand and not exceeding forty thousand, the salary shall be eighteen hundred dollars.

“In counties having a population of forty thousand and not exceeding forty-five thousand, the salary shall be two thousand dollars.

“In counties having a population of forty-five thousand and over, the salary shall be twenty-two hundred dollars.

“In counties having a population of forty thousand or over, the board of supervisors may, in addition to the salary fixed for clerks in such counties, allow them out of the probate fees as additional compensation an amount not exceeding three hundred dollars.”

And your special committee further report and recommend that section 12 of the same chapter and title, be stricken out and the following section be substituted in lieu thereof:

“Section 12. The clerk with the consent of the board of supervisors may, when necessary, appoint a deputy or employ a clerk or clerks, who shall not be a county officer. A certificate of such appointment and of the revocation thereof, when made, shall be filed with the county auditor.

“In counties of twenty thousand population, or less, such deputy or clerk shall receive a salary not to exceed one-half the sum allowed to the principal.

“In counties having a population above twenty thousand and not exceeding forty thousand, one or more deputies or clerks may be employed, their total compensation not to exceed fifteen hundred dollars, except that where court is held at two places in a county it may be any sum not exceeding two thousand dollars;

"And in counties having a population exceeding forty thousand, one or more deputies or clerks may be employed whose total compensation shall not exceed four thousand dollars.

"The compensation of such deputy or clerk shall be fixed by the board of supervisors at the time of the consent to the appointment. The deputy shall take the same oath as his principal, to be endorsed on the certificate of his appointment, and may perform the duties of his principal."

Your special committee further report and recommend that the following words in section 13 of said House file No. 10 be stricken out, to-wit: "And the amount of fees charged by him and uncollected," and that the following words be added to said section 13: "and pay such fees into the county treasury as hereinbefore provided."

L. A. ELLIS,
Chairman.

Ordered passed on file.

Senator Penrose moved that the Senate do now adjourn.

Carried.

Senate adjourned until to-morrow at 9 o'clock A. M.

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, March 6, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. J. D. Forsyth of Des Moines, Iowa.

PETITIONS AND MEMORIALS.

Senator Palmer for Senator Riggen presented remonstrance of J. A. Kibbey and other citizens of Brooklyn, Iowa, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Sargent presented remonstrance of Howard M. Jones and 110 other citizens of Cedar Falls, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Allyn presented remonstrance of citizens of Union county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Allyn presented remonstrance of citizens of Ringgold county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Alexander presented remonstrance of citizen of Center Point, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Hotchkiss presented petition of 100 railway employes of Perry, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Cheshire presented remonstrance of Union lodge No. 63, Good Templers of Des Moines, against manufacturing bill, and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Cheshire presented remonstrance of the ministerial association of Des Moines, against manufacturing bill, and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Cheshire presented petition of H. Underwood and 625 other citizens of Polk county, in favor of manufacturing bill.

Referred to Committee on Suppression of Intemperance.

On request of Senator Palmer, leave of absence was granted Senator Riggen indefinitely.

On request of Senator Ellison, leave of absence was granted Senator Trewin.

On request of Senator Harriman, leave of absence was granted Senator Upton.

On request of Senator Hotchkiss, leave of absence was granted Senator Rowen.

On request of Senator Hobart, leave of absence was granted Senator Lothrop.

INTRODUCTION OF BILLS.

By Appropriations Committee, Senate file No. 88, a bill for an act to provide for the payment of mileage to the committee appointed to visit the Institution for the Feeble Minded at Glenwood, Iowa.

Read first and second time and ordered on the Calendar.

By Appropriations Committee, Senate file No. 89, a bill for an act to authorize the executive council to purchase and condemn a site on which to erect a memorial, historical and art building, to procure plans and specifications therefor and take other preliminary steps towards its construction and making an appropriation therefor, and to repeal chapter 115 of the laws of the Twenty-sixth General Assembly, regular session.

Read first and second time and ordered placed on the Calendar.

REPORTS OF STANDING COMMITTEES.

Senator Junkin, from the Committee on Charitable Institutions, submits the following report:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred House file No. 54, a bill for an act to revise, amend and codify the statutes in relation to the Orphans' Home and Home for Destitute Children, 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:

Amend the title by inserting the words "Chapter 6, Title XIII."

Page 546, section 1, line 3, strike out all after the word "shall" to and including the word "secretary" in line 4, and insert in lieu thereof the words "at their meeting in May after the regular session of the Legislature elect a president and secretary from their number and shall elect a

treasurer who shall be a resident of the county in which the Home is situated and he shall serve without compensation."

Same section, line 10, strike out the words "whose compensation shall be fixed by it and."

Page 548, section 9, line 6, strike out all of said section after the word "month" and insert in lieu thereof "The salary of the superintendent and assistants shall be fixed by the board of trustees subject to the approval of the Executive Council."

Strike out all marginal figures, all figures, letters, words and characters in brackets, at the end of sections and the brackets containing the same and all the underscoring in said bill, and when so amended that it do pass.

J. M. JUNKIN,
Chairman.

Ordered passed on file.

Senator Palmer, from the Committee on Agriculture, submits the following report:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred House file No. 31, a bill for an act to revise, amend and codify the statutes in relation to fences, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that the following amendments be adopted:

Strike out section 2 and insert the following substitute in lieu thereof: "Section 2. The fence viewers shall have power to determine any controversy arising under this chapter, upon giving notice in writing to the opposite party or parties, prescribing the time and place of meeting to hear and determine the matter named in said notice. Upon request of any land owner, the fence viewers shall give such notice to all adjoining land owners liable for the erection, maintenance, rebuilding, trimming or cutting back, or repairing of a partition fence, or to pay for an existing hedge or fence. At said time and place the fence viewers shall meet and determine by written order the obligations, rights and duties of the respective parties in such matter and to assign to each owner the part which he shall erect, maintain, rebuild, trim or cut back, or pay for and fix the value thereof, and to prescribe the time within which the same shall be completed or paid for, and in case of repair may specify the kind of repairs to be made."

Strike out section 4, page 466, and insert the following in lieu thereof:

"Section 4. If the erecting, rebuilding or repairing of such fence be not completed within thirty days from and after the time fixed therefor in such order, the adjoining owner may do or complete the same and the value thereof may be fixed by the fence viewers, and unless the sum so fixed, together with all fees of the fence viewers caused by such default as taxed by them, is paid to the land owner so erecting, rebuilding, trimming or cutting back, or repairing such fence within ten days after the same is so ascertained, or when ordered to pay for an existing fence, and the value thereof is fixed by the fence viewers, and said sum, together with the fees of the fence viewers as taxed by them, remains unpaid by the party in default for ten days, the person entitled thereto may recover

double said sum together with the fees so taxed, in an action by ordinary proceedings."

Page 466, section 5, line 1, add "s" to "notice" and change "the preceding section" to "this chapter"

Page 467, strike out all of section 8.

Renumber the sections, and when so amended that the bill do pass.

D. J. PALMER,
Chairman.

Ordered passed on file.

Senator Waterman, from the Committee on Appropriations, submits the following report:

MR. PRESIDENT—Your Committee on Appropriations have had under consideration a bill for an act authorizing the Executive Council to purchase or condemn a site on which to erect a memorial, historical and art building, to procure plans and specifications therefor, and take other preliminary steps toward its construction, and making an appropriation therefor, and to repeal chapter 115, laws of the Twenty-sixth General Assembly, regular session, and have instructed me to report the same to the Senate with the recommendation that the same do pass.

H. L. WATERMAN,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred House file No. 1, a bill for an act making a special appropriation for the Institution for Feeble Minded at Glenwood, Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

H. L. WATERMAN,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on appropriations have had under consideration a bill for an act to provide for the payment of the mileage of the committee appointed to visit the Institution for Feeble Minded at Glenwood, and have instructed me to report the same to the Senate with the recommendation that the same do pass.

H. L. WATERMAN,
Chairman.

Ordered passed on file.

REPORTS OF SPECIAL COMMITTEES.

Senator Waterman called up report of the conference committee on amendment to section 9, of House file No. 5.

Senator Trewin, from the committee of conference on amendment to section 9, of House file No. 5, submits the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred amendment to section 9, of House file No. 5, a bill for an act to revise, amend and codify the statutes relating to the 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 the Senate recede from the amendment to section 9, of the bill as shown on page 7 of the Senate Journal of February 23, 1897.

J. H. TREWIN,
Chairman.

On the question, "Shall the report of conference committee receding from the amendment to section 9, House file No. 5, be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harper, Harri-man, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rowen, Sargent, Waterman, Young—40.

The nays were:

None.

Absent or not voting:

Senators Byers, Carney, Carpenter, Funk, Lehfeldt, Lothrop, Ranck, Rigger, Trewin, Upton—10.

The report of the committee was adopted.

Senator Carroll, from the committee on investigation, presented the following report:

MR. PRESIDENT—Your committee on investigation beg leave to submit the following:

WHEREAS, At the time of the passage of the Senate resolution creating this committee there was pending in the House a joint resolution which had already passed this body, providing for a joint committee on investigation; and,

WHEREAS, Said joint resolution has since passed the House and has been messaged back to the Senate; and,

WHEREAS, Additional powers are granted under said joint resolution and additional time in which to perform those duties is allowed, and better opportunities for performing the work are offered;

Therefore, We respectfully request that we be relieved from further duties incumbent under the provisions of the Senate resolution.

B. F. CARROLL,
J. S. ALEXANDER,
J. S. LOTHROP,
G. M. CRAIG,
ROBT. BONSON,

Adopted

HOUSE MESSAGES.

House file No. 93, a bill for an act to revise, amend and codify the statutes in relation to the normal school, was read first and second time and referred to Committee on Educational Institutions.

House file No. 15, a bill for an act to revise, amend and codify the statutes in relation to roads, bridges and ferries, was read first and second time and referred to Committee on Highways.

Amended Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry, was read first and second time and referred to Committee on Public Health.

Returned House file No. 5, a bill for an act to define the organization, powers and duties of the General Assembly, was passed on file.

Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to the board of railroad commissioners, returned on account of clerical error, was corrected.

Substitute for joint resolution No. 3 was passed on file.

Senator Healy recalled the motion filed to reconsider the vote by which House file No. 28 passed the Senate.

The Journal of Friday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

Senator Ellis called up the report of special committee on substitute for section 11, chapter 8, House file No. 10; also, sections 10, 12, 13 and 14.

Senator Cheshire moved to amend the report as follows: Strike out the word "four" in line 3, page 8, of the Journal of March 5th and insert the word "five" in lieu thereof.

On the amendment the roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Byers, Carroll, Cheshire, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hospers, Hotchkiss, Hobart, Junkin, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rowen, Sargent, Waterman, Young—38.

The nays were:

Senators Hipwell and Hurst—2.

Absent or not voting:

Senators Bell, Carney, Carpenter, Craig, Lehfeldt, Lothrop, Ranck, Riggen, Trewin, Upton—10.

The amendment was adopted.

Senator Healy offered the following amendment to section 11, chapter 8, House file No. 10, as found in report of the committee on page 7, Journal of March 5: Strike out the following: "In counties having a population of forty thousand or over, the board of supervisors may, in addition to the salary fixed for clerks in such counties, allow them out of the probate fees as additional compensation an amount not exceeding three hundred dollars."

On this a division was called for.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Allyn, Carroll, Cheshire, Gilbertson, Gorrell, Harper, Healy, Henderson, Hipwell, Hospers, Hurst, Junkin, Kilburn, Mitchell, Phelps, Waterman, Young—17.

The nays were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Hobart, Hotchkiss, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent—25.

Absent or not voting:

Senators Carney, Carpenter, Harriman, Lehfeldt, Lothrop, Riggen, Trewin, Upton—8.

So the amendment was lost.

Senator Ranck moved to amend the same paragraph by striking out the words "In counties having a population of forty thousand or over" in first line as printed in the Journal; also, the words "in such counties" in second and third lines.

Senator Waterman moved that the whole matter be postponed until Wednesday evening at 7:30 o'clock, when the Senate meet as a committee of the whole for its consideration.

On this a division was called for and the motion was lost.

On the amendment to the amendment the yeas and nays were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Bonson, Byers, Craig, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Gilbertson, Harper, Harriman, Hobart, Hotchkiss, Junkin, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen—23.

The nays were:

Senators Allyn, Bell, Berry, Blanchard, Carroll, Cheshire, Garst, Gorrell, Healy, Henderson, Hipwell, Hospers, Hurst, Kilburn, Mitchell, Phelps, Sargent, Waterman, Young—19.

Absent or not voting:

Senators Carney, Carpenter, Ellis, Lehfeldt, Lothrop, Rigggen, Trewin, Upton—8.

The amendment was adopted.

Senator Harper moved to strike from section 12, line 9, the word "forty" and insert the words "thirty-five" in lieu thereof, and add to the end of the third paragraph the following: "In counties having a population of thirty-five thousand and less than forty thousand, one or more deputies may be employed, their total compensation not to exceed the sum of two thousand dollars."

On this a division was called for and the motion prevailed.

Senator Hipwell moved to amend by adding at the end of the substitute on page 8 of the Journal, the following: "But in no event shall the salaries paid to clerks or deputies exceed the fees collected by the said clerk."

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Blanchard, Cheshire, Downey, Eaton, Healy, Hipwell, Hurst, Kilburn, Phelps, Ranck, Waterman—11.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Carroll, Craig, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Palmer, Perrin, Pusey, Sargent, Young—26.

Absent or not voting:

Senators Byers, Carney, Carpenter, Druet, Harper, Lehfeldt, Lothrop, Mitchell, Penrose, Rigggen, Rowen, Trewin, Upton—13.

The amendment was lost.

Senator Carroll moved to amend the substitute for section 11, chapter 8, by changing "fifteen" to "sixteen" in paragraphs four and five.

Lost.

Senator Ellis moved to add to section 12, chapter 8, the following: "Clerks' and deputies' salaries to be paid out of the county treasury in equal monthly installments."

Adopted.

Senator Phelps moved to amend section 12, chapter 8, as printed on page 7 of the Journal of March 5, by striking out the words "fifteen hundred dollars," in line 10, and inserting in lieu thereof "seven hundred and fifty dollars each," and by striking out "two thousand dollars" in the last line of said page and inserting in lieu thereof "one thousand dollars each."

On this a division was called for and the amendment was lost.

Senator Ellis moved to amend the substitute by inserting the word "annually" after the word "following," in line 2.

Adopted.

Senator Ellis moved that the report of the committee and the substitute for sections 11 and 12, of chapter 8, of House file No. 10, as amended be adopted.

On this motion a roll call was demanded.

On the question, "Shall the report of the committee and substitute for sections 11 and 12 be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Byers, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Hobart, Hospers, Hotchkiss, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent, Young—28.

The nays were:

Senators Allyn, Blanchard, Carroll, Cheshire, Downey, Harriman, Healy, Henderson, Hipwell, Hurst, Junkin, Kilburn, Mitchell, Phelps, Waterman—15.

Absent or not voting:

Senators Carney, Carpenter, Lehfeldt, Lothrop, Riggen, Trewin, Upton—7.

The report of the committee and the substitute for sections 11 and 12 were adopted.

Senator Ellis moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Byers, Carroll, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Funk, Garst, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rowen, Sargent, Young—37.

The nays were:

Senators Blanchard, Cheshire, Gilbertson, Waterman—4.

Absent or not voting:

Senators Carney, Carpenter, Everall, Lehfeldt, Lothrop, Mitchell, Riggen, Trewin, Upton—9.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Craig called up the motion filed to reconsider the vote by which Senate file No. 40 was passed.

Senator Craig moved to reconsider the vote by which Senate file No. 40 was passed.

Carried.

Senator Craig moved to reconsider the vote by which Senate file No. 40 was ordered to a third reading.

Carried.

Senator Funk, President *pro tem.*, presiding.

Senator Craig moved to amend section 4, of substitute for Senate file No. 40, by striking out of line 3 the word "twelve" and insert the word "eighteen," and after the word "year" in the same line insert the words "and use and occupancy of the commandant's house with lights, fuel and water."

Senator Waterman moved to amend the amendment to section 4, by striking out the word "eighteen" and insert the word "fifteen" in lieu thereof.

On the amendment to the amendment a roll call was demanded.

On the question, "Shall the amendment to the amendment be adopted?" the yeas were:

Senators Bonson, Downey, Gorrell, Healy, Henderson, Junkin, Kilburn, Mitchell, Waterman—9.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Byers, Carroll, Craig, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Harper, Harriman, Hobart, Hotchkiss, Hurst, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent, Young—29.

Absent or not voting:

Senators Carney, Carpenter, Cheshire, Eaton, Hipwell, Hospers, Lehfeldt, Lothrop, Phelps, Riggen, Trewin, Upton—12.

The amendment to the amendment was lost.

The amendment was adopted

President Parrott, presiding.

Senator Craig moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bonson, Byers, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hotchkiss, Hurst, Junkin, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent, Waterman, Young—39.

The nays were:

None.

Absent or not voting:

Senators Berry, Carney, Carpenter, Hospers, Kilburn, Lehfelddt, Lothrop, Phelps, Riggen, Trewin, Upton—11.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Funk moved that the Senate do now adjourn until 10 o'clock A. M. Monday.

Senator Druet moved to amend the motion by striking out "10 o'clock A. M." and inserting "1:30 o'clock P. M." in lieu thereof.

Lost.

The motion to adjourn prevailed.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Monday, March 8, 1897. }

Senate met in regular session at 10 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. E. W. Curtis of Des Moines, Iowa.

On request of Senator Everall, leave of absence was granted Senator Craig until Wednesday.

On request of Senator Everall, leave of absence was granted Senator Druet until Tuesday.

On request of Senator Perrin, leave of absence was granted Senators Phelps and Ellison.

On request of Senator Ranck, leave of absence was granted Senator Harper.

On request of Senator Hurst, leave of absence was granted Senator Hipwell until Tuesday.

On request of Senator Penrose, leave of absence was granted Senator Ericson.

PETITIONS AND MEMORIALS.

Senator Junkin presented petition of W. S. Wirt and thirty-five other employes of the Chicago, Burlington & Quincy Railway of Red Oak, Iowa, relative to remonstrance against Temple amendment.

Referred to Committee on Railways.

The Journal of Saturday was taken up, read, corrected and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House.

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

House file No. 90, a bill for an act to revise, amend and codify the statutes in relation to express companies.

Also:

House file No. 26, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of telegraph and telephone lines.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

House file No. 26, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of telegraph and telephone lines, was read first and second time and referred to Committee on Code Revision.

House file No. 90, a bill for an act to revise, amend and codify the statutes in relation to express companies, was read first and second time and referred to Committee on Code Revision.

BILLS ON THIRD READING.

On motion of Senator Junkin, House file No. 54, a bill for an act to revise, amend and codify the statutes in relation to the Orphans' Home and Home for Destitute Children, with report of committee recommending certain amendments, was taken up, considered and the report of the committee adopted.

The bill was read section by section for the purpose of amendments.

Senator Junkin moved to amend section 1, line 3, by striking out all after the word "shall" to and including the word "secretary," in line 4, and insert in lieu thereof the words "at their meeting in May after the regular session of the Legislature elect a president and secretary from their number and shall elect a treasurer who shall be a resident of the county in which the Home is situated and he shall serve without compensation."

Adopted.

Senator Junkin moved to amend section 1, line 10, by striking out the words "whose compensation shall be fixed by it and."

Adopted.

Senator Junkin moved to amend the title by inserting the words "Chapter 6, Title XIII."

Adopted.

Senator Junkin moved to amend section 9, line 6, by striking out all of said section after the word "month" and insert in lieu thereof "The salary of the superintendent and assistants shall

be fixed by the board of trustees subject to the approval of the Executive Council."

Adopted.

Senator Junkin moved to strike out all marginal figures, all figures, letters, words and characters in brackets at the end of sections and the brackets containing the same and all the under-scoring in said bill.

Adopted.

Senator Junkin moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Berry, Bonson, Byers, Carney, Carroll, Cheshire, Downey, Everall, Funk, Garst, Gilbertson, Harri-man, Henderson, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent, Trewin, Waterman, Young—31.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Blanchard, Carpenter, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Gorrell, Harper, Healy, Hipwell, Lehfeldt, Mitchell, Phelps, Rikken, Upton—19.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Palmer, Senate file No. 25, a bill for an act to revise, amend and codify the statutes in relation to fences, was taken up.

Senator Palmer moved that House file No. 31, on same subject, be substituted for Senate file No. 25.

Carried.

The report of committee recommending certain amendments was taken up, considered and the report of the committee adopted.

The bill was read section by section for the purpose of amendments.

Senator Palmer moved to strike out section 2 and insert the following substitute in lieu thereof: "Section 2. The fence viewers shall have power to determine any controversy arising under this chapter, upon giving five days' notice in writing to the opposite party or parties, prescribing the time and place of meeting to hear and determine the matter named in said notice.

Upon request of any land owner, the fence viewers shall give such notice to all adjoining land owners liable for the erection, maintenance, rebuilding, trimming or cutting back, or repairing of a partition fence, or to pay for an existing hedge or fence. At said time and place the fence viewers shall meet and determine by written order the obligations, rights and duties of the respective parties in such matter and to assign to each owner the part which he shall erect, maintain, rebuild, trim or cut back, or pay for and fix the value thereof, and to prescribe the time within which the same shall be completed or paid for, and in case of repair may specify the kind of repairs to be made."

Adopted.

Senator Palmer moved to strike out section 4 and insert the following in lieu thereof: "Section 4. If the erecting, rebuilding or repairing of such fence be not completed within thirty days from and after the time fixed therefor in such order, the adjoining owner may do or complete the same and the value thereof may be fixed by the fence viewers, and unless the sum so fixed, together with all fees of the fence viewers caused by such default as taxed by them, is paid to the land owner so erecting, rebuilding, trimming or cutting back, or repairing such fence within ten days after the same is so ascertained, or when ordered to pay for an existing fence, and the value thereof is fixed by the fence viewers, and said sum, together with the fees of the fence viewers as taxed by them, remains unpaid by the party in default for ten days, the person entitled thereto may recover double said sum together with the fees so taxed, in an action by ordinary proceedings."

Adopted.

Senator Palmer moved to amend section 5, line 1, by adding "s" to "notice" and change "the preceding section" to "this chapter."

Adopted.

Senator Palmer moved to strike out all of section 8 and re-number the sections.

Passed over for further consideration.

Senator Palmer moved that further consideration of House file No. 31 be postponed for the present.

Carried.

On motion of Senator Funk, Senate file No. 84, a bill for an act to amend section 3756 of the Code of 1873 as amended by

chapters 118 and 125, acts of the Twenty-first General Assembly, relating to collection of fees by the Secretary of State, with report of committee, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Funk moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Byers, Carney, Carroll, Chestire, Downey, Everall, Funk, Garst, Gilbertson, Harriman, Henderson, Hobart, Hospers, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent, Trewin, Young—30.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Carpenter, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Gorrell, Harper, Healy, Hipwell, Hotchkiss, Lehfeldt, Mitchell, Phelps, Rigger, Upton, Waterman—20.

The bill having received a constitutional majority, was declared to have passed the Senate and the title 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 has passed the following bills, in which the concurrence of the House was asked:

House file No. 37 (Chapter 10 of Title XII of Code Commissioners' report), a bill for an act to revise, amend and codify the statutes in relation to the geological survey.

Also:

House file No. 91, a bill for an act to revise, amend and codify the statutes in relation to drains and levees.

JAS. D. ROWEN,
Chief Clerk.

Senator Carroll moved to take up House messages.
Carried.

HOUSE MESSAGES.

House file No. 91, a bill for an act to revise, amend and codify the statutes in relation to drains and levees, was read first and second time and referred to Committee on Code Revision.

House file No. 37, a bill for an act to revise, amend and codify the statutes in relation to the geological survey, was read first and second time and referred to Committee on Mines and Mining.

Senate took up House concurrent resolution relative to evidence in support of pension claims, and the report of the Military Committee was adopted.

The concurrent resolution was read for information and adopted.

BILLS ON THIRD READING.

On motion of Senator Trewin, House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence, with report of committee recommending certain amendments, was taken up, considered and the report of the committee adopted.

Bill was read for the purpose of amendment.

Senator Trewin moved to amend section 8 by striking out the following: "or the stenographer or confidential clerk of any person who obtains such information by reason of his employment;" also, section 8, line 5, strike out the word "are" and insert the word "is."

Adopted.

Senator Trewin moved to amend section 13, by adding after the word "no" and before the word "proof," in first line, the word "other."

Adopted.

Senator Trewin moved to amend section 15 by striking out the section in the proposed Code and inserting in lieu thereof the following as section 15: "When part of an act, declaration or writing is given in evidence by one party the whole on the same subject may be inquired into by the other; thus, when a letter is read all other letters on the same subject between the same parties may be given. And when a detached act, declaration or writing is given in evidence any other act, declaration or writing which is necessary to make it fully understood or to explain the same may also be given in evidence."

Adopted.

Senator Trewin moved to amend section 23, line 2, by inserting after the word "evidence" the word "only."

Adopted.

Senator Trewin moved to amend section 25, subsection 3, line 8, by striking out the word "their" and inserting the word "the."

Adopted.

Senator Trewin moved to amend section 25, line 2, by striking out after the word "contracts" the following: "and no evidence of a change in any written contract."

Adopted.

Senator Trewin moved to amend section 30, by striking out lines 3 and 4 down to and including the word "evidence" in the fifth line, and insert, "whenever by the party's own oath or otherwise the original is shown to be lost or not belonging to the party wishing to use the same nor within his control."

Adopted.

Senator Trewin moved to strike out the whole of section 31 and insert in lieu thereof the following: "The provisions of the preceding section are intended to apply to all instruments heretofore recorded, as well as those hereafter to be recorded."

Adopted.

Senator Trewin moved to amend section 33, line 1, by inserting after the word "that" the words "have been or."

Adopted.

Senator Trewin moved to amend section 37, line 3, by striking out the word "his" and inserting the word "the."

Adopted.

Senator Trewin moved to amend section 41, line 1, by inserting after the word "or" the words "if that be lost or destroyed or beyond the reach of the party."

Adopted.

Senator Trewin moved to amend section 43, line 1, by striking out the word "seven" and insert the word "ten."

Adopted.

Senator Trewin moved to amend section 45, line 2, by inserting after the word "seal" the word "together."

Adopted.

The hour of adjournment having arrived, the further consideration of House file No. 84 was postponed until to-morrow.

The Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, March 9, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Chas. Winter of Clarion, Iowa.

On request of Senator Perrin, leave of absence was granted Senator Ellison.

PETITIONS AND MEMORIALS.

Senator Healy presented petition of M. E. Hutchinson and others, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Healy presented petition of Cardiff Division No. 226, in favor of the Temple amendment, and asked that it be read.

Referred to Committee on Railways.

Senator Byers presented petition of W. S. Dungan and others, in relation to the revenue bill.

Referred to Committee on Ways and Means.

Senator Carney presented remonstrance of 500 citizens of Marshall county, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Carney presented remonstrance of Friends' church at Hartland, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Alexander presented memorial of brotherhood of locomotive engineers at Cedar Rapids, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Gorrell presented remonstrance of ministerial association of Kellogg, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Gorrell presented memorial of citizens of Prairie City, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Penrose presented memorial of the order of railway conductors at Belle Plaine, in favor of Temple amendment, and asked that it be read.

Referred to Committee on Railways.

Senator Hobart presented petition of K. E. Shannon and other citizens of Cherokee, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Hotchkiss presented remonstrance of J. S. Downy and ninety other citizens of Dexter, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

REPORTS OF STANDING COMMITTEES.

Senator Garst, from the Committee on Insurance, submits the following report:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred Senate file No. 5, a bill for an act to revise, amend and codify the laws in relation to insurance, 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 it do pass:

TITLE IX.

CHAPTER 4.

Section 2, line 6, insert after the word "be" the words "approved by the Auditor or."

Section 12, page 318, line 4, insert after the word "filled" the words "if a stock company, or after applications and premiums or premium notes for insurance, if a mutual company, shall have been taken to the extent hereinafter required," and insert after the word "subscribers" in line 4, the words "or policy holders, if a mutual company."

Section 15, strike out all of line 4 except the last two words in said line and insert in lieu thereof the word "law."

Section 16, in line 1, page 319, strike out the word "stock."

Section 16, page 319, line 6, insert after the word "law" the words "and it may loan the same upon pledge of like bonds, or notes or bonds secured by mortgage as aforesaid and not otherwise, except that," and also insert in the same line after the word "in" the words "or loaned upon the pledge of."

Section 17, all of that part of section 17, page 319, following the period in line 16 be transposed and inserted following the period in line 10.

Section 17, line 16, page 319, insert after the word "March" the following: "a copy of which certified by the auditor shall be admissible in evidence for or against a company with the same effect as the original."

Section 19, line 3, strike out the word "fifty" and insert "forty."

Section 20, strike out the semicolon in line 9 after the word "debt" and insert the following: "or obtained by redemption as junior judgment creditor or mortgagee."

Section 23, in line 3, insert before the word "and," the first word in said line, the following: "assess the same against them respectively."

Section 26, in line 5, insert after the word "trust" the words "and to execute as surety any bond or other obligation required or permitted by law to be made, given or filed."

Section 27, in line 2, strike out the word "seven" and insert "six."

Section 30, line 1, strike out the words "may be" and the word "subject" and insert following the word "representative" the words "shall be subject to the provisions of chapter 1, of this title, relative to transfer of shares and."

Section 31, line 21, insert between the words "bonds" and "held" the words "stock and other evidences of indebtedness."

Section 31½. "The Auditor of State shall withhold his certificate or permission of authority to do business from any such company neglecting or failing to comply with the provisions of the preceding section."

Section 36, in line 2, insert after the word "organized" the words "or doing business" and by striking out all of said section after the word "year" in line 4.

Section 37, strike out all of line 6 after the word "mutual" and the first four words in line 7 and insert in lieu thereof "insurance companies or associations specifically organized for the purpose of and insuring a single class of property only."

Section 37, strike out the period at the end of section 37 and add the following: "but such companies organized to insure against personal injury, disablement or death resulting from traveling or general accidents by land or water exclusively, having an actual paid up capital of one hundred thousand dollars and one hundred thousand dollars cash surplus safely invested exclusive of any assets deposited in other states and territories, for the special benefit or security of the insured therein, shall be deemed to be possessed of two hundred thousand dollars actual paid up capital within the meaning of this section."

Section 38, in line 3, strike out the words "any agent of such companies in this State" and insert the words "such auditor."

Section 38, in line 5, insert after the word "process" the words "may be made."

Section 38, in line 5, strike out the words "such agent" and insert the words "the Auditor of State and when so made." In line 7 insert a period (.) after the word "service" and insert: "Such notice or process with a copy thereof may be mailed to the Auditor of State at Des Moines, Iowa, in a registered letter addressed to him by his official title, and he shall immediately upon its receipt acknowledge service thereon on behalf of the defendant foreign insurance company by writing thereon, giving the date thereof, and shall immediately return such notice or process in a registered letter to the clerk of the court in which the suit is pending, addressed to him by his official title, and shall also forthwith mail such copy with a copy of his acknowledgment of service written thereon in a registered letter addressed to the person or corporation who shall be named or designated by such company in such written instrument." In line 7, commence the word "and" with a capital, and after "and" insert "such company shall also file with the auditor." In line 7, strike out "their" and insert "its."

Section 39, line 5, strike out the last word "such" and all of line 6 and insert in lieu thereof "law applicable to them and relating to foreign insurance companies."

Section 43, strike out period at end of section 43 and insert "and except as herein provided anything in the policy, application or a separate agreement to the contrary notwithstanding."

Section 44, in line 2, insert after "thereof" the words "or after the suspension of any policy or contract of insurance" and add at the end of said section the following: "and in case of suspension of any policy or contract, the assured shall not be liable for any greater amount than the short rates earned at the date of such suspension and the costs herein provided."

Section 45, in line 2, change the word "section" to "sections" and in line 1 insert between the words "the" and "preceding" the word "two."

Section 46, in line 8, strike out the words "to revive such policy or contract of insurance or" and insert the words "costs of action if any and."

Section 47, in line 9, strike out the second word "such," between "any and "company," and insert between "company" and "are" the words "incorporated in this State."

Section 47, in line 15, strike out the third word "their" and insert the word "its."

Section 54, in line 6, insert between the words "association" and "under" the words "or deed of settlement."

Section 56, line 1, insert after the word "shall" the words "for the first offense."

Strike out section 57 and insert the following in lieu thereof:

"Sec. 57. All insurance companies or associations shall, upon the issue, or renewal of any policy, attach to such policy, or indorse thereon, a true copy of the conditions of any application or representation of the assured, which, by the terms of such policy, are made a part thereof, or of the contract of insurance, or referred to therein, or which may in any manner affect the validity of such policy. The omission so to do shall not render the policy invalid, but if any company or association neglects to comply with the requirements of this section, it shall forever be precluded from pleading, alleging, or proving any condition of the application or representations or any part thereof not so attached or endorsed or falsity thereof, or any parts thereof, in any action upon such policy and the plaintiff in any such action shall not be required, in order to recover against such company or association, either to plead or prove such application or representation, but may do so at his option."

Section 58, in line 3, insert after the word "show," the third word from the end of the line, "in diminution of the amount of recovery."

Section 59, in line 6, strike out the word "section" and insert "or the preceding section."

Chapter 22 of the acts of the Twenty-sixth General Assembly is added to chapter 4 as sections 69, 70, 71 and 72, and chapter 23 of the acts of the Twenty-sixth General Assembly is added as section 73, as follows:

Sec. 69. It shall be unlawful for two or more fire insurance companies doing business in this State, or for the officers, agents or employes of such companies, to make or enter into any combination or agreement relating to the rates to be charged for insurance, the amount of commissions to be allowed agents for procuring the same, or the manner of transacting the

fire insurance business within this State; and any such company, officer, agent or employe violating this provision shall be guilty of a misdemeanor, and on conviction thereof shall pay a penalty of not less than one hundred dollars nor more than five hundred dollars for each offense, to be recovered in the name of the State for the use of the permanent school fund.

Sec. 70. The Auditor of State is authorized to summon before him for examination under oath, any officer, agent or employe of any such company suspected of violating any of the provisions of the preceding section, and, on complaint to him in writing by two or more residents of this State charging such company under oath upon their knowledge or belief with violating the provisions of the preceding section he shall summon any officer, agent or employe of said company before him for examination under oath; if upon such examination, and that of any other witness produced and examined, he shall determine that such company is guilty of a violation of any of the provisions of the preceding section, or if any such officer, agent or employe after being duly summoned shall fail to appear or submit to examination, the Auditor shall forthwith issue an order revoking the authority of such company to transact business within this State, and it shall not thereafter be permitted to do the business of fire insurance in this State at any time within one year therefrom.

Sec. 71. Either party may appeal from the decision of the Auditor made pursuant to the preceding section, to the district court of the county where the same was made within twenty days from the time of the rendition of such decision, by serving a written notice of such appeal on the opposite party and on the Auditor, and filing with the clerk of said court a good and sufficient bond for the payment of all costs on the appeal in case the decision shall be affirmed. On such appeal said court shall try the case de novo, as equitable causes are tried, and on such evidence as either party may produce, and may reverse, modify or affirm the decision of the Auditor.

Sec. 72. The statements and declarations made or testimony given by any such officer, agent or employe in the investigation before the Auditor, or upon the hearing and trial before the district court as provided in the two preceding sections, shall not be used against the person making the same in any criminal prosecution against him.

Sec. 73. Any policy or contract of insurance authorized by section 26 of this chapter and issued by any company, association, partnership or individual that has not complied with the insurance laws of the State governing the transaction of such business and the issuing of contracts, shall be void and of no effect and is declared to be an illegal contract, but nothing herein contained shall affect or discharge liability arising under contracts heretofore made.

That the following be substituted for chapter 5, title IX:

CHAPTER 5.

OF MUTUAL FIRE, TORNADO AND HAIL STORM ASSESSMENT INSURANCE ASSOCIATIONS.

Section 1. Any number of persons may, without regard to the provisions of the preceding chapter, enter into contracts to and with each other for their insurance from loss or damage from fire, tornadoes, lightning, hail storms, cyclones, or wind storms, but such associations of persons shall in no case insure any property not owned by one of their own

number, except such school or church property within the territory in which they do business as may be approved, and the reinsurance of risks of similar associations.

Sec. 2. Any association incorporated under the laws of this State, for the purpose of furnishing insurance as provided for in this chapter, doing business only within the county in which is situated the town or city named in its articles of incorporation as its principal place of business, or the counties contiguous thereto, shall, for the purposes of this chapter, be deemed a county mutual assessment insurance association; all other associations operating hereunder shall, for the purposes of this chapter, be deemed State mutual assessment associations.

Sec. 3. No association organized for the purpose of doing business under this chapter shall issue policies until applications for insurance to the amount of one hundred thousand dollars have been made and their articles of incorporation and form of policy submitted to the Auditor of State and a certificate of approval received from him.

Sec. 4. Each association doing business under the provisions of this chapter shall, annually in January, report to the Auditor of State the following facts:

1. Name and objects of company.
2. Place of doing business.
3. Names of president and secretary.
4. Address of president and secretary.
5. Date of commencing business.
6. Amount of risks in force at beginning of year.
7. Amount of risks written during year.
8. Amount of risks expired and cancelled during the year.
9. Amount of risks in force at the end of the year.
10. Amount of losses paid during the year.
11. Amount received by agents for services during the year.
12. Amount received by officers and employes during the year.
13. Amount of other expenses.
14. Total expenses during the year.
15. Amount of losses adjusted but not yet paid.
16. Number and amount of losses resisted or in litigation.
17. Cost per thousand during the year.
18. Cost per thousand for the past five years.
19. The amount of receipts from assessments.
20. Receipts from all other sources.

Sec. 5. The report referred to in the preceding section shall be tabulated by the Auditor, the county companies, the State companies, and the companies doing an exclusive tornado or an exclusive hail storm business, being separately classified and published by him in his annual report on insurance, one copy of which shall be sent by him to each such company.

Sec. 6. Such associations shall pay the same fees for annual reports and annual certificates of authority as are required to be paid by domestic companies organized and doing business under the preceding chapter, which certificate shall expire March 1st of the year following the date of issue.

Sec. 7. Such associations may collect policy and survey fees and such assessments as may be provided for in their articles of incorporation and by-laws, and provide for such expenses and losses as may be necessary in the conduct of their business.

Sec. 8. The Auditor of State may address inquiries to any association in relation to its doings and condition, and any association so addressed shall promptly reply, in writing, thereto. And the Auditor of State, whenever he may deem it necessary, may personally, or by some person or persons not officers, agents or stockholders of any insurance company doing business in the State, to be designated by him, examine the conditions, affairs, character, business methods and books of any State association operating under this chapter, at the home office. If the Auditor appoints some one not receiving a regular salary in his office to make the examination provided for in this section, he shall be entitled to receive five dollars (\$5.00) per day for his services, in addition to his actual traveling and hotel expenses, but if a regular employe of his office he shall be paid only his actual traveling and hotel expenses, to be paid by the association examined, or by the State, on the approval of the Executive Council, if the association fails to pay the same. If it should appear, to the satisfaction of the Auditor, after due examination, that the affairs of any such association are in an unsound condition, or that it is doing an unauthorized business, he shall revoke its certificate of authority. A continuance in business after the revocation of its certificate, will subject each of the officers of said company or association to a fine not exceeding one thousand dollars, and imprisonment in the county jail not exceeding six months.

Sec. 9. Any State company or association contemplated by this chapter before being authorized to do business in the State shall require its secretary and treasurer to each give bond in such sum as the directors shall deem sufficient, which bond shall be given to the association and shall not be for a less sum than ten thousand dollars (\$10,000.00), and which bond, after being approved by the president of such company or association and the Auditor of State, shall be deposited with the Auditor of State, to be security for the faithful performance of the duties of the secretary and treasurer in handling the funds of such company or association. Should the Auditor consider the surety on said bonds, or the amount thereof, insufficient, he may require additional security to be furnished or the amount of the bond to be increased, within thirty days after notice has been given to the association, and on failure to give such additional surety or increase the bond, the Auditor may revoke its certificate.

CHAPTER 6.

Title, amend by striking out "premium."

Section 1, line 1, change the word "organization" to "company."

Amend section 1, line 1, by inserting a comma (,) after the word "premium."

Amend section 1, line 1, by inserting the word "the" between the words "or" and "natural."

Amend section 1, by adding at end of said section the words "applicable to such companies."

Section 2, after companies in line 1, insert "organized under the laws of this State."

Section 2, strike out "not" in line 1 and insert "not" after the word "have" in the same line.

Section 2, strike out the word then" in line 10 and insert "paid."

Section 3, in line 1, after the word "organized," insert "under the laws of this State."

Section 3½. Insert as section 3½ the following: "No note shall be accepted as part of the capital of a stock company nor as a premium note for the purpose of organizing a mutual company unless accompanied by a certificate of the clerk of the district court or other court of record, of the county in which the person executing it resides, to the effect that the person making it is in his opinion pecuniarily good and responsible therefor in property not exempt from execution."

Section 4, in line 3, strike out the word "vested" and insert the word "invested."

Section 4, after the word "amount" in line 6, insert the word "loaned."

Section 4, in line 7, strike out "security" and insert "securities."

Section 5, in line 3, after "statement," insert "of its affairs for the year terminating on the 31st day of December preceding."

Section 5, in line 10, strike out "a" and insert "the."

Section 5, in line 14, strike out "in" and insert "of."

Section 5, in line 18, strike out the two words "and" and insert a comma (,) and after "secured," strike out semicolon (;) and add "and the rate of interest."

Section 6, in line 9, strike out all of the line after the word "valuation" and lines 10, 11, 12 and 13, preceding the period, and insert "in the securities specified in section 8, chapter 8 of this title."

Section 7, in line 2, after the word "annually" insert "by the first day of March."

Section 8, in line 1, insert after "company," "organized under the laws of this state."

Section 8, in line 3, strike out after the word "of" the words "a domestic" and insert "such."

Section 8, strike out of lines 3 and 4 "or an agency of a foreign company."

Section 9, in line 3, strike out "they" and insert "the person so authorized."

Section 9, line 6, insert after the word "advise" the words "communicate the facts to."

Section 9, line 7, insert after the word "county" the words "or any judge thereof."

Section 9, in line 9, after "due," strike out period and insert "until further hearing, and for the appointment of a receiver, and if a domestic company, for the dissolution of the corporation."

Section 9, after "decree" in line 11, insert "subject to the provisions of the following section."

Section 10, line 1, after "company," insert "or a company against which proceedings are pending under the preceding section."

Section 10, line 3, after "court," insert "upon the final hearing;" change "upon," in line 2, to "by;" line 4, insert between the words "or" and "be" the words "at any time."

Section 12, after "for," line 4, insert "by the auditor."

Section 14, strike out the word "insurers" in line 2, and insert "persons insured."

Section 14, after "amount," line 2, strike out "of" and insert "or."

Section 15, strike out "s" in the word "courts" at end of line 4.

CHAPTER 7.

Amend title to read as follows: "Of stipulated premium and assessment life insurance associations."

Section 1, line 1, insert before the word "assessment" the words, "stipulated premium plans or."

Section 1, add at end of section "and any corporation doing business under this chapter which provides for the payment of policy claims, accumulation of a reserve or emergency fund, the expense of management and prosecution of the business by payment of stipulated premiums, assessments or periodical calls, as provided in the contracts, and wherein the liability of the insured to contribute to the payment of policy claims is not limited to a fixed amount, shall be deemed to be engaged in the business of life insurance upon the stipulated premium plan, or assessment plan, and shall be subject to the provisions of this chapter, and chapter 8, of title 9."

Section 2, insert at the beginning "certificates of membership" or "certificate" when used in this chapter with respect to the insurance of the members shall be taken to mean and include policy of insurance.

Section 2, line 3, insert before the word "chapter" the word "title" and after the word "chapter" the words "and of law."

Section 4, line 5, after the word "application" insert "and certificate or policy issued thereon."

Section 5, strike out entire section.

Section 6, change section 6 to section 5.

Section 7, change section 7 to section 6 and amend line 3 by inserting after the word "heir" the word "creditor," and add at the end of said section the words "as may be provided for in the articles or by-laws, but no certificate issued for the benefit of a wife or children shall be thus changed so as to become payable to the creditors."

Section 8 becomes section 7, and is amended in line 1 by inserting after the word "association" the words "organized under the laws of this State."

Section 8 is a new section and is as follows: "Any association accumulating any moneys to be held in trust for the purpose of the fulfillment of its policy or certificate, contract, or otherwise, shall invest such accumulations in the securities provided in section 8, chapter 8, of this title, and deposit the same with the Auditor of State, as therein provided. But such association may invest in real estate in Iowa, such a portion of said accumulation as is necessary for its accommodation in the transaction of its business to be owned by said association, and in the erection of any building for such purpose may add thereto rooms for rental."

Section 9, line 2, strike out the word "he" and insert "auditor."

Section 10, in line 1, strike out the first word "he" and insert "the auditor."

Section 11, line 6, insert before the word "officers" the word "proper."

Section 11, line 19, insert after the word "section" the words "and of section 10, chapter 8, of this title."

Section 11, line 21, strike out the words "after it has," and all of lines 22, 23, 24 and 25, preceding the period.

Section 12, line 1, before the word "chapter" insert the words "title and."

Section 12, line 5, strike out the last four words.

Section 12, line 9, after the word "court" insert "or judge."

Section 13, strike out section 13.

Section 14, line 9, after the word "association," insert "once a week."

Section 14, line 10, after the word "circulation," insert the word "published."

Section 15, strike out the first word "no," and insert "any."

Section 15, line 2, strike out all after the word "members."

Section 15, line 3, strike out all before the word "for," and insert "or stipulated premium plan may provide."

Strike out all of sections 16 and 17.

CHAPTER 8.

Substitute Senate amendments for sections 1 and 2, as follows:

"Section 1. Every company or association organized under the laws of any other State or country and doing business in this State shall annually, by the first day of March, file with the Auditor of State a statement of its affairs for the year terminating on the thirty-first day of December preceding, in the same manner and form provided for similar companies or associations organized in this State. The auditor may amend the form of the annual statement required to be made by companies or associations doing business in this state, and propose and require such additional matter to be covered therein as he may think necessary to elicit a full exhibit of the standing of any such company or association.

"Sec. 2. No person shall, directly or indirectly, act within this state as agent or otherwise, in receiving or procuring applications for insurance, or in doing or transacting any kind of life insurance business for any company or association contemplated in the two chapters preceding, except for the purpose of taking applications for organizations, unless the company or association for which he is acting has received a certificate from the Auditor of State authorizing it to transact business therein, nor until he shall have received from said Auditor a certificate showing that such company or association has complied with the provisions of law and that such person is authorized to act for it."

Amend section 3, line 6, by striking out the words "by law" and insert in lieu thereof "in the preceding section."

Amend section 5, page 344, line 9, by inserting after the word "it" the following: "or obtained by redemption as junior judgment creditor or mortgagee."

Amend section 8, page 344, line 1, by striking out the last two words "life insurance," and in line 2, between the words "associations" and "and," insert "contemplated in the two chapters preceding."

Amend section 8, page 345, line 21, by inserting the word "solvent" before the words "national bank."

Amend section 8 by striking out of line 23 the words "if a level premium company," and insert in line 24, after the word "reserve," the words "or advance insurance fund."

Strike out all of section 10, and substitute in lieu thereof the following: "Every life insurance company and association organized under the laws of another state or country, shall before receiving a certificate to do business in this State or any renewal thereof, file in the office of the Auditor of State an agreement in writing that thereafter service of notice or process of any kind may be made on the Auditor of State, and when so made shall be as valid, binding and effective for all purposes as if served upon the company according to the laws of this or any other state and waiving all claim or right of error by reason of such acknowledgment of service. Such notice or process with a copy thereof may be mailed to the Auditor of State at Des Moines, Iowa, in a registered letter addressed to him by his official title and he shall immediately upon its receipt acknowledge service thereon on behalf of the defendant foreign insurance company by writing thereon giving the date thereof and shall immediately return such notice or process in a registered letter to the clerk of the court in which the suit is pending, addressed to him by his official title and shall also forthwith mail such copy with a copy of his acknowledgment of service written thereon in a registered letter addressed to the person or corporation who shall be named or designated by such company in such written instrument."

Strike out all of section 11, in chapter 8.

Amend section 12, in line 1, by striking out the word "two" and insert in lieu thereof "provisions of the" and strike out the "s" after the word "sections" making it "section."

Amend section 13, page 346, by adding at end of said section: "and it shall be unlawful for the Auditor of State to impose upon Iowa companies or associations any rules, regulations, requirements or limitations that shall not be imposed with equal force upon companies or associations from other states doing a like business in this State."

Amend section 14, page 346, by adding at end of said section the following: "and that such agent knew of the existence of such policy or certificate."

Amend section 15, line 6, page 346, by inserting after the word "issuance" the words "or delivery."

Amend section 15 by striking out all of line 7 after the word "assured" and all of line 8.

Amend section 16, page 347, line 4, by inserting after the word "any" the words "with interest."

Amend section 16, page 347, by striking out the last three words in line 6, and all the balance of the section and insert in lieu thereof the following: "pay upon the policy or certificate the amount that the premium received actually paid for according to its rates for the actual age of the assured and no other defense or deduction shall be permitted after the death of the person assured on account thereof."

Amend sections 17 and 18 by substituting Senate amendments:

"Sec. 17. No answer to any interrogatory made by any applicant whether made a warranty or not shall bar the right to recover upon any policy or certificate issued thereon, or be used in evidence upon any trial to recover upon the same, unless it is clearly proved that such answer is wilfully false and was fraudulently made, that it is material and induced the company or association to issue such policy or certificate, and that but for

such answer the policy or certificate would not have been issued; and, moreover, that the agent or company or association had no knowledge of the falsity or fraud of such answer.

"Sec. 18. All companies, after having received three annual premiums on any policy and all associations after any certificate of membership shall have been in continuous force for three years from its date, are estopped, in any suit brought on such policy or certificate of membership, from defending upon other ground than fraud, against any claim arising upon such policy or certificate by reason of any errors, omissions or misstatements of the assured in any application on which such policy or certificate was issued, except with respect to age."

Amend section 19, page 347, by striking out all of lines 1, 2, 3, 4, 5, 6, 7, 8, 9, and all of line 10, down to the word "shall" and substitute as follows: "Any officer, manager or agent of any life insurance company or association, who, with knowledge that it is doing business in an unlawful manner or is insolvent, solicits insurance with said company or associations, or receives applications therefor or does any other act or thing towards procuring or receiving any new business for such company or association."

In line 11, page 348, strike out the word "five" and insert "one."

In line 14 strike out the word "or" before "new business" and insert the word "of."

In line 15 strike out the word "such" and insert "the."

In line 16, between the words "premium" and "advanced," insert "or assessments."

In line 17 the first word "or" change to "of."

Strike out section 20, page 348, and substitute as follows: "The provisions of sections 57 and 65, of chapter 4, of this title, shall apply to life insurance companies and associations."

Amend section 21, line 2, between the words "procure" and "from" insert "or assist in procuring."

Amend section 23 by inserting as line 5½ the following: "For each agent's certificate \$2.00."

Insert as chapter 8½, following chapter 8, chapter 21, of the laws of the Twenty-sixth General Assembly (Barrie bill), as follows:

CHAPTER 8½.

OF FRATERNAL BENEFICIARY SOCIETIES, ORDERS OR ASSOCIATIONS.

Section 1. A fraternal beneficiary association is hereby declared to be a corporation, society, or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, and having a lodge system, with ritualistic form of work and representative form of government.

Such association shall make provision for the payment of benefits in case of death, and may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability, either as a result of disease, accident, or old age, provided the period of life at which payment of physical disability benefits on account of old age commences shall not be under seventy years, subject to the compliance by members with its constitution and laws. *Provided*, that this act shall not be construed to include fraternal orders which only provide for sick and funeral benefits.

Sec. 2. The fund from which the payment of such benefits shall be made, and the expenses of such association defrayed, shall be derived from beneficiary calls, assessments, or dues collected from its members.

Sec. 3. No fraternal association created or organized under the provisions of this act shall issue any certificate of membership to any person under the age of fifteen years, nor over the age of sixty-five years, nor unless the beneficiary under said certificate shall be the husband, wife, relative, legal representative, heir, or legatee of such member.

Sec. 4. Such associations shall be governed by this act and shall be exempt from the provisions of the statutes of this State relating to life insurance companies except as hereinafter provided.

Sec. 5. All such associations shall, upon the issue or renewal of any beneficiary certificate, attach to such certificate or endorse thereon, a true copy of any application or representation of the member which by the terms of such certificate are made a part thereof. The omission so to do shall not render the certificate invalid, but if any such association neglects to comply with the requirements of this section it shall not plead or prove the falsity of any such certificate or representation or any part thereof in any action upon such certificate, and the plaintiff in any such action in order to recover against such association shall not be required to either plead or prove such application or representation.

Sec. 6. Such association may be sued in any county in which is kept their principal place of business or in which the beneficiary contract was made or in which the death of the member occurred; but actions to recover old age, sick, or accident benefits may, at the option of the beneficiary, be brought in the county of his residence.

Sec. 7. The proceeds of any beneficiary certificate issued by any such association and of any claims for benefits shall be exempt from execution and attachment to the same extent as the proceeds of any policy of life or endowment insurance as is now or may hereafter be provided by the laws of this State.

Sec. 8. All such associations organized under the laws of this or any other state, territory or province, and now doing business in this State, may continue such business, *provided* they hereafter comply with the provisions of this act.

Sec. 9. Any such association organized under the laws of any other state, and not now doing business in this State, shall be permitted to do business within this State when it shall have filed with the Auditor of this State a duly certified copy of its charter and articles of association, and a copy of its constitution or laws, certified to by its secretary or corresponding officer, together with an appointment of the Auditor of this State as a person upon whom process may be served as hereinafter provided; and *provided*, that such association shall be shown to be authorized to do business in the state in which it is incorporated or organized. The Auditor of State may personally, or by some person to be designated by him, examine into the condition, affairs, character, and business methods, accounts, books, and investments of such association at its home office, which examination shall be at the expense of such association, and shall be made within thirty days after demand therefor, and the expense of such examination shall be limited to \$5 per day and the necessary expenses of

travel and for hotel bill. If the Auditor, after such examination, is of the opinion that no permit should be granted to such association he may refuse to issue the same.

Sec. 10. Every such association doing business in this State shall, on or before the first day of March of each year, make, and file with the Auditor of State, a report for the year ending on the 31st day of December immediately preceding. All reports shall be upon blank forms to be provided by the Auditor of State, or may be printed in pamphlet form, and shall be verified under oath by the authorized officers of such association, and shall be published, or the substance thereof, in the annual report of the Auditor of State under the separate title, "Fraternal Beneficiary Associations," and shall contain answers to the following questions:

1. Number of certificates issued during the year, or members admitted.
2. Amount of indemnity effected thereby.
3. Number of losses or benefit liabilities incurred.
4. Number of losses or benefit liabilities paid.
5. The amount received from each assessment for the year.
6. Total amount paid members, beneficiaries, legal representatives, or heirs.
7. Number and kind of claims for which assessments have been made.
8. Number and kind of claims compromised or resisted and brief statement of reasons.
9. Does association charge annual or other periodical dues or admission fees?
10. How much on each one thousand dollars annually, or per capita, as the case may be?
11. Total amount received, from what source, and the disposition thereof.
12. Total amount of salaries, fees, per diem, mileage, expenses paid to officers, showing amount paid to each.
13. Does the association guarantee, in its certificates fixed amounts to be paid regardless of amount realized from assessments, dues, admission fees and donations?
14. If so, state amount guaranteed, and the security of such guarantee.
15. Has the association a reserve or emergency fund?
16. If so, how is it created, and for what purpose, the amount thereof, and how invested?
17. Has the association more than one class?
18. If so, how many, and amount of indemnity in each?
19. Number of members in each class?
20. If voluntary, so state, and give date of organization.
21. If organized under the laws of this State, under what law and at what time, giving chapter and year and date of passage of the act.
22. If organized under the laws of any other state, territory or province, state such fact and the date of organization, giving chapter and year and date of passage of the act.
23. Number of certificates of beneficiary membership lapsed during the year.
24. Number in force at beginning and end of year; if more than one class, number in each class.

25. Names and addresses of its presidents, secretary, and treasurer, or corresponding officers.

The Auditor of State is empowered to make any additional inquiries of any such association relative to the business contemplated by this act, and such officer of such association as the Auditor of State may require shall promptly reply in writing, under oath, to all such inquiries.

Sec. 11. Any such association permitted to do business within this State and not having its principal office within this State, and not organized under the laws of this State, shall appoint, in writing, the Auditor of State to be attorney in fact on whom all process in any action or proceeding against it shall be served, and in such writing shall agree that any process against it which is served on said attorney in fact shall be of the same validity as if served upon the association, and that the authority shall continue in force so long as any liability remains outstanding in this State. Copies of such certificate, certified by said Auditor of State, shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original. Service upon such attorney shall be deemed sufficient service upon such association. When legal process against any such association is served upon said Auditor of State, he shall immediately notify the association of such service by letter, postage prepaid, directed and mailed to its secretary or corresponding officer, and shall within two days after such service forward in the same manner a copy of the process served on him to such officer. The Auditor of State shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

Sec. 12. The Auditor of State shall, upon the application of any such association, issue to it a permit in writing, authorizing it to do business within this State, for a period of one year from April 1st of the year of its issue, for which certificate and all proceedings in connection therewith such association shall pay to said Auditor the fee of twenty-five dollars, and for each annual renewal thereof a like sum shall be paid.

Sec. 13. Such association shall not employ paid agents in soliciting or procuring members, except in the organization or building up of subordinate bodies or granting members inducements to procure new members.

Sec. 14. No contract between a member and his beneficiary that the beneficiary or any person for him shall pay such member's assessments and dues, or either of them, shall deprive the member of the right to change the name of the beneficiary.

Sec. 15. Any such association, organized under the laws of this State, may provide for the meetings of its legislative or governing body in any other state, territory or province wherein such association shall have subordinate bodies, and all business transacted at such meetings shall be valid, in all respects, as if such meetings were held within this State; and where the laws of any such association provide for the election of its officers by votes to be cast in its subordinate bodies the votes so cast in its subordinate bodies in any other state, territory or province shall be valid, as if cast within this State.

Sec. 16. Any such association refusing or neglecting to make the report as provided in this act shall be excluded from doing business within this State. The Auditor of State must, within sixty days after failure to

make such report, or in case any such association shall exceed its powers, or shall conduct its business fraudulently, or shall fail to comply with any of the provisions of this act, give notice in writing to the Attorney-General, who shall immediately commence an action against such association to enjoin the same from carrying on any business. No association so enjoined shall have authority to continue business until such report shall be made, or overt act or violation complained of shall have been corrected, nor until the costs of such action be paid by it, provided the court shall find that such association was in default, as charged, whereupon the Auditor of State shall reinstate such association, and not until then shall such association be allowed to again do business in this State.

Any officer, agent, or person acting for any such association or subordinate body thereof within this State, while such association shall be so enjoined or prohibited from doing business pursuant to this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 17. Any person who shall act within this State as an officer, agent, or otherwise, for any such association which has failed, neglected or refused to comply with, or which has violated any of the provisions of this act, or shall have failed or neglected to procure from the Auditor of State, proper certificate of authority to transact business as provided for by this act, shall be subject to the penalty provided in the last preceding section for the misdemeanor therein specified.

Sec. 18. Any officer, agent, or member of such association, who shall obtain any money or property belonging thereto, by any false or fraudulent representation, shall be fined not more than \$500 and costs and stand committed until such fine and costs are paid, or may be imprisoned in the county jail not more than six months.

Sec. 19. Every applicant for membership in any association organized in this State shall first be examined by a physician holding a certificate from the State board of medical examiners.

WARREN GARST,
Chairman.

Ordered passed on file.

Senator Palmer, from the Committee on Agriculture, submits the following report:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred House file No. 17, a bill for an act to revise, amend and codify the statutes in relation to agricultural and horticultural societies, stock breeders' associations and State dairy association, 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 amendments be made:

Page 312, section 4, line 1, strike out the word "and" and insert a comma after the word "society;" line 2, same section, strike out all after the word "year" up to the word "a" in line 3; same section, line 4, insert the words "and reports" after the word "recommendations."

Page 312, section 6, line 1, change "shall" to "may."

Page 312, section 7, line 3, strike out after the word "awards" the words "Provided the price for which publication shall not exceed 33½ cents per square."

Page 315, section 21, strike out lines 4 and 5 and insert a period after the word "society," in line 3, page 314.

Page 316, section 29, line 2, change "two thousand, two hundred dollars" to "two thousand, seven hundred dollars;" in line 3, same section, after the word "service" insert the following and strike out the remainder of the section: "including the salary of the director, which shall not exceed twelve hundred dollars per annum."

And when so amended that the bill do pass.

D. J. PALMER,
Chairman.

Ordered passed on file.

Senator Harriman, from the Committee on Highways, submits the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred House file No. 15, a bill for an act to revise, amend and codify the statutes in relation to roads, bridges and ferries, 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 same be amended as follows, and when so amended that it do pass:

Page 289, strike out all of section 28 and substitute the following: "The trustees or commissioners of the institutions belonging to the State may vacate, alter, change or establish public highways through the lands belonging to the State, and for the use of such institutions as the said board of trustees or commissioners may deem for the best interests of the State and the public, subject however, to the approval of the board of supervisors of the county or the city council of the city wherein such lands are situated."

Section 30, line 1, strike out the words "Legislature or" and insert the words "trustees of State institutions;" also, after the word "statute" in line 1, insert the word "or."

Section 32, line 1, strike out the word "application" and insert the word "applicant" in lieu thereof.

Page 290, section 35, line 4, after the word "board" insert the words "of supervisors."

Section 36, line, 1, strike out the word "he" and insert the word "they" in lieu thereof.

Page 291, section 45, line 3, before the word "any" insert the word "at."

Page 292, chapter 2, section 1, paragraph 2, strike out the words "in line 11 after the word 'road' add the following."

Section 3, strike out the words "after the word 'determine,' in line 5 insert the following;" also, strike out the words "in line 6, insert after the word 'taxes' the following."

In line 5, strike out "section 1 of."

Page 293, section 8, line 1, strike out the word "nine" and insert the word "eight" in lieu thereof.

Page 296, section 24, line 4, strike out the word "nine" and insert the word "eight" in lieu thereof.

Page 296, section 26, line 1, strike out the word "two" and insert "one and one-half" in lieu thereof.

Page 297, section 29, strike off the "s" from "supervisors," "waters" and "channels;" also, from the word "channels" in the last line.

Page 298, section 35, line 1, strike out the words "or any other variety of thistles;" also, in line 4, strike out the words "which in no case shall exceed two dollars per day for such services."

Page 300, section 44, add the following: "Where the one district system is adopted as provided in this chapter, it shall be the duty of the township trustees to enforce the foregoing provisions."

Section 45, line 7, strike out "or plank street crossing in any city or town."

W. F. HARRIMAN,
Chairman.

Ordered passed on file.

Senator Carroll, from the Committee on Mines and Mining, submits the following report:

MR. PRESIDENT—Your Committee on Mines and Mining, to whom was referred House file No. 37, a bill for an act to revise, amend and codify the statutes in relation to the geological survey, 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 same be amended as follows:

By adding to the title the words "Chapter 10, of Title XII," and striking out of line 9, section 6, the figures and sign "\$5,000," and inserting the words "five thousand dollars," and when so amended the bill do pass.

B. F. CARROLL,
Chairman.

Ordered passed on file.

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT—The special committee appointed to prepare a substitute for amendment as presented, to amend chapter 2 of title XVII of the proposed Code, to-wit: To add as section 17, to chapter 2 of Senate file No. 72, beg leave to report the following as a substitute:

"Sec. 17. An action to prove and establish a lost or destroyed will, shall be by equitable proceedings, and must be commenced within one year after the death of the testator, and not afterwards. The person bringing said action shall be plaintiff, and all other persons interested either as beneficiaries under said will, widow or heirs of the testator, shall be made defendants. The petition shall be sworn to and a purported copy of such will attached thereto.

"Notice shall be given as in ordinary actions.

"No such will nor the provisions thereof shall be proven or established unless the same is shown to have been in existence at the time of the death of the testator, or to have been destroyed without his knowledge or consent, nor unless the provisions thereof shall be clearly and distinctly

established by the testimony of not less than two competent witnesses, or by a correct copy of such will, clearly proven.

"If the provisions of such will are established they shall be clearly stated by the court and entered of record, and made a part of the decree.

"A certified copy of said decree shall be filed with the clerk of the court in probate, and entered of record in the same manner as other wills; and the proceedings thereafter shall be the same as if the original will had been filed and probated.

"This section shall not relieve the person seeking to establish the provisions of a lost or destroyed will from proving that the original will was executed according to law."

WM. B. PERRIN,
J. M. JUNKIN,
WILLIAM EATON.

Laid over.

Senator Carney called up resolution relative to afternoon sessions of the Senate, which was as follows: "That an afternoon session of the Senate be held from 2 to 4 o'clock on each week day except Saturday."

Adopted.

Senator Harriman moved that Senate file No. 6 be stricken from the Calendar and that House file No. 15 be substituted therefor.

Carried.

The Journal of Monday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

On motion of Senator Waterman, House file No. 1, a bill for an act making a special appropriation for the Institute for the Feeble Minded at Glenwood, Iowa, with report of committee, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for the purpose of amendments.

Senator Waterman moved to amend section 3 by striking out in line 2 the words "the building and furnishing" and insert in lieu thereof the word "rebuilding;" also, amend same section in line 4 by striking out the words "for such building and furnishing."

Adopted.

Senator Waterman moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Byers, Carney, Carroll, Cheshire, Downey, Druet, Eaton, Ellis, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Perrin, Phelps, Pusey, Rowen, Sargent, Trewin, Waterman—35.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Carpenter, Craig, Ellison, Ericson, Harriman, Hobart, Lehfeldt, Mitchell, Penrose, Ranck, Rigger, Upton, Young—15.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Waterman Senate file No. 88, a bill for an act to provide for the payment of mileage of the committee appointed to visit the Institution for the Feeble Minded at Glenwood, Iowa, with report of committee, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Waterman moved that the rule be suspended, and that the bill be considered engrossed, and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Byers, Carney, Carroll, Cheshire, Downey, Druet, Eaton, Ellis, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Junkin, Lothrop, Palmer, Perrin, Pusey, Sargent, Trewin, Waterman—33.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Carpenter, Craig, Ellison, Ericson, Hurst, Kilburn, Lehfeldt, Mitchell, Penrose, Phelps, Ranck, Rigger, Rowen, Upton, Young—17.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Waterman, Senate file No. 89, a bill for an act to authorize the Executive Council to purchase or condemn a site on which to erect a memorial, historical and art

building, etc., with report of committee, was taken up, considered and the report of committee adopted.

Senator Waterman moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Byers, Carney, Carroll, Cheshire, Downey, Druet, Eaton, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Palmer, Perrin, Phelps, Pusey, Ranck, Sargent, Trewin, Waterman—34.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Carpenter, Craig, Ellis, Ellison, Ericson, Hipwell, Hurst, Lehfeldt, Mitchell, Penrose, Riggen, Rowen, Upton, Young—16.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senate resumed consideration of House file No. 84, under consideration when Senate adjourned.

Senator Trewin moved to amend section 53 as follows: In section 53, line 1, before the word "transcript" insert "The printed copies of the ordinances of any municipal corporation published by its authority or;" and in the same section, first line, after the word "proceeding" strike out the words "of any municipal corporation" and insert the word "thereof."

Adopted.

Senator Trewin moved to amend section 58 as follows: In line 4 strike out the word "not" and in line 5 after the words "served by" insert the words "any person other than."

Adopted.

Senator Trewin moved to amend section 62 as follows: In line 1 strike out after the word "witness" the following words: "except parties to the action."

Adopted.

Senator Trewin moved to amend section 83 by striking out all of section 83 and insert in lieu thereof the following: "After the commencement of a civil action or other civil proceeding, if the witness resides within this State but in a different county from the place of trial, or is about to go beyond the reach of

a subpoena, or is for any other cause expected to be unable to attend court at the time of trial, the party wishing his testimony may take his deposition in writing before any person having authority to administer oaths; and if the action is by equitable proceedings, then without any other reason therefor, either party may so take the deposition of any witness."

Adopted.

Senator Trewin moved to amend section 88 by striking out all after the word "taken" in the seventh line.

Adopted.

Senator Trewin moved to amend by adding after section 91 as section 92 the following: "When notice is served of taking a deposition on commission the adverse party may elect to appear and orally cross-examine the witness, and if he so elects he shall serve written notice of his election on the opposite party or his attorney at least one day before the date on which the commission is to be issued; and if such notice is given, then before said commission shall issue, the party suing out the same shall deliver to the adverse party or his attorney a written statement, giving the name and address of the commissioner, the place, and if in a city, the street and number and the day and hour of taking the deposition. Such statement must be delivered to said adverse party or his attorney, five days before the date fixed for taking the deposition if taken within the State; if taken elsewhere one additional day for every three hundred miles distance between the place where the commission issues and where the deposition is to be taken. If the adverse party elects to cross-examine the witness orally, the party suing out the commission may waive his written interrogatories and appear and orally examine the witness. Except as otherwise provided in this section, the provision relating to taking depositions on notice shall be followed in taking that part of the deposition which is taken by oral examination."

Adopted.

Senator Trewin moved to amend section 97, in line 3, by striking out the words "Each answer must refer the interrogatory answered by number and" and insert in lieu thereof the following: "The answer must."

Adopted.

Senator Trewin moved to amend section 98, line 2, by striking out the words "previously sworn to correctly so do and."

Adopted.

Senator Trewin moved to amend section 100 by adding at the end of the section the following: "Any one taking depositions in shorthand shall first take and subscribe an oath correctly to take down and transcribe such testimony, and shall certify that his translation thereof is full, true and complete."

Senator Trewin moved to amend the amendment by striking out the word "correctly," in line 2, and insert it after the word "transcribe" in same line.

Adopted.

The amendment as amended was adopted.

Senator Trewin moved to amend section 120 by inserting after the word "paid" in line 2, the words "in the first instance."

Adopted.

Senator Ranck moved to amend section 63 as follows: insert after the word "appearance" in line 2, the words "unless excused."

Adopted.

Senator Ranck moved to amend section 12 by striking out the words: "But in prosecutions against gaming, betting, lotteries, dealing in options, and keeping a gambling house or rooms for the illegal use or disposal of intoxicating liquors, no witness shall be excused from giving testimony upon the ground that his testimony would tend to render him criminally liable, or expose him to public ignominy, but any matter so elicited shall not be used against him, and said witness shall not be prosecuted for any crimes in which his evidence is used for the State under the provisions of this section." This being the House amendment.

On this a division was called for and the motion was lost.

Senator Berry moved to amend section 12 by striking out all after the word "him," in line 8 of the House amendment as it appears in the House Journal of February 12, page 24, and insert in lieu thereof the words, "in any criminal prosecution."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carroll, Cheshire, Druet, Eaton, Funk, Gilbertson, Gorrell, Harriman, Henderson, Hotchkiss, Junkin, Kilburn, Palmer, Penrose, Perrin, Phelps, Sargent—22.

The nays were:

Senators Bonson, Byers, Carney, Downey, Ellis, Everall, Garst, Harper, Healy, Hipwell, Hobart, Hospers, Hurst, Lothrop, Ranck, Trewin, Waterman, Young—18.

Absent or not voting:

Senators Carpenter, Craig, Ellison, Ericson, Lehfeldt, Mitchell, Pusey, Rigger, Rowen, Upton—10.

So the amendment was adopted.

Senator Healy moved to amend section 12 as follows: Insert after the word "liquors," in fourth line of proposed amendment of House, the following: "or for alleged violation of statutes relating to discriminations given by railway companies or insurance companies or for alleged violation of penal statutes passed for the supervision and control of the railways of the State."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Allyn, Blanchard, Bonson, Byers, Carroll, Cheshire, Downey, Druet, Eaton, Ellis, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Junkin, Kilburn, Ranck, Trewin, Young—26.

The nays were:

Senators Alexander, Bell, Berry, Carney, Hospers, Hotchkiss, Lothrop, Palmer, Penrose, Perrin, Pusey, Sargent—12.

Absent or not voting:

Senators Carpenter, Craig, Ellison, Ericson, Hurst, Lehfeldt, Mitchell, Phelps, Rigger, Rowen, Upton, Waterman—12.

The amendment was adopted.

Senator Carney moved to amend the amendment by striking out all after the word "prosecution," in line 1 of House addition to section 12 down to the words "of the State" in amendment by Senator Healy, and insert the words "for crime" in lieu thereof.

Senator Ranck moved that section 12 of House file No. 84, with all amendments adopted and pending thereto, be referred to a special committee of five.

On this the yeas and nays were demanded.

On the question, "Shall the section be committed to a special committee?" the yeas were:

Senators Bonson, Byers, Downey, Ellis, Everall, Garst, Harper, Hipwell, Lothrop, Penrose, Perrin, Pusey, Ranck, Waterman, Young—15.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carney, Carroll, Cheshire, Druet, Eaton, Funk, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Palmer, Sargent, Trewin—24.

Absent or not voting:

Senators Carpenter, Craig, Ellison, Ericson, Hurst, Lehfeldt, Mitchell, Phelps, Rikken, Rowen, Upton—11.

The motion to commit was lost.

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bell, Bonson, Carney, Downey, Lothrop—5.

The nays were:

Senators Alexander, Allyn, Berry, Blanchard, Byers, Carroll, Cheshire, Druet, Eaton, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Palmer, Perrin, Pusey, Sargent, Trewin, Young—29.

Absent or not voting:

Senators Carpenter, Craig, Ellis, Ellison, Ericson, Hipwell, Hurst, Lehfeldt, Mitchell, Penrose, Phelps, Ranck, Rikken, Rowen, Upton, Waterman—16.

So the amendment was lost.

Senator Ranck filed the following motion:

MR. PRESIDENT—I move to reconsider the vote by which the amendment to section 12, offered by Senator Healy, was adopted, and amendment to chapter 1, title XXIII, of Black Code.

C. S. RANCK.

Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 2 o'clock P. M., President Parrott presiding.

BILLS ON THIRD READING.

The Senate resumed consideration of House file No. 84.

Senator Berry moved that the vote by which the amendment offered by him to section 12 was adopted be reconsidered.

Carried.

Senator Berry then withdrew the amendment.

Senator Trewin moved to reconsider the vote by which the motion to strike out House amendment to section 12 was lost.

Carried.

Senator Ranck moved to reconsider the vote by which the Healy amendment to section 12 was adopted.

Carried.

Senator Healy withdrew the amendment.

Senator Ranck moved to strike out the amendment added by the House to section 12 of the bill.

On this a roll call was demanded.

On the question, "Shall the amendment be stricken out?" the yeas were:

Senators Allyn, Berry, Blanchard, Bonson, Byers, Carney, Downey, Druet, Eaton, Ellis, Everall, Funk, Garst, Harper, Healy, Hipwell, Hobart, Hurst, Junkin, Lothrop, Penrose, Pusey, Ranck, Waterman, Young—25.

The nays were:

Senators Alexander, Bell, Carroll, Gilbertson, Gorrell, Hospers, Kilburn, Palmer, Perrin, Phelps, Sargent, Trewin—12.

Absent or not voting:

Senators Carpenter, Cheshire, Craig, Ellison, Ericson, Harriman, Henderson, Hotchkiss, Lehfeldt, Mitchell, Riggen, Rowen, Upton—13.

The amendment was stricken out.

Senator Trewin moved that the sections after 62 be renumbered consecutively.

Carried.

Senator Trewin moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carroll, Downey, Druet, Eaton, Ellis, Everall, Funk, Gilbertson, Gorrell, Harper, Healy, Henderson, Hobart, Hospers, Junkin, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Trewin, Waterman, Young—34.

The nays were:

None.

Absent or not voting:

Senators Carpenter, Cheshire, Craig, Ellison, Ericson, Garst, Harriman, Hipwell, Hotchkiss, Hurst, Kilburn, Lehfeldt, Mitchell, Riggen, Rowen, Upton—16.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Carroll, House file No. 37, a bill for an act to revise, amend and codify the statutes in relation to the geological survey, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Carroll moved to amend the bill by adding to the title the words "chapter 10 of title XII."

Adopted.

Senator Carroll moved to amend section 6 by striking out of line 9 the figures and sign "\$5,000" and insert the words "five thousand dollars" in lieu thereof.

Adopted.

Senator Waterman moved that the bill be indefinitely postponed.

Lost.

Senator Carroll moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Carroll, Cheshire, Druet, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Hipwell, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Lothrop, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Trewin, Young—32.

The nays were:

Senators Bonson, Carney, Downey, Kilburn, Waterman—5.

Absent or not voting:

Senators Bell, Byers, Carpenter, Craig, Ellison, Healy, Henderson, Lehfelddt, Mitchell, Palmer, Rigger, Rowen, Upton—13.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Blanchard, House file No. 59, a bill for an act to revise, amend and codify the statutes in relation to the School for the Deaf, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read section by section for the purpose of amendment.

Senator Blanchard moved to amend the bill by adding after the title the words "chapter 11 of title XIII."

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Blanchard moved to amend section 1 by striking out in third line of section 1, after the word "president," the words "and another as treasurer," inserting a period after the word "president," and add in lieu thereof the following: "They shall also elect a treasurer who shall be a resident of Pottawattamie county, but not a member of the board."

Senator Blanchard moved to amend the amendment by adding the words "who shall act without compensation."

Adopted.

The amendment as amended was adopted.

Senator Garst moved to amend section 1 by inserting after the word "president" in line 3, the words "one as secretary."

Adopted.

Senator Blanchard moved that the reference figures, marginal numbers and underscoring be stricken from the bill.

Adopted.

Senator Blanchard moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Berry, Blanchard, Bonson, Carney, Carroll, Cheshire, Downey, Eaton, Ellis, Ericson, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hipwell, Hobart, Hespers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Trewin, Young—36.

The nays were:

None.

Absent or not voting:

Senators Alexander, Byers, Carpenter, Craig, Druet, Ellison, Everall, Healy, Lehfeldt, Mitchell, Riggen, Rowen, Upton, Waterman—14.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Gorrell, House file No. 43, a bill for an act to revise, amend and codify the statutes in relation to the State board of health, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Trewin moved to amend section 3 as follows: Strike out the words "county auditor" and insert "clerk of district court," and in line 4 insert the word "county" before the word "auditor."

Lost.

Senator Hobart moved to reconsider the vote by which the amendment to section 3 was lost.

Carried.

On reconsideration the amendment was adopted.

Senator Trewin moved to amend section 4, line 7, by striking out the word "auditor" and insert the words "clerk of the district court."

Adopted.

Senator Lothrop moved to amend section 5 as follows: In line 23, after the word "declare," insert the words "or terminated;" also, add to the end of section "or termination of the cause for quarantine as the case may be."

Adopted.

Senator Gorrell moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bonson, Carney, Carroll, Cheshire, Downey, Druet, Eaton, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Trewin, Waterman—37.

The nays were:

None.

Absent or not voting:

Senators Berry, Byers, Carpenter, Craig, Ellis, Ellison, Ericson, Lehfeldt, Mitchell, Riggen, Rowen, Upton, Young—13.

The bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

President Parrott presiding.

Senator Carroll moved to indefinitely postpone Senate file No. 31, for the reason that House file No. 37, covering the same subject, had been passed.

Carried.

Senator Trewin moved that the Senate do now adjourn

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, March 10, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. R. K. Calloway of Sanborn, Iowa.

On request of Senator Perrin, leave of absence was granted Senator Ellison.

PETITIONS AND MEMORIALS.

Senator Healy presented petition of J. A. McGough and others, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Healy presented petition of H. A. Hutchinson and twenty-eight other merchants, on same subject.

Referred to Committee on Railways.

Senator Ericson presented remonstrance of Epworth league of Boone, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Ericson presented petition of L. and H. Goepfinger of Boone, in favor of the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Byers presented remonstrance of J. P. Evans and others of Chariton, against the Temple amendment.

Referred to Committee on Railways.

REPORT OF COMMITTEE.

Senator Penrose, from the Committee on Railways, submits the following report:

MR. PRESIDENT—Your Committee on Railways, to whom was referred Senate file No. 11, a bill for an act to revise, amend and codify the law in relation to railways, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed, for the reason that Senate files Nos. 18, 19 and 20, covering the same subject, have been reported for passage.

E. G. PENROSE,
Chairman.

Report of committee adopted and bill indefinitely postponed.
The Journal of Tuesday was taken up, read, corrected and approved.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate file No. 4, a bill for an act to revise, amend and codify the statutes in relation to practice in courts of original jurisdiction.

JAS. D. ROWEN,
Chief Clerk.

Ordered passed on file.

Also:

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

Senate file No. 86, a bill for an act to amend sections 289 and 290 of the Code of 1873, as amended by chapter 76 of the acts of the Twenty-sixth General Assembly of the State of Iowa.

JAMES D. ROWEN,
Chief Clerk.

Ordered passed on file.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended the Senate amendments to the following bill, in which the concurrence of the House was asked:

House file No. 59, a bill for an act to revise, amend and codify the statutes in relation to the School for the Deaf.

JAMES D. ROWEN,
Chief Clerk.

Ordered passed on file.

BILLS ON THIRD READING.

Senator Carpenter called up report of special committee and added section 17 to chapter 2 of Senate file No. 72.

The report of committee was adopted.

Senator Carpenter moved to amend section 17 by substituting the report of the committee.

Adopted.

Senator Carpenter moved that the sections of the bill be renumbered.

Carried.

Senator Carpenter moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorell, Harper, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Phelps, Pusey, Ranck, Rowen, Sargent, Trewin, Waterman, Young—42.

The nays were:

None.

Absent or not voting:

Senators Allyn, Ellison, Hobart, Lehfeldt, Mitchell, Perrin, Rigger, Upton—8.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

The hour for the consideration of the special order having arrived, on motion of Senator Funk, substitute for Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to the revenue, with report of committee, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for the purpose of amendment.

Senator Lothrop moved to amend section 2, chapter 1, line 6, by inserting after the word "thereto" the words "not exceeding one acre."

Adopted.

Senator Funk moved to amend section 2, chapter 1, line 24, by striking out the word "heretofore" and inserting the word "hereinbefore" in lieu thereof.

Adopted.

Senator Funk moved to amend section 2, chapter 1, line 25, by inserting before the word "value" the word "actual."

Adopted.

Senator Lothrop moved to amend section 2, chapter 1, by inserting in line 24, after the word "libraries," the words "to the actual value of three hundred dollars;" also, after the word "hundred" in line 25, the words "furniture to the actual value of three hundred dollars."

A division of the amendment was called for and ordered.

On the amendment to line 24 a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bonson, Druet, Eaton, Ellis, Gorrell, Harriman, Healy, Hobart, Hospers, Hotchkiss, Kilburn, Lothrop, Phelps, Ranck, Rowen—15.

The nays were:

Senators Alexander, Bell, Berry, Blanchard, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Ericson, Everall, Funk, Garst, Gilbertson, Harper, Henderson, Hurst, Junkin, Palmer, Perrin, Pusey, Sargent, Trewin, Waterman—26.

Absent or not voting:

Senators Allyn, Ellison, Hipwell, Lehfeldt, Mitchell, Penrose, Riggen, Upton, Young—9.

The amendment was lost.

The amendment to line 25 was adopted.

Senator Funk moved to amend section 2, chapter 1, line 24, by inserting after the word "due" the words "in the hands of original payees."

Adopted.

Senator Harriman moved to amend chapter 1, section 2, by striking out of lines 24 and 25 the words "professional libraries to the value of three hundred dollars."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bell, Bonson, Byers, Carney, Downey, Garst, Gilbertson, Gorrell, Harriman, Healy, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Ranck, Rowen, Waterman, Young—21.

The nays were:

Senators Alexander, Blanchard, Carpenter, Carroll, Cheshire, Craig, Druet, Eaton, Ellis, Ericson, Everall, Funk, Harper, Lothrop, Palmer, Perrin, Phelps, Pusey, Sargent, Trewin—20.

Absent or not voting:

Senators Allyn, Berry, Ellison, Henderson, Lehfeldt, Mitchell, Penrose, Riggen, Upton—9.

The amendment was adopted.

Senator Healy moved that the vote by which the amendment by Senator Harriman to section 2, chapter 1, was adopted, be reconsidered.

Carried.

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bell, Bonson, Downey, Garst, Gilbertson, Gorrell, Harriman, Healy, Hospers, Hurst, Kilburn, Ranck, Rowen, Waterman, Young—15.

The nays were:

Senators Alexander, Berry, Blanchard, Carpenter, Carroll, Cheshire, Craig, Druet, Eaton, Ellis, Ericson, Everall, Funk, Harper, Henderson, Hobart, Hotchkiss, Junkin, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Sargent, Trewin—26.

Absent or not voting:

Senators Allyn, Byers, Carney, Ellison, Hipwell, Lehfeldt, Mitchell, Riggen, Upton—9.

The amendment was lost.

Senator Funk moved to amend chapter 1, section 2, line 35, by inserting before the word "value" the word "actual."

Adopted.

Senator Funk moved to amend chapter 1, section 2, lines 38 and 40, by inserting the word "actual" before the word "value."

Adopted.

Senator Funk moved to amend section 2, chapter 1, by striking out, after the word "but," in line 42, the words "the provisions of this subdivision shall only apply to persons who do not own other real estate than such homestead" and insert in lieu thereof the words "the value of any other real estate owned by him shall be deducted from such exemption."

Adopted.

Senator Funk moved to amend section 2, chapter 1, line 41, by striking out the word "to" after the word "thereon" and insert the words "for the," and after the word "support" in same line insert the word "of."

Adopted.

Senator Ellis moved to amend chapter 1, section 2, by adding subdivision 8 as follows: "The vehicles, horses, mules and harness of teamsters or draymen hauling for others, used in earning a livelihood, not a corporation or generally engaged in the service of a corporation, not exceeding the actual value of three hundred dollars."

Passed over for further consideration.

Senator Lothrop moved to amend section 2, chapter 1, line 41, by striking out the words "unable to perform manual

labor and dependent thereon," and insert "dependent upon his own manual labor."

Senator Trewin moved to amend the amendment by adding the words "and any pension granted by the United States government."

Lost.

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bell, Blanchard, Byers, Carney, Cheshire, Craig, Druet, Ellis, Ericson, Gilbertson, Gorrell, Harriman, Healy, Hipwell, Hobart, Hospers, Hurst, Kilburn, Lothrop, Rowen, Young—21.

The nays were:

Senators Alexander, Allyn, Berry, Bonson, Carpenter, Carroll, Downey, Eaton, Everall, Funk, Garst, Harper, Henderson, Hotchkiss, Junkin, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Trewin, Waterman—24.

Absent or not voting:

Senators Ellison, Lehfeltdt, Mitchell, Rigger, Upton—5.

The amendment was lost

Senator Hotchkiss moved to amend section 2, chapter 1, line 41, by striking out the words "unable to perform manual labor and dependent thereon" and insert in lieu thereof "who is dependent thereon but not able to perform manual labor."

Lost.

Senator Funk moved to amend chapter 1, section 3, line 1, by striking out the words "by the assessor."

Adopted.

Senator Funk moved to amend section 3, chapter 1, line 3, by striking out the word "cash" and insert the word "actual" in lieu thereof.

Adopted.

Senator Ranck moved to amend chapter 1, section 3, by adding the following at the end of the section: "Actual value of property as used in this chapter shall mean its value in the market in the ordinary course of trade."

Adopted.

Senator Funk moved to amend section 3, chapter 1, line 3, by striking out the figures "33 $\frac{1}{3}$ " and inserting the words "thirty-three and one-third."

Adopted.

Senator Funk moved to amend section 4, chapter 1, by striking out of line 9 the word "bonded."

Adopted.

Senator Cheshire moved to amend section 4, chapter 1, as follows: Strike out commencing with the first word down to and including the figures "1897," in line 11, and insert in lieu thereof the following: "If the aggregate assessed value of the taxable real and personal property of any county, township, incorporated town, school district or other territory on which taxes are or shall be authorized by law to be levied, shall be increased by the assessment for the year 1898 over the aggregate taxable valuations of such districts respectively, or of any one of them for the year 1897, the aggregate of the maximum authorized rates of levy for all purposes as to each such district shall for the year 1899, be reduced in the same proportion below the corresponding aggregates of the rates now authorized by law; and in case of such increased valuation of the property of any county or other political or municipal corporation over the valuation of the same for the year 1897, no such county or corporation shall until otherwise provided by law, be allowed to become indebted in any manner or for any purpose to an amount greater than is now authorized by law, estimated at five per cent on the basis of the assessed valuation of the year 1897, for each such county or other political or municipal corporation. It shall be unlawful for any officer or board charged with the duty of levying taxes or issuing bonds in any county, township, city or town, district or other political or municipal corporation to levy a higher rate of taxes for any one year than the maximum rate provided for herein, or to issue bonds in excess of the amount herein allowed."

Passed for further consideration.

Senator Waterman moved to amend chapter 1 by adding to section 4 the words "and it shall be unlawful for any county, city, town or district or any officer thereof to use funds levied under the provisions of this chapter for any other purpose than that for which they are levied or to borrow from one fund for another."

Passed over for further consideration.

Senator Trewin moved to amend chapter 1, section 4, by striking out the words "or subsequent years," in lines 2, 8, and 14, and insert in lieu thereof the following: "and 1899."

Passed over for further consideration.

Senator Everall moved to amend chapter 1 by striking out section 9.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to concur in Senate amendments to sections 1, 15 and 37, of House file No. 28, a bill for an act to revise, amend and codify the statutes in relation to the settlement and support of the poor.

JAMES D. ROWEN,
Chief Clerk.

Ordered passed on file.

Also:

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

Senate file No. 76, a bill for an act to revise, amend and codify the statutes in relation to attachment, garnishment, executions and supplementary proceedings.

JAMES D. ROWEN,
Chief Clerk.

Ordered passed on file.

Senator Ellis moved that the Senate do now adjourn until to-morrow at 9 o'clock A. M.

The hour of adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

HOUSE MESSAGES.

Senate file No. 86, a bill for an act to amend sections 289 and 290 of the Code of 1873 as amended by chapter 76 of the acts of the Twenty-sixth General Assembly of the State of Iowa, relating to the bonding of county indebtedness.

Passed on file.

Senate file No. 4, a bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original

jurisdiction, as amended by the House, was referred to Committee on Judiciary.

Senate file No. 76, a bill for an act to revise, amend and codify the statutes in relation to attachment, garnishment, executions and supplementary proceedings, as amended by the House, was read first and second time and referred to Committee on Judiciary.

House file No. 59, a bill for an act to revise, amend and codify the statutes in relation to the School for the Deaf, in which the House amended Senate amendments, was referred to Committee on Educational Institutions.

House file No. 28, a bill for an act to revise, amend and codify the statutes in relation to the settlement and support of the poor, in which the House failed to concur in Senate amendments to sections 1, 15 and 37, was referred to Committee on Charitable Institutions.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 1, a bill for an act making a special appropriation for the Institution for Feeble Minded at Glenwood.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Passed on file.

BILLS ON THIRD READING.

Senate resumed consideration of substitute for Senate file No. 5, having under consideration the motion by Senator Everall to strike out section 9, of chapter 1.

On this question a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Carpenter, Craig, Downey, Druet, Everall, Gilbertson, Harper, Healy, Hobart, Hurst, Kilburn, Lothrop, Rowen—13.

The nays were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carroll, Cheshire, Eaton, Ellis, Ericson, Funk, Garst, Gorrell, Harriman, Henderson, Hipwell, Hospers, Hotchkiss, Junkin, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Trewin, Waterman, Young—31.

Absent or not voting:

Senators Allyn, Ellison, Lehfeldt, Mitchell, Rigger, Upton—6.

So the amendment was lost.

Senator Funk moved to amend chapter 1, section 9, line 3, by inserting after the word "from" the words, "the actual value thereof."

Adopted.

Senator Ellis offered the following amendment to section 9, chapter 1, by adding thereto the following: "All homesteads of persons earning their livelihood by manual labor, actually occupied as such by the owners, under the value of one thousand dollars to the extent of the owner's actual indebtedness therefor, when such homestead constitutes the only property of the owner liable to taxation under existing laws."

Laid over.

Senator Healy moved to amend chapter 1, section 9, by inserting at end of section the following: "Debts owing as provided in this section shall not be deducted in the taxing of the shares of any corporation except those of national banks and as otherwise provided in this section."

Lost.

Senator Funk moved to amend chapter 1, section 11, line 4, by changing the word "or" to "of" after the word shares, and striking "s" from the end of the word "stocks" in same line.

Adopted.

Senator Ranck offered the following amendment to section 13, by adding to the section after the word "grain" in the first line the word "ice," and after the word "warehouse" in same section and line 2, the words "ice houses."

Adopted.

Senator Trewin moved to strike out the word "and" in first line of section 13, chapter 1, and insert the word "or" in lieu thereof.

Adopted.

Senator Funk moved to amend paragraph 2 of section 19 by striking out the word "amount" in line 1 and inserting the words "actual value" in lieu thereof, and also strike out all after the second word "due" in second line of same paragraph.

Adopted.

Senator Funk moved to strike out the word "amount" from first line of fourth paragraph of section 19, chapter 1, and insert the words "actual value" in lieu thereof.

Adopted.

Senator Funk moved to amend section 19, chapter 1, by striking out of line 18 the word "amount" and inserting the words "actual value" in lieu thereof.

Adopted.

Senator Funk moved to amend section 19, line 19, by striking out the word "amount" and inserting in lieu thereof the words "actual value."

Adopted.

Senator Funk moved to strike out of lines 20 and 21, chapter 1, section 19, subdivision 6, the words "shall be assessed to such persons" and insert after the word "business," in same line, the words "shall be assessed at thirty-three and one-third per cent of the actual value of the same."

Adopted.

Senator Carney moved to insert the words "or corporation" in line 7, section 19, after the word "persons."

Adopted.

Senator Lothrop moved to amend section 19, subdivision 6, line 22, by striking out all after the words "real estate."

Lost.

Senator Cheshire moved to amend section 22, chapter 1, line 2, by striking out the word "exclusively."

The time of adjournment having arrived, the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Thursday, March 11, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by the Rev. Chas. J. English of Colfax, Iowa.

PETITIONS AND MEMORIALS.

Senator Everall presented remonstrance of J. W. Kreger, Wm. Smith and 48 other farmers of Clayton county, against assessment of land at full value.

Referred to Committee on Ways and Means.

Senator Cheshire presented petition of C. W. Rogg and other citizens of Polk county, in favor of the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 86, a bill for an act to amend sections 289 and 290 of the Code of 1873, as amended by chapter 76 of the acts of the Twenty-sixth General Assembly of the State of Iowa, relating to the bonding of county indebtedness.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

COMMUNICATIONS ON PRESIDENT'S TABLE.

DES MOINES, Iowa, March 10, 1897.

Hon. Matt. Parrott, President Iowa Senate, Des Moines, Iowa:

DEAR SIR—Crocker Post No. 12, Department of Iowa, G. A. R., extends a most cordial invitation to the members of the Iowa Senate to attend a camp fire to be held at our hall, new Odd Fellows' Temple, near Sixth and Locust, March 20, 1897.

Very respectfully,

H. C. MURPHY,
Commander.

C. W. GREENE,
Adjutant.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

Senate file No. 84, a bill for an act to amend section 3756 of the Code of 1873 as amended by chapter 118 and chapter 125, acts of the Twenty-first General Assembly relative to collection of fees by the Secretary of State.

Also:

Amended Senate file No. 30, a bill for an act to revise, amend and codify the statutes in relation to dairy commissioner and imitation of dairy products.

JAS. D. ROWEN,
Chief Clerk

Passed on file.

The Journal of Wednesday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

The Senate resumed consideration of substitute for Senate file No. 8, Senator Cheshire having the floor in support of his amendment to section 22, chapter 1, striking out the word "exclusively," under consideration when the Senate adjourned.

The amendment by Senator Cheshire to section 22, chapter 1, was withheld for the purpose of permitting Senator Healy to move to strike out section 22

Senator Healy moved to amend chapter 1 by striking out all of section 22.

On this a roll call was demanded.

On the question, "Shall section 22 of chapter 1 be stricken out?" the yeas were:

Senators Blanchard, Bonson, Craig, Downey, Druet, Gilbertson, Gorrell, Healy, Hipwell, Lothrop—10.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carney, Carpenter, Carroll, Cheshire, Eaton, Ellis, Ericson, Everall, Funk, Garst, Harper, Harriman, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Palmer, Penrose, Perrin, Phelps, Pusey, Rowen, Sargent, Trewin, Waterman—32.

Absent or not voting:

Senators Ellison, Kilburn, Lehfeldt, Mitchell, Ranck, Rigen, Upton, Young—8

The motion to strike out section 22 was lost.

Senator Ellis moved to amend section 22, chapter 1, by striking out of line 1, the words "owned by residents of this State;" also, strike out of line 11 the words "residing in this State."

Senator Ellis withdrew the amendment.

Senator Ellis moved to reconsider the vote by which the motion to strike out section 22 was lost.

Senator Berry moved to lay the motion to reconsider on the table.

Motion to lay on the table withdrawn.

Senator Ellis withdrew the motion to reconsider.

Senator Ellis renewed his amendment to section 22, chapter 1.

The hour for adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

The Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

Senator Blanchard filed the following motion:

MR. PRESIDENT—I move to reconsider the vote by which the amendment offered to section 79 to strike out all of said section after the word "estate," in line 22, was lost.

L. C. BLANCHARD.

On request of Senator Perrin, leave of absence was granted Senator Ellison

On request of Senator Harper, leave of absence was granted Senator Ranck.

PETITIONS AND MEMORIALS.

Senator Lothrop presented petition of order of railway conductors, Sioux City division 232, in favor of the Temple amendment.

Referred to Committee on Railways.

Senator Kilburn presented remonstrance of E. R. Zella and 130 other citizens of Madison county, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Kilburn presented remonstrance of W. H. Lucas and twenty other citizens of Madison county, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

REPORTS OF STANDING COMMITTEES.

Senator Ellis, from the Committee on Judiciary, submits the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 77, 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 have instructed me to report the same back to the Senate with the recommendation that the accompanying amendments be adopted and when adopted the bill do pass:

Substitute for section 5, chapter 1, page 925, the following: "All defendants are bailable both before and after conviction, by sufficient surety, except for offenses punishable with death under the laws of the State when the proof is evident or the presumption great. No defendant convicted of murder or charged with treason shall be admitted to bail."

Amend section 6, line 4, page 927, by striking out the words "doing so" and insert in lieu thereof the words "giving the required bonds."

Amend section 1, lines 1 and 2, page 929, by striking out the following words: "All persons who tell fortunes or where lost or stolen property may be found."

Section 4, line 1, same page, change the word "must" to "may."

Strike out section 25, pages 931 and 932.

Add to chapter 7 as section 1 the following: "Every person, whether an inhabitant of this State or any other State or country or of a territory or district of the United States, is liable to punishment by the laws of this State for a public offense committed by him therein, except where it is by law cognizable exclusively in the courts of the United States."

(These sections in this chapter should be renumbered.)

On page 934 substitute the following for section 8: "When the offense of bigamy is committed in one county and the defendant is apprehended in another, the jurisdiction is in either county."

On page 936, section 6, fifth and sixth lines, strike out all after the word "premises" and insert in second line before the word "shall" the words "if not charged with murder "

Amend section 12, page 937, second line, by adding after the word "may" the words "in his discretion."

Page 939, amend section 8, line 17, by striking out the words "in writing by mail."

Page 940, chapter 11, amend section 7, line 4, by substituting the word "escapes" for the word "flees "

Amend the same section by striking out of line 6 the words "and the same may be done with safety;" change comma in same line after the word "required" to a period.

Amend section 8 by striking out the word "flee" in line 2 and insert in lieu thereof the words "attempts to escape." Add the letter "s" to the word "resist" in same line.

Amend section 1, chapter 12, page 943, by adding at the end of the section the following: "or may allow the defendant to waive the same."

Same page, amend section 2, lines 1 and 4, by striking out the words "place of trial" and insert in lieu thereof the word "venue."

Amend same section, line 6, by striking out the words "against whom no objection exists, if any," and insert in lieu thereof the words "if there be one;" also, strike out of lines 6 and 7 the words "against whom no such objection in the opinion of the justice exists."

Amend section 12, page 944, by adding at the end of the section the following: "But the cost thereof shall not be taxed against the county."

Page 946, chapter 13, strike out all after the word "appear" in the first line and insert in lieu thereof the following: "The names of the twelve persons constituting the panel of the grand jury shall on the second day of each term of court, unless otherwise ordered by the court or judge, be placed by the clerk in a box and after thoroughly mixing the same he shall draw therefrom seven names, and the persons so drawn shall constitute the grand jury for that term. Should any of the persons so drawn be excused or fail to attend on said second day of the court the clerk shall draw other names until the seven grand jurors are secured."

Strike out section 2, page 947, and renumber sections in this chapter.

Amend section 3, line 2, same page, by striking out the words "and not afterwards because" and insert in lieu thereof the words "only for the reason that."

In same section, third line, strike out the words "and for no other reason."

Same page, subdivision 2, section 5, substitute the word "would" for "will" in seventeenth line.

In eighteenth line, same subdivision, substitute the word "verdict" for "finding" and "trial" for "examination."

Page 948, section 9, line 1, add after the word "which" the word "offense."

Same page, chapter 14, section 4, line 1, strike out the words "or stenographer," and insert the words "who is;" also, same section, page 949, line 2, strike out all after the word "thereof" to end of sentence.

Same page, line 9, same section, strike out the word "three" and substitute therefor the word "two."

Amend section 6, same page, as follows: Strike out the words "in shorthand," in line 3, change comma to period after the word "witness" in same line and strike out the rest of the sentence.

In fifth line of same section strike out the words "shorthand notes"

Strike out all after the word "court" in sixth line, same section, to and including the word "clerk" in seventh line.

Page 597, strike out section 8.

Page 958, section 5, change semicolon in second line to comma.

Insert after the first word "dollars" in line 3, same section, the following: "And such additional sum as the court may allow not exceeding ten dollars a day actually engaged in the trial."

Strike out chapter 19 and insert in lieu thereof the following:

CHAPTER 19.

OF SETTING ASIDE THE INDICTMENT.

Section 1. The motion to set aside the indictment can be made by the defendant on one or more of the following grounds, and must be sustained:

1. When it is not indorsed "a true bill" and the indorsement signed by the foreman of the grand jury as prescribed by this Code;

2. When the names of all witnesses examined before the grand jury are not indorsed thereon; when the minutes of the evidence of the witnesses examined before the grand jury are not returned therewith;

3. When it has not been presented and marked "filed" as prescribed by this Code;

4. When any person, other than the grand jurors, was present before the grand jury when the question was taken upon the finding of the indictment, or when any person, other than the grand jurors, was present before the grand jury during the investigation of the charge, except as required or permitted by law.

5. That the grand jury were not selected, drawn, summoned, impaneled or sworn as prescribed by law.

Sec. 2. A motion to set aside the indictment on the ground that the names of all the witnesses examined before the grand jury are not indorsed thereon; or that the name of any other witness than those so examined is endorsed thereon as prescribed in the second subdivision of section 1 of this chapter shall not be sustained if the indorsement is corrected by the insertion or striking out of such names or name by the county attorney or the clerk of the court, under the direction of the court, so as to correspond with the minutes required to be kept by the clerk of the grand jury and returned and preserved with the indictment to the court.

Sec. 3. The ground of the motion to set aside the indictment mentioned in the fifth subdivision of section 1 of this chapter, is not allowed to a defendant who has been held to answer before indictment.

Sec. 4. The motion must be heard when it is made, unless for good cause the court postpone the hearing to another time.

Sec. 5. If the motion be denied, the defendant must immediately answer the indictment, either by demurring or pleading thereto.

Sec. 6. If the motion be granted, the court must order the defendant, if in custody, to be discharged, or if admitted to bail, that his bail be exonerated; or if he has deposited money instead of bail, that the money deposited be refunded to him, unless the court direct that the case be re-submitted to the same or another grand jury.

Sec. 7. If the court direct that the case be re-submitted, the defendant, if already in custody, must so remain unless he be admitted to bail; or, if already admitted to bail or money had been deposited instead thereof, the bail or money is answerable for the appearance of the defendant to answer a new indictment.

Sec. 8. An order to set aside the indictment as provided in this chapter, shall be no bar to a future prosecution for the same offense.

Amend section 4, chapter 20, line 1, page 960, by striking out the words "put in" and insert in lieu thereof the word "made."

Amend section 8, same page, line 1, by striking out the words "put in" and substitute the word "made."

Same amendment to section 9, line 1.

Page 964, section 2, line 2, strike out all after the word "pre-emptory" to the end of section.

Page 966, line 14, section 3, strike out the sentence commencing with "The court may," etc., and insert in lieu thereof the following: "The court shall not restrict counsel as to time in their arguments to the jury."

Page 973, section 3, line 1, strike out "must" and insert "may."

Page 975, section 9, line 2, strike out the words "objection is made" and insert the following: "cause is shown why judgment should not be pronounced."

Page 978, strike out in section 11 the words "or joinder therein."

Same page, strike out section 14.

Page 980, strike out in section 8, lines 2 and 3, the following words: "at every stage of the impeachment."

Page 982, section 11, line 3, strike out the word "adult."

Page 983, section 16, line 3, strike out all of the section after the word "actions."

Page 987, chapter 38, section 4, line 4, strike out the word "fixed."

Page 990, chapter 43, section 3, line 4, substitute the word "shall" for "can."

Same page and same chapter, section 5, line 4, strike out all after the word "offense "

Strike out all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at end of sections.

L. A. ELLIS,
Chairman.

Ordered passed on file.

HOUSE MESSAGES.

Senate file No. 84, a bill for an act to amend section 3756 of the Code of 1873, as amended by chapters 118 and 125, acts of the Twenty-first General Assembly, relative to collection of fees by the Secretary of State, was read and passed on file.

Senate file No. 30, a bill for an act to revise, amend and codify the statutes in relation to dairy commissioner and imitations of dairy products, with amendments by House, was referred to Committee on Agriculture.

BILLS ON THIRD READING.

On motion of Senator Blanchard, House file No. 57, a bill for an act to revise, amend and codify the statutes in relation to the College for the Blind, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Blanchard moved to amend the bill as follows: After the title add the words "Chapter 9 of Title XIII," and strike out in the second line of section 1 the word "first" and insert in lieu thereof the word "second."

Adopted.

Senator Blanchard moved to amend section 1 as follows: In the third line of section 1 strike out after the word "president" the words "and treasurer," inserting a period after the word "president," and add in lieu thereof the following: "They shall also elect a treasurer who shall be a resident of Benton county, but not a member of the board, and who shall receive no compensation."

Adopted.

Senator Blanchard moved to amend the bill by striking out all reference figures, marginal numbers, page numbers and underscoring.

Adopted.

Senator Blanchard moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Rowen, Sargent, Trewin, Waterman, Young—44.

The nays were:

None.

Absent or not voting:

Senators Ellison, Lehfelddt, Mitchell, Ranck, Riggen, Upton—6.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

The Senate resumed consideration of the substitute for Senate file No. 8, the amendment by Senator Ellis to section 22 being under consideration at the time of adjournment.

On the amendment the yeas and nays were demanded.

On the question, "Shall the amendment to section 22 be adopted?" the yeas were:

Senators Bell, Blanchard, Bonson, Byers, Carney, Craig, Downey, Druet, Ellis, Gilbertson, Gorrell, Harper, Healy, Hipwell, Hotchkiss, Hurst, Kilburn, Lothrop, Phelps, Rowen, Trewin, Young—22.

The nays were:

Senators Alexander, Allyn, Berry, Carpenter, Carroll, Cheshire, Eaton, Ericson, Everall, Funk, Garst, Harriman, Henderson, Hobart, Hospers, Junkin, Palmer, Penrose, Perrin, Pusey, Sargent, Waterman—22.

Absent or not voting:

Senators Ellison, Lehfeldt, Mitchell, Ranck, Riggen, Upton—6.

The amendment was lost.

Senator Healy offered the following explanation of his vote, and asked that it be printed in the Journal:

MR. PRESIDENT—I vote for amendment because section 22 is in violation of the constitution and it is especially repugnant to section 2 of article 8 of the constitution. It is a legislative exemption to moneyed capital, with no justification therefor. It is class legislation—it gives to loan and trust companies practical exemption from all taxes. Payment of taxes will be evaded by transfer of stock to nonresidents.

THOS. D. HEALY.

Senator Cheshire renewed his motion to amend section 22, chapter 1, by striking out the word "exclusively"

On this a division was demanded and the amendment was lost.

Senator Cheshire moved to amend chapter 1, section 22, line 17, as amended, by striking out the word "stock" and inserting the word "property" in lieu thereof.

Lost.

Senator Trewin moved that hereafter no Senator shall speak longer than ten minutes on any proposition or amendment, except that the one proposing the same shall be entitled to five minutes in which to close the debate.

On this the yeas and nays were demanded.

On the question, "Shall the motion prevail?" the yeas were:

Senators Alexander, Bell, Byers, Carney, Carpenter, Everall, Harriman, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Palmer, Sargent, Trewin, Waterman—16.

The nays were:

Senators Allyn, Berry, Blanchard, Bonson, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ericson, Garst,

Gilbertson, Gorrell, Harper, Healy, Hipwell, Junkin, Kilburn, Lothrop, Rowen, Young—23.

Absent or not voting:

Senators Ellison, Funk, Lehfeldt, Mitchell, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Upton—11.

The motion was lost.

Senator Gorrell moved to amend chapter 1, section 9, by adding after the word "credits" in the first line the words "or the value of real estate to be assessed."

Laid over.

Senator Junkin moved to amend section 25, chapter 1, by substituting the following: "The shares of stock of building and loan, or savings and loan associations, or co-operative banks shall be assessed and taxed to the individual holder thereof at their place of residence and for the purpose of taxation shall be classified as moneys and credits. It shall be the duty of the holder of said shares and the members of said associations or co-operative banks, to give a true list of their holdings or shares owned, and not borrowed on, to the assessor, giving at the same time the cash value of such shares, nor borrowed on, on the first day of January preceding, and the tax shall be levied upon said shares and collected from such holders or depositors of the same, as taxes on other personal property. And any failure on the part of such owner, holder or depositor to list the same with the assessor when called upon so to do, shall subject such holder to the same penalties now provided for failure to give the assessor a true list of all taxable property, verified by affidavit.

"All real estate owned by said associations or co-operative banks shall be taxed and said taxes paid by the associations or co-operative banks in the same manner as other taxes upon real estate are paid, to the treasurer of the counties where such real estate is located and assessed."

Senator Penrose moved to amend the substitute for section 25, chapter 1, by striking out of line 5 the words "and not borrowed on;" also, in line 6, strike out the words "nor borrowed on."

Senator Berry moved that the time of adjournment be extended five minutes.

Lost.

The Senate adjourned until 9 o'clock A. M. to morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, March 12, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. W. V. Whitten of Chariton, Iowa.

PETITIONS AND MEMORIALS.

Senator Kilburn presented remonstrance of Boyd Forbes and other citizens of Madison county, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Kilburn presented remonstrance of A. M. Bengel and other citizens of Madison county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Kilburn presented remonstrance of Anthony Jacobs and other citizens of Madison county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Byers presented remonstrance of H. G. Curtis and other citizens of Chariton, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Carney presented petition of railway organizations of Marshalltown, in favor of the Temple amendment.

Referred to Committee on Railways.

Senator Cheshire presented petition of Chas. E. Bechtel and 625 other citizens of Polk county, in favor of the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Eaton presented petition of Fremont county horticultural society, favoring exemption from taxation of fruit trees.

Referred to Committee on Ways and Means.

Senator Alexander presented petition of W. C. Johnson and other citizens of Marion, in favor of the Temple amendment.

Referred to Committee on Railways.

Senator Rowen presented remonstrance of Mrs. Alice L. Lundy and 116 other wives, mothers and sisters of Hardin county, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

REPORTS OF STANDING COMMITTEES.

Senator Hotchkiss, from the Committee on Printing, submits the following report:

MR. PRESIDENT—Your Committee on Printing, to whom was referred Senate file No. 9, a bill for an act to revise, amend and codify the laws in relation to the executive department, beg leave to report that they have had chapter 5 of the same under consideration and have instructed me to report the same back to the Senate as a separate bill, with the recommendation that the same be amended as follows, and when so amended that the same do pass, and that the remainder of said bill be referred to the Committee on Code Revision:

Amend section 1, page 27, line 5, by inserting after the word "officers" the following: "boards or commissioners having their offices at the capitol."

Amend section 5, subdivision d, line 12, page 28, by striking out the word "and," and in line 13 by striking out the words "including those of."

Amend section 8, page 28, line 2, by striking out the words "cause to be omitted" and insert in lieu thereof the following: "cause all reports to be carefully examined before being printed and shall omit." Also, amend line 6 by striking out the words "set solid" and insert in lieu thereof the following: "set in brevier or nonpareil type, with six-to-pica leads"

Strike out section 9 and adopt the following as a substitute therefor:

Substitute for section 9: "There shall be printed of the various public documents the number of copies hereinafter designated, to-wit: Of the biennial message, three thousand copies; of the inaugural address, twenty-five hundred copies; of the biennial report of the Auditor of State, three thousand copies; of the report of the Superintendent of Public Instruction, four thousand five hundred copies; of the report of the Agricultural College, and of the report of the State board of health, three thousand copies; of the report of the bureau of labor statistics, four thousand copies; of the annual report of the Auditor upon insurance, six thousand copies; of the report of the commissioner of pharmacy, three thousand copies; of the report of the railroad commissioners, four thousand copies, two thousand of which shall be bound in cloth; of the report of the Secretary of State pertaining to lands, fifteen hundred copies; of the report of the state visiting committee to the Hospitals for the Insane, two thousand copies; of the report of the State inspector of oils, and the examiners in dentistry, two thousand copies each: of the reports of the joint committees of the General Assembly to visit State institutions, fifteen hundred copies, and of all other reports, two thousand copies.

"Of the reports which may be required by virtue of statutes hereafter enacted, the number of copies to be printed shall, where not provided for, be fixed by the Executive Council at any number not exceeding five thousand. Of said reports five hundred copies each of the biennial message, inaugural address, Auditor's biennial report, the report of the Superintendent of Public Instruction, Agricultural College, board of health,

commissioner of pharmacy, Secretary of State pertaining to lands, Secretary of State's report of criminal convictions, the Auditor's annual report pertaining to insurance, and the report of the bureau of labor statistics, shall be bound in cloth; all other reports shall be bound in paper covers and reports of the legislative visiting and special committee shall be printed and stitched without covers."

Strike out section 10 and adopt the following as a substitute therefor:

"(a) The Secretary of State shall distribute to each member of the General Assembly one copy of the various public documents and upon request such additional number as the Secretary of State may provide for, and such remaining number as are not necessary to be retained for future General Assemblies shall be distributed upon special calls made therefor.

"(b) One thousand copies shall be stitched and bound in half sheep, containing a copy of each report, to be arranged under the direction of the Secretary of State. Some distinctive mark shall be put on the even numbered pages of each document to indicate its place in the bound document with the year of the report on each odd numbered page, and in each volume shall be placed a table of contents of all the volumes.

"(c) The foregoing one thousand copies shall be distributed as follows: One copy to the Lieutenant-Governor, to the Speaker, to each member of the General Assembly, to the Secretary of the Senate and to the Clerk of the House of Representatives; one copy each to the Governor of the State and his private secretary, the Secretary of State, the Auditor of State, the Treasurer of State, the Attorney-General, the Superintendent of Public Instruction, the clerk and reporter of the supreme court and each of their deputies, the commissioner of labor statistics, the adjutant-general, the custodian of the capitol and the fish commissioner; one copy to each judge of the supreme court; one copy to each railroad commissioner, mine inspector and commissioner of pharmacy; one copy to the State librarian and the secretary of the board of health, respectively; one copy to each State institution, to remain therein; one copy to the office of each county auditor, to remain therein; forty copies to the historical society; one copy to each of the other states and each territory reciprocating the same, and to each foreign nation or province desiring to exchange like reports; twenty-five copies to the state library; the remaining copies to be placed under the control of the Secretary of State, to be disposed of as he may see fit, the persons so receiving them to pay express charges thereon.

"(d) He shall furnish to the library of Congress two copies of all Legislative Journals and reports of State offices, immediately upon their publication.

"(e) Six hundred copies of the message, two hundred copies of each of the reports of the joint visiting committees and five hundred copies of each of the other documents shall remain with the State for the use of the future General Assemblies and to supply special calls therefor.

"(f) The copies not above disposed of shall be distributed to the officers, institutions and committees making report."

Amend section 14, page 31, line 1, by striking out the words "twenty-five hundred" and inserting in lieu thereof "two thousand;" and in line 5,

of the same section, by striking out the words "fifteen hundred" and inserting "one thousand."

Amend section 15, line 3, by striking out the word "five" and insert the word "two;" in line 4 by striking out the words "five copies" and inserting one copy;" and striking out all of line 5.

Amend line 9 of the same section by striking out the word "undisturbed" and inserting "undistributed." Strike out the words "Executive Council" and insert in lieu thereof "Secretary of State."

Strike out all of section 16 and adopt the following as a substitute therefor: "The Secretary of the Senate and the Clerk of the House of Representatives shall preserve copies of the printed daily Journals of their respective bodies as corrected, certify of their correctness and file them with the Secretary of State at the adjournment of the Legislature. The Secretary of State shall cause the same to be bound and preserved as the original journals of the Senate and House."

Amend section 18, page 32, by inserting at the end of line 4 the words, "except when otherwise ordered by the officers under whose direction the work is done."

Amend section 19, page 32, by striking out the words "so delivered" in line 3 and by adding at the end of line 3 the following: "and the purpose for which it is delivered. Upon return of the work for which any paper has been delivered, he shall enter the date thereof, and the quantity so returned. He shall also preserve for not less than two years a sample of each kind of work done, together with a memorandum of the measurement of composition, the quantity of press work, price paid and date of delivery."

Amend section 22, page 33, subdivision c, by striking out all of lines 15, 16, 17, 18, 19 and 20 to and including the words "thirty cents" and substitute the following: "For printing blanks on one side of a sheet of folio post or larger paper, two dollars and fifty cents for the first two hundred impressions, and for each additional one hundred impressions, fifteen cents per one hundred. On paper smaller than folio post, for blanks or circulars, two dollars for the first two hundred impressions, and for each additional one hundred impression, ten cents."

Also, amend the same section by adding the following as subdivision: "(d) For printing one thousand copies or less of the docket for the supreme court, including press work and composition, the docket page to conform in size and form with the dockets of 1896, three dollars for each printed page contained in a single volume thereof. For printing Senate or House bills, five hundred or less, including composition and press work, two dollars and fifty cents for each printed page contained in a single bill, and for each additional one hundred twenty-five cents. For briefs to the supreme court, fifty copies or less, of size and form prescribed by the rules of the supreme court, one dollar per printed page contained in a single volume. For letter heads, envelopes, labels and postal cards, one dollar and fifty cents for each one thousand impressions or less, and when postal cards are printed upon both sides, two press works shall be paid for."

Strike out all of section 24, page 33.

Strike out section 25, page 34, and adopt the following as a substitute therefor: "The Secretary of State shall cause indexes of the Journals of

the Senate and House of Representatives to be made, the cost thereof not to exceed the sum of \$75.00."

Amend section 26, line 7, by striking out the words "and twenty-five cents;" amend line 8, by striking out the words "twenty-five" and insert "twenty," and line 9, by striking out the words "the cover to be counted as one sheet." Amend line 10, by striking out the word "eighteen" and insert "seventeen."

Amend line 13, of same section, by striking out the word "five" and inserting the word "one."

Also, line 16, by striking out the word "forty" and inserting the word "thirty."

Strike out the words "fifty-five" in line 21, and insert "fifty."

Strike out lines 25, 26 and 27, being subdivision (j), and insert in lieu thereof: "For binding the Iowa Official Register, eight cents per copy for the first ten thousand copies and six cents per copy thereafter."

Add the following section: "Sec. 28. Nothing in this act shall be construed to in any manner affect the compensation of the present State printer and binder during the unexpired term of their offices."

A. C. HOTCHKISS,
Chairman.

Ordered passed on file.

That part of the report of the committee referring chapters 1, 2, 3, 4, 6, 7, 8 and 9 of title II, to the Committee on Code Revision, was adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 76, a bill for an act to revise, amend and codify the statutes in relation to warehousemen, carriers, hotel keepers, livery stable keepers and herders.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 51, a bill for an act to revise, amend and codify the statutes in relation to the State University.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 67, a bill for an act to revise, amend and codify the statutes in relation to weights, measures and inspections.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 55, a bill for an act to revise, amend and codify the statutes in relation to the Institution for Feeble Minded Children.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 75, a bill for an act to revise, amend and codify the statutes in relation to limited partnership.

G. S. GILBERTSON,
Chairman Senate Committee
W. E. HAUGER,
Chairman House Committee.

Passed on file.

The President announced as Senate member of committee under joint resolution No. 3, Senator Healy.

BILLS ON THIRD READING.

The Senate resumed consideration of substitute for Senate file No. 8, the substitute by Senator Junkin for section 25 being under discussion at the time of adjournment, Senator Carney having the floor.

The amendments to the substitute by Senator Penrose striking out the words "and not borrowed on," in line 5, and the words "nor borrowed on," in line 6, were adopted.

Senator Carney moved to amend the substitute for section 25 by striking out the words "or co-operative banks" wherever they appear in the substitute.

Adopted.

Senator Trewin presiding.

President Parrott presiding.

The time of adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

Senator Carney filed the following motion:

I move to reconsider the vote by which the motion to strike out section 22 of substitute for Senate file No. 8, failed to pass the Senate.

J. L. CARNEY.

PETITIONS AND MEMORIALS.

Senator Palmer presented memorial of the Temple W. C. T. U. of Des Moines, Iowa, against the manufacturing bill, and asked that it be read.

Referred to Committee on Suppression of Intemperance.

REPORTS OF STANDING COMMITTEES.

Senator Carney, from the Committee on Elections, submits the following report:

MR. PRESIDENT—Your Committee on Elections, to whom was referred Senate file No. 41, a bill for an act to revise, amend and codify the statutes in relation to regents and trustees of State institutions, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be amended as follows:

Strike out all marginal figures, references and underscoring.

Section 1, line 2, strike out "named;" and add to the section, "all of whom shall not be of the same political party."

Section 1, line 7, strike out the words "Industrial Home for the Blind."

Line 8, after the word "insane" insert the word "and." Strike out the words "and Soldiers' Home six." Insert before the word "trustees" the word "five."

Line 10, insert after the words "the Orphans' Home" the words "the Industrial Home for the Blind."

Line 11, add "for the Soldiers' Home five trustees to be appointed by the Governor by and with the consent of the Senate, who shall hold office for the term of six years."

Page 530, section 6, line 2, strike out the word "Congressional" and insert in place thereof the word "Senatorial."

Section 6, line 1, after the word "trustees," insert "Except as otherwise provided."

Section 11, lines 2 and 3, strike out the words "traveling expenses" and insert in place thereof the word "mileage."

Strike out section 12 and insert:

"Sec. 12. All claims of members of boards of trustees or of regents for attendance upon meetings of the board for time actually and necessarily spent in official duties shall be itemized, showing the date of such service and the nature thereof, and shall be sworn to by the claimant and certified to by the president and secretary of the board. It shall then be filed with the Auditor of State, who shall compute the mileage due each claimant by the nearest traveled route from his home to the place of meeting and shall enter said mileage upon the claim and if it be found in due form of law, the Auditor shall draw his warrant upon the Treasurer of State for the amount of said attendance and mileage. No compensation shall be allowed any member of such boards except as provided in this chapter."

Add section 13: "Sec. 13. The Secretary of State shall upon request furnish proper blanks prepared in accordance with this act for the purpose of making claims by members of boards of trustees of State institutions for compensation."

Add section 14. "Sec. 14. The Auditor shall include in his report to the Governor the amount paid for such services and mileage and to whom paid."

And that when so amended it do pass.

J. L. CARNEY,
Chairman.

Ordered passed on file.

Senator Carpenter, from the Committee on Code Revision, submits the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 90, a bill for an act to revise, amend and codify the statutes in relation to express companies, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be referred to the Committee on Railways.

C. A. CARPENTER,
Chairman.

Report of committee adopted and House file No. 90 referred to Committee on Railways.

Also:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 26, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of telegraph and telephone lines, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the

Senate with the recommendation that it be referred to the Committee on Corporations.

C. A. CARPENTER,
Chairman.

Report of committee adopted and House file No. 26 was referred to Committee on Corporations.

Also:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred Senate File No. 3, a bill for an act to revise, amend and codify the statutes in relation to township and county 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 the Senate concur in the House amendment to section 10 of chapter 1, page 86, as follows: By striking out all of line 5 after the word "date," lines 6 and 7, except the last two words; also, concur in the House amendment to same section as follows: By striking out all of lines 12 to 37, both inclusive, and insert in lieu thereof the following:

"The county of in the State of Iowa, for value received promises to pay to bearer dollars, lawful money of the United States of America on, with interest on said sum from the date hereof until paid at the rate of per cent per annum, payable annually on the first days of and in each year, on presentation and surrender of the interest coupons hereto attached. Both principal and interest payable at

This bond is issued by the board of supervisors of said county pursuant to the provisions of section 10, chapter 1, title IV of the Code of Iowa, and in conformity to a resolution of said board duly passed.

And it is hereby certified and recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa to be done precedent to and in the issue of this bond have been properly done, happened and been performed in regular and due form as required by law, and that the total indebtedness of said county, including this bond, does not exceed the constitutional or statutory limitations.

In testimony whereof, said county, by its board of supervisors, has caused this bond to be signed by the chairman of the board and attested by the auditor, with the county seal attached, this day of

Chairman Board of Supervisors.

Attest:

County Auditor County, Iowa.

(FORM OF COUPON).

The treasurer of county, Iowa, will pay to bearer dollars, on, at for annual interest on its bond, dated

No.

County Auditor."

Your committee further recommends that the Senate insist upon the amendment to section 2, chapter 2, page 90, adding after the word "over," at the end of line 2, in said section these words: "Except that a township having within its limits a city of twenty thousand inhabitants or over, he may be a resident of the same township, but said township shall not be entitled to more than one out of three, two out of five, or three out of seven, as the case may be, of the supervisors chosen to represent the county."

That the Senate concur in the House amendment to section 15, of chapter 2, page 93, line 7, by inserting the word "substructure" between the words "including" and "superstructure."

That the Senate concur in the first House amendment to section 32, of chapter 2, page 97, lines 13 and 14, by striking out the words "one-third the rate allowed by law for legal advertisements" and insert in lieu thereof the following words: "thirty-three and one-third cents for each ten lines of brevier type or its equivalent."

That the Senate refuse to concur in the second House amendment in line 15, section 32, of chapter 2, page 97, by striking out the word "may" and insert the word "shall" in lieu thereof.

That the Senate refuse to concur in the House amendment to section 33, of chapter 2, page 97, as follows: By inserting the following as subdivision 3:

"A book to be known as the bridge book, where a record of bridges shall be kept in a numerical order in each Congressional township, commencing in section one and numbering each bridge, giving location in fractional parts of section, name the kind of material used for substructure and superstructure, give length and cost of bridge and when repaired, to keep a record of repairs and charge it to the bridge, and warrants drawn in payment for erection or repairs of bridges shall indicate the number of the bridge for which it is issued in payment." Also, on same page and section, that "subdivision 3 be numbered subdivision 4."

That the Senate concur in the House amendment to section 49, of chapter 2, page 100, by striking out "one dollar" in line 2 and insert "two dollars"

That the Senate refuse to concur in the House amendment to section 1 of chapter 4, page 104, as follows:

"And shall on Monday of each week file with the auditor a statement in writing showing the amount of money in his hands, as such treasurer at the close of each day during the preceding week, also showing where, with whom, and the amount of such money on deposit at the close of said days with any person or company. The auditor shall file said statement which shall be open to public examination. Any person or company receiving said deposit, shall, upon written request of any member of the board of supervisors, make a statement in writing to the auditor, showing the daily balances of said treasurer for the last ten days preceding said report."

That the Senate refuse to concur in the House amendment in line 10, section 10, of chapter 4, as follows: By striking out the word "shall" and inserting the word "may."

That the Senate concur in the House amendment to section 6 of chapter 5, page 107, in line 2, by inserting after the word "words" the words "or less."

That the Senate refuse to concur in the House amendment to section 10 of chapter 6, page 108, line 4, strike out the words "by the first Monday in January in each year," and insert the words "at the time of making such quarterly reports."

That the Senate amend House amendment to section 11, line 2 of chapter 6, page 108, by striking out the figures "1,000" and insert the words "one thousand;" also, amend second House amendment to the same section in line 3, by striking out the figures "2,000" and insert the words "two thousand;" and further amend the third House amendment to the same section by striking out the figures "2,500" and insert the words "two thousand five hundred," and also amend House amendment to same section by striking out the figures "28,000" and insert the words "twenty-eight thousand."

Your committee further recommends that the Senate concur in the House amendment to section 11, page 109, by adding after the word "county" the following: "and in all civil matters he shall be allowed to retain the regular mileage collected by him."

Also, that the Senate concur in the House amendment to section 11, in line 5, page 103, inserting after the word "treasury" the word "quarterly."

That the Senate refuse to concur in the House amendment to section 11, chapter 6, page 109, by adding at the end of the section as amended by the Senate the words, "provided the total receipts of his office exceed fifteen hundred dollars."

That the Senate concur in the House amendment to paragraph 4, section 19, chapter 7, page 114, by changing the semicolon after "cents" to a period and strike out "which fees shall be paid out of the county treasury." Also, insert as paragraph 5, the following: "Which fees shall be paid out of the county treasury when they can not be obtained from estate of deceased." Change paragraph "5" to "6."

That the Senate concur in the House amendment to section 8, chapter 8, line 2, page 114, by changing the word "may" to "shall."

That the Senate concur in the House amendment to section 18 of the Senate amendment, page 118, by adding the following: "but said clerk shall not receive to exceed one per cent for handling said money"

That the Senate concur in the House amendment to section 19 of the Senate amendment, page 118, by adding at the end of said section "and for such purpose the trustees may purchase land not to exceed in value one hundred dollars."

That the Senate concur in the House amendment of line 5, section 41, page 121, by inserting after the words "in office" the words "unless otherwise provided by law."

C. A. CARPENTER,
Chairman.

Passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee an Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 84, a

bill for an act to amend section 3756 of the Code of 1873, as amended by chapter 118 and chapter 125, acts of the Twenty-first General Assembly, relative to collection of fees by the Secretary of State.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 50, a bill for an act to revise, amend and codify the statutes in relation to the educational board of examiners.

G. S. GILBERTSON,
Chairman.

March 11, 1897.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, joint resolution No. 3, relating to the appointment of a joint committee to investigate the reports of trustees, regents, commissioners or other officers of State institutions, and the books and records of such institutions, for the payment of expenses of such investigation, and defining the powers of the committee

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

The Journal of Thursday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

The Senate resumed consideration of substitute for Senate file No. 8, the substitute by Senator Junkin for section 25 being under consideration at the time of adjournment, Senator Berry having the floor.

On the substitute for section 25 of chapter 1, a roll call was demanded.

On the question, "Shall the substitute be adopted?" the yeas were:

Senators Bell, Bonson, Byers, Carney, Druet, Ellis, Ericson, Gilbertson, Hipwell, Hobart, Hurst, Junkin, Lothrop, Penrose, Rowen, Trewin, Waterman—17.

The nays were:

Senators Alexander, Allyn, Berry, Blanchard, Carpenter, Carroll, Cheshire, Craig, Downey, Everall, Funk, Garst, Gorrell, Harper, Harriman, Healy, Henderson, Hoppers, Hotchkiss, Kilburn, Mitchell, Palmer, Perrin, Phelps, Pusey, Ranck, Rigger, Sargent, Young—28.

Absent or not voting:

Senators Ellison, Eaton, Lehfeldt, Riggen, Upton—5.

The substitute was lost.

Senator Junkin filed the following motion:

MR. PRESIDENT—I move to reconsider the vote of Senate by which the amendment by the Senator from Clinton to section 22 of the pending bill was lost.

J. M. JUNKIN.

Senator Blanchard moved to amend section 29, chapter 1, by adding to the section the following: "Provided that where a telephone company is situated wholly within one county, the tax against such company shall be due and payable at the county treasury of the county and shall be disposed of as other taxes collected in the county."

Laid over.

Senator Funk moved that the time of adjournment be extended until 5 o'clock P. M.

Lost.

The Senate adjourned until to-morrow at 9 o'clock A. M.

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, March 13, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. G. L. Brokaw of Des Moines, Iowa.

PETITIONS AND MEMORIALS.

Senator Rowen presented remonstrance of W. C. T. U. and other temperance women of New Providence, Iowa, against the manufacturing bill and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Byers presented petition of A. Lundgrun and other citizens of Chariton, in relation to the revenue bill.

Referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

Senator Gorrell, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry, 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 House amendments be concurred in, and when so concurred in that the bill do pass.

J. R. GORRELL,
Chairman.

Ordered passed on file.

Senator Hospers, from the Committee on Banks, submitted the following report:

MR. PRESIDENT—Your Committee on Banks, to whom was referred Senate file No. 12, a bill for an act to revise, amend and codify the statutes in relation to banks and banking institutions, 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 accompanying bill be substituted for said Senate file, and when so substituted that the bill do pass.

HENRY HOSPERS,
Chairman.

Substitute read first and second time, and five hundred copies ordered printed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, joint resolution No. 3, providing for the appointment of a joint committee to investigate the reports of trustees, regents, commissioners or other officers of State institutions, and the books and records of such institutions, for the payment of expenses of such investigation, and defining the powers of the committee.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 84, a bill for an act to amend section 3756 of the Code of 1873 as amended by chapter 118 and chapter 125, acts of the Twenty-first General Assembly, relative to collection of fees by the Secretary of State.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 86, a bill for an act to amend sections 289 and 290 of the Code of 1873, as amended by chapter 76 of the acts of the Twenty-sixth General Assembly of the State of Iowa, relating to the bonding of county indebtedness.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

The Journal of Friday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

Senator Gorrell moved that the House amendments to Senate file No. 36 be concurred in.

On the question, "Shall the amendments be concurred in?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Druet,

Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Palmer, Perrin, Phelps, Pusey, Ranck, Rowen, Sargent, Trewin, Waterman, Young—41.

The nays were:

None.

Absent or not voting:

Senators Carney, Ellison, Harper, Junkin, Lehfelddt, Mitchell, Penrose, Rigger, Upton—9.

So the House amendments to Senate file No. 36 were concurred in.

Senator Carpenter called up Senate file No. 3.

Senator Carpenter moved that the report of the Code Revision Committee on House amendments to Senate file No. 3, recommending concurrence in House amendments as follows: Amendment to section 10, chapter 1; amendment to section 15, chapter 2, line 7; first amendment to section 32, chapter 2, lines 13 and 14; amendment to section 49, chapter 2, line 2; amendment to section 6, chapter 5, line 2; amendment to section 11, line 9, chapter 6; amendment to section 11, line 5, chapter 6; amendment to section 19, chapter 7, paragraph 4; amendment adding paragraph 5, section 19, chapter 7, and renumbering paragraph 5; amendment to section 6, chapter 8, line 2; amendment to section 18, chapter 10; amendment to section 19, chapter 10; amendment to section 41, chapter 10, line 5, and recommending that the Senate refuse concurrence in House amendments as follows: The second amendment to section 32, chapter 2, line 15; amendment to section 33, chapter 2, by adding sub division 3; amendment to section 1, chapter 4; amendment to section 2, chapter 2, at end of line 2; amendment to section 10, chapter 4, line 10; amendment to section 10, chapter 6, line 4; amendment to section 11, chapter 6, be adopted.

Carried.

On the question "Shall the House amendments to Senate file No. 3, as recommended by the committee, be concurred in?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ericson, Funk, Garst, Gilbertson, Gorrell, Henderson, Hobart,

Hospers, Hotchkiss, Junkin, Lothrop, Mitchell, Palmer, Perrin, Phelps, Pusey, Rowen, Sargent, Trewin, Waterman, Young—34.

The nays were:

Senators Everall, Hipwell, Hurst, Kilburn, Ranck—5.

Absent or not voting:

Senators Berry, Carney, Eaton, Ellison, Harriman, Harper, Healy, Lehfeldt, Penrose, Rikken, Upton—11.

So the amendments were concurred in.

Senator Garst moved that when the Senate adjourn it be to meet Monday at 10 o'clock A. M.

Carried.

Senate resumed consideration of substitute for Senate file No. 8, the amendment by Senator Blanchard to section 29, chapter 1, being under consideration at the time of adjournment, Senator Blanchard having the floor.

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Bell, Blanchard, Byers, Carroll, Craig, Downey, Druet, Eaton, Ellis, Gorrell, Hobart, Hospers, Hotchkiss, Kilburn, Lothrop, Phelps, Ranck, Rowen, Sargent, Trewin—21.

The nays were:

Senators Allyn, Bonson, Carpenter, Cheshire, Ericson, Everall, Funk, Garst, Gilbertson, Harriman, Henderson, Hipwell, Hurst, Junkin, Mitchell, Palmer, Penrose, Perrin, Pusey, Waterman—20.

Absent or not voting:

Senators Berry, Carney, Ellison, Harper, Healy, Lehfeldt, Rikken, Upton, Young—9.

The amendment was adopted.

Senator Ellis moved to amend section 21, chapter 1, as follows: In line 6, after the word "them" insert the words "either in this State or elsewhere;" and after the word "estate," where it occurs a second time in line 8, insert the words, "situated within the State;" also, add to the end of the section the words "corporations organized under the laws of the State of Iowa, but whose tangible property is principally located outside of the State of Iowa, shall be taxed only on what property they have in the State of Iowa, and their shares of capital stock shall be correspondingly assessed and taxed."

Laid over.

Senator Funk moved to amend section 31, chapter 1, as follows: Amend section 31 by inserting after the word "received," in line 4, the words "by it for business done in this State or for insurance upon property situated in this State or upon the lives of persons resident."

Adopted.

Senator Druet moved to amend section 36, chapter 1, as follows: Insert after the word "taxes," in line 7, the following: "except the school and road tax of such railways as were voted aid by the townships through which they were built, in which case the school tax shall be divided among the schools in the townships in proportion to the number of children of school age in each district and the road tax shall be divided among the road districts in the townships in proportion to the number of miles of public highway in each district."

Laid over.

Senator Funk moved to amend section 39, chapter 1, by inserting in line 2 after the word "cars" the word "so."

Adopted.

Senator Blanchard moved to amend section 41, chapter 1, as follows: Strike out the word "the" before "assessment" in line 7 and insert in lieu thereof the word "each;" also, strike out the word "where" and insert the word "wherein" in lieu thereof; also, insert after the word "same" in line 8 the words "or any portion thereof."

Laid over.

Senator Mitchell presiding.

Senator Trewin moved to amend section 54, chapter 1, as follows: Strike out all after the word "shall" in line 1 and to the word "in" in line 2 and insert in lieu thereof the words "at the time of making the assessment inform the person assessed."

Adopted.

Senator Funk moved to amend section 53, chapter 1, by adding the letter "s" to the word "roll" in line 1.

Adopted.

Senator Funk moved to amend section 59, chapter 1, by striking out the words "schedule number" in line 10, and inserting in lieu thereof the words "assessment roll, form No. 2."

Adopted.

Senator Funk moved to amend section 59, chapter 1, line 5, by striking out the words "such person, partnership, corporation or association" and inserting the word "them" in lieu thereof.

Adopted.

Senator Funk moved to amend section 59, chapter 1, by striking out all after the word "office" in line 11.

Adopted.

On request of committee, section 67, chapter 1, was passed for further consideration.

Senator Waterman moved to amend section 71, chapter 1, as follows: Strike out the word "demand" and insert the words "sum found to be due" in lieu thereof.

Adopted.

Senator Trewin moved to amend section 78, chapter 1, by inserting after the first word "may" in line 3, the words "after obtaining final judgment thereon."

Adopted.

Senator Druet moved to amend section 45, chapter 1, by adding to the section the words "nor to local dealers."

Laid over.

Senator Eaton moved to amend section 3, chapter 1, by adding thereto as subdivision 8, the following: "For every acre of fruit trees planted and suitably cultivated within the State, the trees thereon not being more than thirty-three feet apart and kept in a healthy condition, the sum of fifty dollars (\$50) shall be exempted from taxation upon the owner's assessment for five years after each acre is planted. Such exemption shall be made by the assessor at the time of the annual assessment, upon satisfactory proof that the party claiming the same has complied with this section. And the assessor shall return to the board of equalization the name of each person claiming exemption, the quantity of land planted to fruit trees, and the amount deducted from the valuation of his property. Provided that the amount so deducted shall not exceed one-half the valuation of the realty on which such exemption is claimed."

Laid over.

Senator Funk moved that the further consideration of the bill be postponed until Monday afternoon.

Carried.

President Parrott presiding.

REPORTS OF COMMITTEES.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred section 17 of chapter 7, of House file No. 73, a bill for an act to revise, amend and codify the statutes in relation to trade and commerce, 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 substitute for the above section has been agreed upon:

“Section 17. Any judge of the district court in vacation shall have power in cases under this chapter to issue citations and attachments, order the sale of personal or real property and approve sales and deeds thereof.”

Your committee recommend further the adoption of the above substitute.

L. A. ELLIS,
THOS. D. HEALY,
C. A. CARPENTER,
L. C. BLANCHARD,
Senate Committee.

W. W. CORNWALL,
J. P. MCDOWELL,
J. J. LOWRY,
JAMES CLARK,
House Committee.

Senator Ellis moved that the report of the conference committee be adopted.

On the question, “Shall the report of the conference committee be adopted?” the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bonson, Byers, Carney, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Rowen, Sargent, Trewin, Waterman, Young—39.

The nays were:

None.

Absent or not voting:

Senators Berry, Carpenter, Ellison, Harper, Hobart, Hurst, Lehfeltdt, Pusey, Ranck, Rigger, Upton—11.

The report of committee was adopted.

Senator Palmer, from the Committee on Agriculture, submits the following report:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred Senate file No. 30, a bill for an act to revise, amend and codify the statutes

in relation to dairy commissioner and imitation dairy products, 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 House amendments be concurred in, and having been concurred in that the bill do pass.

D. J. PALMER,
Chairman.

Senator Palmer moved that the report of committee concurring in the House amendments to Senate file No. 30 be adopted.

Carried.

On the question, "Shall the House amendments be concurred in?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Rowen, Sargent, Trewin, Waterman, Young—39.

The nays were:

None.

Absent or not voting:

Senators Carney, Ellison, Harper, Hobart, Junkin, Kilburn, Lehfeldt, Pusey, Ranck, Riggen, Upton—11.

The House amendments were concurred in.

Senator Carroll filed the following motion:

I move to reconsider the vote by which amendments to section 29 of revenue bill was adopted.

B. F. CARROLL.

Senator Blanchard moved that the Senate do now adjourn.

Carried.

Senate adjourned until Monday at 10 o'clock A. M.

SENATE CHAMBER,
DES MOINES, Iowa, Monday, March 15, 1897. }

Senate met in regular session at 10 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. J. W. Neeley of Des Moines.

On request of Senator Hurst, leave of absence was granted Senator Hipwell.

PETITIONS AND MEMORIALS.

Senator Sargent presented remonstrance of E. S. Koons and fifty-nine citizens of La Porte City, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

REPORT OF COMMITTEE.

Senator Palmer, from Committee on Agriculture, presented the following report:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred the concurrent resolutions by Senator Rowen, relative to gathering information as to raising sugar beets in Iowa, beg leave to report that they have had the same under consideration and recommend that they be indefinitely postponed for the reason that sufficient time does not remain to carry out the scope of the resolutions, although approving of their intent.

D. J. PALMER,
Chairman.

Passed on file.

BILLS ON THIRD READING.

Senator Palmer called up for consideration House file No. 31, postponed from March 8.

Senator Palmer moved to amend section 8 as follows: Strike out all of section 8.

Adopted.

Senator Downey moved to amend section 14, line 8, by changing the word "three" to "four" and in lines 9 and 10 strike out the words "or of four wires, two thus barbed and two smooth."

On this the yeas and nays were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Downey, Eaton, Harriman, Hurst, Kilburn, Lothrop, Perrin, Waterman, Young—9.

The nays were:

Senators Allyn, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Ellis, Everall, Funk, Garst, Gilbertson, Henderson, Hotchkiss, Mitchell, Palmer, Phelps, Pusey, Ranck, Sargent—20.

Absent or not voting:

Senators Alexander, Bell, Berry, Blanchard, Carney Druet, Ellison, Ericson, Gorrell, Harper, Healy, Hipwell, Hobart, Hospers, Junkin, Lehfeltdt, Penrose, Rigger, Rowen, Trewin, Upton—21.

The amendment was lost.

Senator Henderson moved to amend section 14, line 8, by inserting after the word "height" the words "and the center rail, wire or board not less than twelve or more than eighteen inches above the bottom rail, wire or board."

On this a division was called for and the amendment adopted.

Senator Palmer moved to amend the bill by renumbering the sections consecutively.

Adopted.

Senator Palmer moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Everall, Funk, Garst, Gilbertson, Harriman, Henderson, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Perrin, Phelps, Pusey, Ranck, Rowen, Sargent, Trewin, Waterman, Young—31.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Berry, Blanchard, Carney, Druet, Ellison, Ericson, Gorrell, Harper, Healy, Hipwell, Hobart, Hospers, Junkin, Lehfeltdt, Penrose, Rigger, Upton—19.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Harriman, House file No. 15, a bill for an act to revise, amend and codify the statutes in relation to

roads, bridges and ferries, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

Senator Harriman moved to amend section 28 as follows: Strike out all of section 28 and substitute the following: "The trustees or commissioners of the institutions belonging to the State may vacate, alter, change or establish public highways through the lands belonging to the State, and for the use of such institutions as the said board of trustees or commissioners may deem for the best interests of the State and the public, subject, however, to the approval of the board of supervisors of the county or the city council of the city wherein such lands are situated."

Adopted.

Senator Harriman moved to amend section 30, line 1, by striking out the words "Legislature or" and insert the words "trustees of State institutions;" also, after the word "statute" in line 1, insert the word "or."

Adopted.

Senator Harriman moved to amend section 32, line 1, by striking out the word "application" and insert the word "applicant" in lieu thereof.

Adopted.

Senator Harriman moved to amend section 35, line 4, by inserting after the word "board" the words "of supervisors."

Adopted.

Senator Harriman moved to amend section 36, chapter 1, as amended by the House, as follows: In line 1 strike out the word "he" and insert the word "they" in lieu thereof.

Adopted.

Senator Harriman moved to amend section 36, chapter 1, as amended by the House, by striking out of line 3 the word "him" and inserting in lieu thereof the word "them."

Adopted.

Senator Harriman moved to amend section 45 as follows: In line 3 before the word "any" insert the word "at."

Adopted.

Senator Harriman moved to amend section 1, chapter 2, by striking out of line 3 the word "October" and inserting in lieu thereof the word "November."

Adopted.

Senator Harriman moved to amend section 1, chapter 2, line 12, by striking out the word "October" and insert the word "November" in lieu thereof.

Adopted.

Section 3 of chapter 2 passed for further consideration.

Senator Harriman moved the following amendment: In line 1 of section 8 strike out the word "nine" and insert the word "eight" in lieu thereof.

Adopted.

Senator Harriman moved to amend line 1, section 13, by inserting the word "the" between the words "levied" and "property."

Adopted.

Senator Harriman moved to amend line 1, section 15, by inserting the word "November" in lieu of the word "October."

Adopted.

Senator Harriman moved to amend section 21, chapter 2, line 2, by striking out the word "October" and inserting the word "November" in lieu thereof.

Adopted.

Senator Henderson moved to amend chapter 1, section 21, line 2, by inserting after the word "year" the words "seventy-five per cent of which shall be expended before the fifteenth day of July."

Adopted.

Senator Harriman moved to amend section 24, chapter 2, line 4, by striking out the word "nine" and inserting the word "eight" in lieu thereof.

Adopted.

Senator Harriman moved to amend section 26, chapter 2, as follows: In line 1 strike out the word "two" and insert "one and one-half" in lieu thereof.

Adopted.

Senator Harriman moved to amend section 27, chapter 2, line 2, by striking out the word "October" and inserting the word "November" in lieu thereof.

Adopted.

The hour of adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

The Journal of Saturday was taken up, read, corrected and approved.

On request of Senator Hospers, Senator Rowen was excused.

Senate resumed consideration of substitute for Senate file No. 8.

Senator Gorrell offered the following amendment to section 11, chapter 1, and asked that it be printed in the Journal: Insert after the word "except" in line 2 the following: "notes secured by mortgage shall be listed and assessed at the place where the mortgage is recorded, and except."

Laid over.

Section 78 passed for further consideration.

Senator Funk moved to amend section 88, chapter 1, by striking out the words "and no tax sale shall be made therefor."

Adopted.

Senator Trewin moved to amend section 95, chapter 1, by striking out the word "four" in line 4 and inserting the word "two" in lieu thereof.

Laid over.

Senator Trewin moved to amend section 40, chapter 2, by striking out of line 9 the word "official."

Adopted.

Senator Funk moved to amend section 1, chapter 4, in line 3, by striking out the words "intestate laws" and inserting in lieu thereof the words "statutes of inheritance."

Adopted.

Senator Funk moved to amend section 2, chapter 4, line 2, by inserting after the word "inventory" the words "any will to the contrary notwithstanding."

Adopted.

Senator Funk moved to amend section 4, chapter 4, by inserting the word "such" before the word "child" in line 4.

Adopted.

Senator Funk moved to amend chapter 4, section 5, by striking out the figure "4" and word "hereof" in lines 2 and 3

and 11, and insert the words "the previous" before the word "section" in lines 2 and 11; also, strike out the figure "4" in line 13, and insert the words "the previous" before the word "section" in same line.

Adopted.

Senator Funk moved to amend section 5, chapter 4, by inserting after the word "determination" in line 17, the words "unless a longer period is fixed by the court."

Adopted.

Senator Funk moved to amend section 11, chapter 4, by striking out the figures "4" and "5" in line 2, and inserting the words "four" and "five;" also, strike out the word "act" in line 3 and insert the word "chapter" in lieu thereof.

Adopted.

Senator Funk moved that the further consideration of this bill be postponed until to-morrow.

Carried.

Senator Blanchard asked leave to withdraw the amendment to section 41; chapter 1, printed in the Journal of the Senate of March 13, and offered the following amendment: Amend section 41 by striking out after the word "in," in the seventh line, all of the balance of the sentence down to and including the word "situated" in the eighth line, and insert in lieu thereof the following: "In the city or town supplied or served by any such water company, gas company or street railway company whenever any portion of the property belonging to any such company is situated in such city or town. In all other cases such property shall be listed and assessed in the assessment district where the same is situated."

Laid over.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

House file No. 38, a bill for an act to revise, amend and codify the statutes in relation to the inspection of petroleum products.

JAMES D. ROWEN,
Chief Clerk.

Passed on file.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the conference committee on House file

No. 73, a bill for an act to revise, amend and codify the statutes in relation to assignment for creditors.

JAMES D. ROWEN,
Chief Clerk

Passed on file.

HOUSE MESSAGES.

House file No. 38, a bill for an act to revise, amend and codify the statutes in relation to inspection of petroleum products, was read first and second time and referred to Committee on Public Health.

Report of conference committee on House file No. 73, a bill for an act to revise, amend and codify the statutes in relation to assignment for creditors, was read and passed on file.

REPORT OF STANDING COMMITTEE.

Senator Ellis, from the Committee on Judiciary, submits the following report:

MR PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 4, a bill for an act to revise, amend and codify the laws in relation to procedure in courts of original jurisdiction with amendments as adopted and passed by the House, 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 (1) the amendments of the House adopted by the committee be concurred in; (2) that the amendments of the House not adopted by the committee be not concurred in by the Senate.

The committee accompany this recommendation with an additional report in detail:

The committee recommend that the Senate concur in the House amendments as follows:

Page 695, section 1, strike out the word "six" in line 4 and insert the word "three;" and in line 5 of same section strike out "ninety" and insert "sixty."

Page 696, section 1, subdivision 3, line 8, insert after the word "reputation" the following: "including injuries to relative rights;" and in same section, line 9, after the word "years" add the following: "and those brought to set aside a will within five years from the time the same is filed in the clerk's office for probate and notice thereof is given."

The committee recommend nonconcurrence in the House amendment to subdivision 4, inserting the words "time of filing the same in the clerk's office."

The committee also recommend nonconcurrence in the House amendment to section 2, line 2, chapter 3, same page, by striking out the words "be joined" and inserting the word "join."

The committee recommend that the Senate concur in the House amendment to section 6, line 2, page 702, striking out the word "thereon."

Also, section 2, line 2, chapter 6, page 705, striking out all after the word "term" and insert the following: "the defendant may have the action dismissed."

Also, page 707, section 16, line 2, insert between the words "company" and "service" the following: "or against any foreign corporation."

Also, same page, section 18, line 5, insert between the words "the" and "preceding" the word "two," and in the same line add "s" to the word "section."

Also, page 709, section 28, line 5, prefix to subdivision 2 the following: "By entering an appearance in the appearance docket, or judge's calendar or."

Also, same page, section 28, line 15, insert after the word "January" the following: "the twenty-second day of February."

The committee recommend nonconcurrency in the House amendment, page 711, chapter 8, section 2, line 4, after the word "unless" insert the following: "allowed by the court or the;" also, make the same recommendation to the House amendment striking out the word "such" before the word "pleading."

Also, the same recommendation to the House amendment, page 712, section 8, lines 4, 5 and 6, inserting the word "motion" after the first word "the" in each line.

The committee recommend the Senate concur in the House amendment to section 9, line 4, same page, striking out the word "five" and inserting the word "ten."

They recommend nonconcurrency in the House amendment to section 10, subdivision 2, line 2, same page, restoring the words "at law."

They recommend the Senate to concur in the House amendment, page 714, section 26, line 3, after the word "petition" add the following: "and with like results attendant upon the ruling thereon."

Also, same recommendation relative to House amendment, page 715, section 30, line 3, after the word "petition" add the following: "and with like results attendant upon the ruling thereon."

The committee recommend the nonconcurrency in the House amendment, section 31, line 2, after the word "except" insert the words "motions and."

They recommend the Senate concur in the House amendment, page 716, section 42, line 2, after the word "introduced" add the following: "in which case they shall be verified as other pleadings."

Also, same recommendation, page 718, section 60, add at end of the section the following: "and when the party interrogated is a corporation, the answers and affidavits verifying the same shall be made by the officers or agents of such corporation who have knowledge of the subjects and matters covered by the interrogatories."

Also, same recommendation relative to House amendment to section 70, chapter 8, page 719, striking out the words "by its title and the day of its passage" and insert in lieu thereof "so as to plainly designate it."

Same recommendation as to House amendment, page 724, section 14, line 5, after the word "elect," add the following: "And the provisions of this Code as to appeals from justices' courts shall be applicable so far as may be, to other appeals contemplated in this section."

Same recommendation as to House amendment, page 726, section 29, line 17, after the word "reporter" insert the words "when demanded by either party."

The committee recommend to the Senate nonconcurrency to the House amendment to section 36, line 1, same page, striking out all after the word "sworn," and striking out the word "he" in first line and insert the words "the jury."

The committee recommend the Senate to concur in the House amendment, page 727, to insert between sections 46 and 47 the following:

Sec. 47. When a cause is called for trial and before drawing the jury, either party may require the names of all the jurors in the panel to be called, and an attachment to be issued against those who are absent, but the court may in its discretion, wait or not for the return of the attachment.

Sec. 48. The clerk shall prepare separate ballots containing the names of the persons returned as jurors, which shall be folded, each in the same manner, as near as may be, and so that the name thereon shall not be visible, and must deposit them in a box kept for that purpose.

Sec. 49. Before the name of any juror is drawn, the box must be closed and shaken, so as to intermingle the ballots therein, and the clerks shall draw such ballots from the box, without seeing the names written thereon, through the top of the lid thereof.

Sec. 50. If a juror is absent when his name is drawn, or be set aside or excused from serving on that trial, the ballot containing his name must be returned to the box as soon as the jury is sworn.

Sec. 51. When a jury is completed the ballots containing the names of the jurors sworn must be laid aside and kept apart from the ballots containing the names of the other jurors until it is discharged, and must then be again folded and returned to the box, and so on, as often as a trial is had.

Sec. 52. If for any reason the regular panel is exhausted without a jury being selected, it shall be completed in the manner provided in the chapter upon selecting, drawing and summoning juries.

Amend chapter 9 of this title by renumbering the sections consecutively in the order in which they occur, commencing with section 47 of the printed bill and numbering it 52.

The committee recommend that the Senate do not concur in the House amendment, page 728, section 52, substituting the section as proposed by the Code commissioners for the substitute agreed upon by the Senate.

The committee recommend concurrence in the amendment of the House on page 730, striking out section 61, as proposed by the Senate, and inserting in lieu thereof the section proposed by the Code commissioners.

They recommend that the Senate do not concur in the House amendment, page 735, section 103, line 18, inserting as subdivision 9 the following: "That the pleadings of the prevailing party do not state facts sufficient to constitute a cause of action or defense, as the case may be, specifying wherein they may be defective."

The committee recommend that the Senate concur in the House amendment, same page, section 104, line 2, insert after the word "rendered" the following: "unless for good cause the court extends the time."

Also, same recommendation as to House amendment, page 740, section 152, by inserting the word "thirty" in lieu of the word "sixty" in the fourth line; also, striking out of Senate amendment to the same section the words

“to be recovered by the other party” and inserting in lieu thereof the words “by the party aggrieved.”

Same recommendation as to House amendment as to page 748, striking out of line 6, section 17, chapter 16, the words “the second day of the term;” also, the word “first” and insert the original wording of the Code commissioners.

The committee recommend that the Senate do not concur in House amendment, page 749, substitute for section 20, chapter 16: “In every action tried in a court of record by jury, the per diem of such jury while engaged in the trial thereof, shall be taxed as part of the costs, and shall be collected the same as the other costs, and paid into the county treasury by the clerk, who shall report the same to the board of supervisors at each regular session thereof, who shall cause the same to be charged to the treasurer, and it is hereby made the duty of the clerk, where a case is tried by jury, to keep a true and correct record of the time occupied by the jury in such case, from the time of its being impanelled to the time it is discharged and to tax in each case the amount of the jury fees chargeable to it under the provision of this section.”

The committee recommend that the Senate concur in the House amendment, page 749, striking out section 23 as adopted by the Senate and substituting the section as recommended by the Code commissioners.

L. A. ELLIS,
Chairman.

Ordered passed on file.

INTRODUCTION OF BILLS.

By unanimous consent, Senate file No. 90, by Senator Blanchard, a bill for an act to revise, amend and codify the statutes in relation to the School for the Deaf, was read first and second time and referred to Committee on Educational Institutions.

Senator Bell moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, March 16, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. R. W. Hughes, superintendent of American Bible society for Iowa.

PETITIONS AND MEMORIALS.

Senator Blanchard presented remonstrance of a meeting of 300 citizens of New Sharon, Iowa, against the manufacturing bill and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Rowen presented remonstrance of Rev. Edwin Newell and sixty-five other citizens of Clarion, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Rowen presented remonstrance of Rev. C. B. Winter and thirteen other citizens of Clarion, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Bonson presented petition of Julien division, order of railroad conductors, of Dubuque, in favor of the Temple amendment.

Referred to Committee on Railways.

Senator Allyn presented remonstrance of citizens of Creston and employes of the Chicago, Burlington & Quincy railroad, against the Temple amendment and asked that it be read.

Referred to Committee on Railways.

Senator Byers presented memorial of a union meeting of the churches of Humeston, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Hobart presented petition of railway men of Cherokee in favor of the Temple amendment.

Referred to Committee on Railways.

On request of Senator Sargent, leave of absence was granted Senator Alexander until Wednesday.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 86, a bill for an act to amend sections 289 and 290 of the Code of 1873 as amended by chapter 76 of the acts of the Twenty-sixth General Assembly of the State of Iowa, relating to the bonding of county indebtedness.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 84, a bill for an act to amend section 3756 of the Code of 1873 as amended by chapter 118 and chapter 125, acts of the Twenty-first General Assembly, relative to collection of fees by the Secretary of State.

G. S. GILBERTSON,
Chairman.

Passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 83, a bill for an act to revise, amend and codify the statutes in relation to justices of the peace and their courts.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file

No. 37, a bill for an act to revise, amend and codify the statutes in relation to the geological survey.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 54, a bill for an act to revise, amend and codify the statutes in relation to the Orphans' Home and Home for Destitute Children.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 5, a bill for an act to revise, amend and codify the statutes in relation to the General Assembly.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 32, a bill for an act to revise, amend and codify the statutes in relation to lost goods.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 63, a bill for an act to revise, amend and codify the statutes in relation to the school fund.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

The Journal of Monday was taken up, read, corrected and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to sections 13, 23, 25 (line 22), 25 (subdivision 3, line 8), 33, 37, 43, 45, 53, 58, 88, 91, 97, 98, 100, 120; also, to renumber section 62 and all sections thereafter; also, to add section 92; also, has refused to concur in Senate amendments to sections 8, 12, 15, 30, 31, 41, 62, 63 and 83 to House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence.

JAMES D. ROWEN,
Chief Clerk.

BILLS ON THIRD READING.

Senate resumed consideration of substitute for Senate file No. 8.

Senator Cheshire moved to strike out sections 27, 28, 29, 30, 38, 39, 43 and 44, of chapter 1 of the bill, and insert as sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 of the bill, the following, and when so inserted that the remaining sections of the chapter be properly renumbered:

Sec. 27. Every joint stock association, company, copartnership or corporation, whether formed or incorporated under the laws of this State or any other State, or of any foreign nation, engaged in transmitting to, from, through, in or across the State of Iowa, telegraphic messages, shall be deemed and held to be a telegraph company, and every such telegraph company shall annually between the first day of February and the first day of March, make out and deliver to the Auditor of State a statement, verified by oath of the officer or agent of such company making such statement, with reference to the first day of January next preceding, showing:

First.—The total capital stock of such association, company, copartnership or corporation.

Second.—The number of shares of capital stock issued and outstanding, and the par or face value of each share.

Third.—Its principal place of business.

Fourth.—The market value of said shares of stock on the first day of April next preceding, and if such shares have no market value, then the actual value thereof.

Fifth.—The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation, and subject to local taxation within the State, and the location and assessed value thereof, in each county or township where the same is assessed for local taxation.

Sixth.—The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation, situate outside of Iowa, and not directly used in the conduct of the business, with a specific description of each piece, where located, the purpose for which the same is used and the sum at which it is assessed for taxation in the locality where situated.

Seventh.—All mortgages upon the whole or any of its property, together with the dates and amounts thereof.

Eighth.—(a) The total length of the lines of said association or company.

(b) The total length of so much of their lines as is outside the State of Iowa.

(c) The length of the lines within each of the counties and townships within the State of Iowa.

Sec. 28. Every telephone company doing business in this State, whether incorporated under the laws of this State or of any foreign nation, shall annually between the first day of February and the first day of March, make out and deliver to the Auditor of State a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the first day of January next preceding, showing:

First.—The total capital stock of such association, company, copartnership or corporation.

Second.—The number of shares of capital stock issued and outstanding, and the par or face value of each share.

Third.—Its principal place of business.

Fourth.—The market value of said shares of stock on the first day of January next preceding, and if such shares have no market value then the actual value thereof.

Fifth.—The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation and subject to local taxation within the State, and the location and assessed value thereof in each county or township where the same is assessed for local taxation.

Sixth.—The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation, situate outside the State of Iowa, and not used directly in the conduct of the business, with a specific description of each piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situated.

Seventh.—All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Eighth—(a) The total length of lines of said association or company.

(b) The total length of so much of their lines as is outside the State of Iowa.

(c) The length of the lines within each of the counties and townships within the State of Iowa.

Sec. 29. Every joint stock association, company, copartnership, or corporation formed or incorporated or acting under the laws of this or any other State, or any foreign nation, engaged in conveying to, from, through, in or across this State, or any part thereof, money, packages, gold, silver, plate merchandise, freight, or other articles, under contract, express or implied, with any railroad company, or the managers, lessees, agents, or receivers thereof, provided such joint stock association, company, copartnership or corporation is not a railroad company, shall be deemed and held to be an express company within the meaning of this act, and every such express company shall annually between the first day of February and the first day of March make out and deliver to the Auditor of State a statement, verified by the oath of the officer or agent of such association, company, copartnership or corporation making such statement, with reference to the first day of April next preceding, showing:

First.—The total capital stock of said association, company, copartnership or corporation.

Second.—The number of shares of capital stock issued and outstanding and the par or face value of each share, and, in case no shares of capital stock are issued, in what manner the capital stock thereof is divided and in what manner such holdings are evidenced.

Third.—Its principal place of business.

Fourth.—The market value of said shares of stock on the first day of January next preceding, and if such shares have no market value, then the actual value thereof; and in case no shares of stock have been issued, state the market value, or the actual value in case no market value, of the capital thereof, and the manner in which the same is divided.

Fifth.—The real estate, structures, machinery, fixtures and appliances, owned by said association, company, copartnership or corporation, and subject to local taxation within the State of Iowa and the location and assessed value thereof in the county or township where the same is assessed for local taxation.

Sixth.—The specific real estate, together with the improvements thereon, owned by said association, company, copartnership or corporation, situate outside the State of Iowa, and not used directly in the conduct of the business, with a specific description of each piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situated.

Seventh.—All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Eighth—(a) The total length of lines or routes over which such association, company, copartnership or corporation transports such merchandise, freight or express matter.

(b) The total length of such lines or routes as are outside the State of Iowa

(c) The length of such lines or routes within each of the counties and townships within the State of Iowa.

Sec. 30. Every joint stock association, company, copartnership or corporation formed or incorporated or acting under the laws of this or any other State, or of any foreign nation, and conveying to, from, through, in or across this State, or any part thereof, passengers or travelers in palace cars, drawing room cars, sleeping cars, dining cars or chair cars, under any contract, express or implied, with any railroad company, or the managers, lessees, agents or receivers thereof, shall be deemed and held to be a sleeping car company for the purposes of this act; and every such sleeping car company doing business in this State shall, annually, between the first day of February and the first day of March, make out and deliver to the Auditor of State a statement, verified by the oath of the officers or agent of such company making such statement, with reference to the first day of January preceding, showing:

First.—The total capital stock of such association, company, copartnership or corporation.

Second.—The number of shares of capital stock issued and outstanding, and the par or face value of each share.

Third.—Its principal place of business.

Fourth.—The market value of said shares of stock on the first day of January next preceding, and if such shares have no market value then the actual value thereof.

Fifth.—The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation, and subject to local taxation within the State, and the location and assessed value thereof in each county or township where the same is assessed for local taxation.

Sixth.—The specified real estate, together with the permanent improvements thereon owned by such association, company, copartnership or corporation, situate outside the State of Iowa, and not used directly in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situated.

Seventh.—All mortgages upon the whole or any part of its property, together with the franchises and amounts thereof.

Eighth.—(a) The total length of the main lines of all railroad companies over which said cars are run.

(b) The total length of so much of the main lines of the railroad companies over which said cars are run as is outside the State of Iowa.

(c) The length of the lines of said railroad companies over which said cars are run within each of the counties and townships within the State of Iowa; provided, that where the railroads over which said lines run have double tracks or a greater number of tracks than a single track, the statement shall only give the mileage as though such tracks were but a single track, and in case the Auditor of State shall require it, such statement shall show in detail the number of miles of each or any particular railroad system or division.

Sec. 31. Upon the filing of such statements the Auditor of State shall examine them, and each of them, and if he shall deem the same insufficient, or in case he shall deem that other information is requisite, he shall require such officer to make such other and further statements as said Auditor of

State may call for. In case of the failure or refusal of any association, company, copartnership or corporation to make out and deliver to the Auditor of State any statement or statements required by this act, such association, company, copartnership or corporation shall forfeit and pay to the State of Iowa one hundred (\$100) dollars for each additional day such report is delayed beyond the first day of March, to be sued and recovered in any proper form of action in the name of the State of Iowa on the relation of the Auditor of State, and such penalty when collected, shall be paid into the general fund of the State.

Sec. 32. Upon the meeting of the Executive Council on the first Monday in March of each year, said Auditor of State shall lay such statements, with such information as may have been furnished him, before said Executive Council, who shall thereupon value and assess the property of each association, company, copartnership or corporation in the manner hereinafter set forth, after examining such statements, and after ascertaining the value of such properties therefrom, and from such other information as they may have or obtain. For that purpose they may require the agents or officers of said association, company, copartnership or corporation to appear before them with such books, papers or statements as they may require, or they may require such additional statements to be made them, and may compel the attendance of witnesses, in case they shall deem it necessary, to enable them to ascertain the true cash value of such property.

Sec. 33. The Executive Council shall first ascertain the true cash value of the entire property owned by said association, company, copartnership or corporation from said statements or otherwise, for that purpose taking the aggregate value of all shares of capital stock, in case said shares have a market value, and in case they have none, taking the actual value thereof or of the capital of said association, company, copartnership or corporation, in whatever manner the same is divided, in case no shares of capital stock have been issued. Provided, however, that in case the whole or any portion of the property of such association, company, copartnership or corporation shall be incumbered by a mortgage or mortgages, such board shall ascertain the true cash value of such property by adding to the market value of the aggregate shares of stock or to the value of the capital, in case there shall be no such shares, the aggregate amounts of such mortgage or mortgages, and the result shall deemed and treated as the true cash value of the property of such association, company, copartnership or corporation.

Such Executive Council shall, for the purpose of ascertaining the true cash value of the property within the State of Iowa, next ascertain from such statements or otherwise, the assessed value for taxation, in localities where the same is situated, of the several pieces of real estate situate without the State of Iowa and not specifically used in the general business of such associations, companies, copartnerships or corporations, which said assessed values for taxation shall be by the Executive Council deducted from the gross value of the property as above ascertained.

Said Executive Council shall next ascertain and assess the true cash value of the property of such associations, companies, copartnerships or corporations within the State of Iowa, by taking the proportion of the whole aggregate value of said associations, companies, copartnerships, or corporations, as above ascertained, after deducting the assessed value of such

real estate without the State, which the length of the lines of said associations, companies, copartnerships or corporations, in case of telegraph and telephone companies within the State of Iowa, bears to the total length of the lines thereof; and in case of palace, drawing-room, sleeping, dining or chair-car companies, the proportion shall be the proportion of such aggregate value, after such deductions, which the length of the lines within the State over which said cars are run, bears to the length of the whole lines over which said cars are run; and in case of express companies the proportion shall be the proportion of the aggregate value after such deductions, which the length of the lines or routes within the State of Iowa, bears to the whole length of the lines or routes of such associations, companies, copartnerships or corporations, and such amount, so ascertained, shall be deemed and held as the entire value of the property of said associations, companies, copartnerships or corporations within the State of Iowa.

From the entire value of the property within the State so ascertained there shall be deducted by the said council the assessed value for taxation of all the real estate, structures, machinery and appliances within the State and subject to local taxation in the counties and townships, as hereinbefore described in item 5 of sections 27, 28, 29 and 30 of this act, and the residue of such value so ascertained, after deducting therefrom the assessed value of such local properties shall be by the board assessed to said association.

Sec. 34. Said Executive Council shall thereupon ascertain the value per mile of the property within the State by dividing the total value, as above ascertained after deducting the specific properties locally assessed within the State by the number of miles within the State, and the result shall be deemed and held as the value per mile of the property of such association, company, copartnership or corporation within the State of Iowa.

Sec. 35. Said Executive Council shall thereupon for the purpose of determining what amount shall be assessed by it to said association, company, copartnership or corporation in each county of the State, through, across, into or over which the line of said association, company, copartnership or corporation extends, multiply the value per mile as above ascertained by the number of miles in each of such counties as reported in said statements, or as otherwise ascertained, and the result thereof shall be by said council certified to the Auditor of State, who shall thereupon certify the same to the auditors respectively of the several counties through, into, over and across which the lines or routes of said association, company, copartnership or corporation extend, and such auditors shall apportion the amount certified for their counties respectively among the several townships into, through, over and across which such lines or routes extend in proportion to the length of the lines in such townships.

Sec. 36. To enable said county auditors to properly apportion the assessments between the several townships, they are authorized to require the agent of said association or company to report to them respectively under oath, the length of lines in each township, and the auditor shall thereupon add to the value so apportioned the assessed valuation of the real estate, structures, machinery, fixtures and appliances situated in any township, and extend the taxes thereon upon the duplicates as in other cases.

Sec. 37. In case any such association, copartnership or corporation as named in this supplemental and amendatory act shall fail and refuse to pay any taxes assessed against it in any county or township in the State, in addition to either remedies provided by law for the collection of taxes, an action may be prosecuted in the name of the State of Iowa by the prosecuting attorneys of the different judicial districts of the State, on the relation of the auditors of the different counties of this State, and judgment in such action shall include a penalty of fifty per cent of the amount of taxes so assessed and unpaid together with reasonable attorney's fees for the prosecution of such action, which action may be prosecuted in any county into, through, over or across which the line or route of any such association, copartnership, company or corporation shall extend, or in any county where such association, company, copartnership or corporation shall have an office or agent for the transaction of business.

In case such association, company, copartnership or corporation shall have refused to pay the whole of the taxes assessed against the same by said Executive Council, or in case such association, company, copartnership or corporation shall have refused to pay the taxes, or any portion thereof, assessed to it in any particular county or counties, township or townships, such action may include the whole or any portion of the taxes so unpaid in any county or counties, township or townships, but the Attorney-General may, at his option, unite in one action the entire amount of tax due, or may bring separate actions in each separate county or township, or join counties and townships as he may prefer.

All collection of taxes for or on account of any particular county made in any such suit or suits, shall be by said Auditor of State accounted for as a credit to the respective counties for and on account of which such collections were made by said Auditor of State, at the next ensuing settlement with such county, but the penalty so collected shall be credited to the general fund of the State; and upon such settlement being made, the treasurers of the several counties shall, at their next settlements, enter credits upon the proper duplicates in their offices, and at the next settlement with such county, report the amount so received by him in his settlement with the State, and proper entries shall be made with reference thereto; provided, however, that in any such action the amount of the assessment fixed by said Executive Council and apportioned to such county, or apportioned by the county auditor to any particular township, shall not be controverted.

Laid over.

Senator Funk moved to amend section 2, chapter 1, line 34, by inserting after the second word "farming" the following: "the team, wagon and harness of the teamster or drayman who makes his living by their use in hauling for others."

Adopted.

Senator Funk moved to amend section 3, chapter 1, line 2, by striking out the words "the assessor shall assess the same" and insert in lieu thereof the words "shall be assessed."

Adopted.

Senator Funk moved to amend section 10, chapter 1, as follows: Strike out all after "directed" in line 3, down to and including "charge" in line 5, and insert in lieu thereof "the property of one under disability by the person having charge thereof."

Adopted.

Senator Funk moved to amend section 13, chapter 1, line 2, by striking out the word "and" at end of line and inserting the word "or" in lieu thereof.

Adopted.

Senator Funk moved to amend section 21, chapter 1, line 4, by inserting after the word "transacted" the words "and earnings derived."

Adopted.

Senator Junkin called up motion filed to reconsider the vote by which amendment by Senator Ellis to section 22, chapter 1, was lost.

Senator Junkin moved to reconsider the vote by which the amendment by Senator Ellis to section 22 was lost.

On this the yeas and nays were demanded.

On the question, "Shall the vote be reconsidered?" the yeas were:

Senators Allyn, Bell, Blanchard, Bonson, Byers, Carney, Carpenter, Craig, Druet, Ellis, Gilbertson, Gorrell, Hipwell, Hotchkiss, Junkin, Lothrop, Trewin, Young—18.

The nays were:

Senators Berry, Carroll, Cheshire, Downey, Eaton, Ericson, Everall, Funk, Garst, Harriman, Healy, Henderscn, Hobart, Hospers, Hurst, Kilburn, Palmer, Penrose, Perrin, Pusey, Ranck, Sargent, Waterman—23.

Absent or not voting:

Senators Alexander, Ellison, Harper, Lehfeldt, Mitchell, Phelps, Rigger, Rowen, Upton—9.

The motion to reconsider was lost.

Senator Carney called up the motion filed to reconsider the vote by which the motion to strike out section 22 was lost.

Senator Carney moved to reconsider the vote by which the motion to strike out section 22 was lost.

On this the yeas and nays were demanded.

On the question, "Shall the vote be reconsidered?" the yeas were:

Senators Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Craig, Downey, Eaton, Ellis, Ericson,

Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Sargent, Trewin, Waterman, Young—40.

Senator Cheshire voted in the negative.

Absent or not voting:

Senators Alexander, Druet, Ellison, Harper, Lehfeldt, Phelps, Riggen, Rowen, Upton—9.

The motion prevailed.

Senator Healy renewed his motion to strike out section 22 of chapter 1.

The motion prevailed.

Senator Funk moved to amend section 20, chapter 1, line 2, by inserting after the word "banks" the words "and loan and trust companies;" also, insert in line 3 after the word "banks," the words "and loan and trust companies."

Adopted.

Senator Funk moved to amend section 25, chapter 1, line 18, by striking out the words "January preceding" and insert in lieu thereof the words "said month."

Adopted.

Senator Funk moved to amend section 27, chapter 1, line 2, by inserting after the word "statement," "by its president or secretary."

Adopted.

Senator Carney moved to amend section 25, chapter 1, lines 13 and 14, by striking out the words "thirty-first day of January" and inserting the words "fifteenth day of February."

Laid over.

Senator Carpenter moved to amend section 20, chapter 1, by adding after the word "national," in the last line, the words "State and savings" and strike out of the second and third lines the words "State and savings banks;" also, strike out "banks," in third line, and insert "company;" also, strike out the word "national," in the fourth line of same section, and insert "such."

On this the yeas and nays were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bell, Byers, Carpenter, Cheshire, Ellis, Everall, Gilbertson, Hipwell, Junkin, Rowen, Sargent, Trewin—12.

The nays were:

Senators Allyn, Berry, Bonson, Carney, Carroll, Craig, Downey, Druet, Eaton, Ericson, Funk, Garst, Gorrell, Harriman, Healy, Henderson, Hospers, Hotchkiss, Hurst, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Waterman, Young—28.

Absent or not voting:

Senators Alexander, Blanchard, Ellison, Harper, Hobart, Kilburn, Lehfeldt, Phelps, Riggen, Upton—10.

The amendment was lost.

Senator Healy moved to amend section 23, chapter 1, by adding at the end of the section the following: "In deducting, under the provisions of this chapter, the value of real estate from the taxable value of the properties, shares or capital stock of any person, firm, association or corporation, the actual value at which said real estate is valued by the assessor or other taxing officer or body where the same is assessed shall be conclusive as to the value thereof."

Laid over.

Senator Funk moved to amend section 28, chapter 1, line 3, by striking out the words "on the true" and insert the words "at the taxable."

Adopted.

Senator Funk moved to amend section 34, chapter 1, line 2, by inserting after the word "upon" the words "the taxable value of."

Adopted.

Senator Funk moved to amend section 34, chapter 1, by striking out all after the second word "State" in line 11.

Adopted.

Senator Funk moved to amend section 44, chapter 1, line 6, by striking out the words "provided that" and insert the word "but" in lieu thereof.

Adopted.

Senator Funk moved to amend section 45, chapter 1, line 4, by striking out the words "provided that" and inserting the word "but."

Adopted.

Senator Funk moved to amend section 52, chapter 1, line 2, by inserting after the word "exempted" the words "or otherwise assessed."

Adopted.

Senator Funk moved to amend section 58, chapter 1, line 1, by inserting after the word "oath" the words "(or affirmation)."

Adopted.

Senator Funk moved to amend section 58, chapter 1, line 10, by striking out first word "and" and commencing the word "said" with a capital "S."

Adopted.

Senator Carney moved to amend section 58, chapter 1, line 4, by inserting after the word "following" the words "with blanks properly filled."

Adopted.

Senator Funk moved to amend section 58, chapter 1, in first assessment roll, by inserting after the words "steers three years old" the words "or over;" also, insert in additional line between "steers three years old" and "work oxen" the word "bulls."

Adopted.

Senator Funk moved to amend section 58, assessor's form, by adding after the words "steers three years old" the words "or older."

Adopted.

Senator Funk moved to amend the same schedule by adding in another division between "steers three years old" and "work oxen" the words "number," "actual value," "taxable value," "bulls."

Adopted.

Senator Funk moved to amend assessment roll No. 2 by striking out in line 3 the word "debt" and inserting the word "credit."

Adopted.

Senator Funk moved to amend the heading of assessment roll No. 2 by striking out the word "debt" and inserting the word "credit."

Adopted.

Senator Funk moved to amend the oath at the end of assessment roll No. 2 by inserting in line 1, after the word "swear," the words "(or affirm);" also, in next to the last line before the word "to," insert the words "(or affirm)."

Adopted.

Senator Carney moved to amend the oath at the end of assessment roll No. 2 by striking out the words "bona fide" and after the word "obligations" insert the words "in good faith."

Adopted.

Senator Funk moved that the vote by which line 5 of section 59 was adopted be reconsidered.

Carried.

On reconsideration the amendment to line 5 of section 59 was lost.

Senator Funk moved to amend section 62, chapter 1, as follows: In lines 4 and 15 insert the words "(or affirm)" after the word "swear."

Adopted.

Senator Funk moved to amend section 64, chapter 1, by inserting after the word "dollars" the words "as liquidated damages."

Laid over.

Senator Trewin moved to amend section 78, chapter 1, by striking out in lines 3 and 4 the words "said bonds together with all unpaid coupons" and inserting the words "a transcript thereof."

Adopted.

Senator Funk moved to amend chapter 1, section 70, by striking out all after the word "accordingly."

Adopted.

Senator Funk moved to amend section 76, chapter 1, line 3, by striking out the word "actual."

Adopted.

Senator Funk moved to amend section 78, chapter 1, line 14, by striking out the words "by him."

Adopted.

Senator Funk moved to amend section 95, chapter 1, as follows: Add after the word "afterwards," line 5, the words "if the property is then owned by the person who should have paid the tax."

Adopted.

Senator Trewin called up the amendment to section 95, chapter 1, line 4, striking out the word "four" and inserting the word "two."

The amendment was lost.

Senator Trewin moved to amend section 96 as follows: Add to section 96 the following: "And no failure of the owner to have such property assessed or to have the errors in the assessment corrected, and no irregularity, error or omission in the assessment of such property, shall affect in any manner the legality of the taxes levied thereon, or affect any right or title to such real estate which would have accrued to any party

claiming or holding under and by virtue of a deed executed by the treasurer as provided by this title, had the assessment of such property been in all respects regular and valid."

Laid over.

Senator Funk moved to amend section 97, chapter 1, by striking out of line 7 the word "thereof" and inserting the words "within the county."

Laid over.

Senator Eaton called up amendment filed to section 2, chapter 1.

Senator Eaton moved to amend section 3, chapter 1, by adding thereto as subdivision 8, the following: "For every acre of fruit trees planted and suitably cultivated within the State, the trees thereon not being more than thirty-three feet apart and kept in a healthy condition, the sum of fifty dollars (\$50) shall be exempted from taxation upon the owner's assessment for five years after each acre is planted. Such exemption shall be made by the assessor at the time of the annual assessment, upon satisfactory proof that the party claiming the same has complied with this section. And the assessor shall return to the board of equalization the name of each person claiming exemption, the quantity of land planted to fruit trees, and the amount deducted from the valuation of his property. Provided that the amount so deducted shall not exceed one-half the valuation of the realty on which such exemption is claimed."

Lost.

Senator Funk withdrew the amendment to section 64, line 4.

Senator Funk moved to amend section 6, chapter 1, line 3, by striking out the word "act" and insert the word "chapter."

Adopted.

Senator Funk moved to amend section 19, chapter 1, line 19, by striking out the word "act" and insert the word "chapter."

Adopted.

Senator Ellis withdrew the amendment to section 2, chapter 1, adding certain words to the section as subsection 8.

Senator Funk moved to amend section 21, chapter 1, line 10, by inserting after the word "located" the words "and earnings derived."

Laid over.

Senator Trewin moved that 200 copies of the amendments by Senator Cheshire to substitute for Senate file No. 8 be printed in bill form.

Carried.

Senator Carney filed the following motion:

I move to reconsider the vote by which the amendment to line 4 of section 21 was adopted.

J. L. CARNEY.

The hour for adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

BILLS ON THIRD READING.

The Senate resumed consideration of substitute for Senate file No. 8, having under consideration the amendment by Senator Funk to section 97, chapter 1.

Laid over.

Senator Carney called up his amendment to section 25, chapter 1, to strike out the words "31st day of January" and insert the words "fifteenth day of February."

Adopted.

Senator Funk moved to amend section 25, line 8, by spelling out "31st."

Adopted.

Senator Funk moved to reconsider the vote by which amendment to section 25, striking out the words "January preceding" and inserting the words "said month."

Carried.

The amendment was withdrawn.

Senator Funk moved to amend section 25, chapter 1, lines 1 and 10, by striking out the figures "10th" and inserting the word "tenth."

Adopted.

Senator Funk moved to amend by adding the following as section 61: "In each odd numbered year the county auditor shall deliver to each assessor the necessary blanks for recording as to each person whose property is listed, statistics of the

previous year as to the number of acres of winter wheat, spring wheat, corn, oats, barley, rye, flax, potatoes, timothy, clover, prairie hay and pasturage for publication in the Official Register. The assessor shall require each person whose property is listed to make answers to such inquiries as may be necessary to enable him to return the foregoing statistics; and said blanks with such entries shall be returned with the assessment book to the county auditor, who shall tabulate the same by townships, and forward the returns thereof to the Secretary of State. The Secretary of State shall provide and cause to be delivered to the county auditors on the first week in January of the proper years the blanks required by this section."

Adopted.

Senator Druet called up amendment to section 45, chapter 1, adding to the section the words "nor to the local dealer."

The amendment was lost.

Senator Funk moved to amend section 4, chapter 1, as follows: Substitute for section 4, down to and including figures "1897" in line 11: "Should the assessed valuation of the property of any county, township, city, town, district or other political or municipal corporation for the year 1898 or subsequent years exceed the average assessed valuation for the years 1896 and 1897, the maximum rates of levy for such corporation for each of the various purposes for which taxes are levied shall, until otherwise provided by law, be so reduced that the amount of taxes raised for each of said purposes shall not exceed the amount which might have been raised on the average assessed valuation for the years 1896 and 1897 under the maximum rates of levy then existing; and the percentage limitation of indebtedness of such corporation shall be so reduced that such indebtedness shall not exceed the amount which by law might have been incurred on the assessed valuation for the year 1897."

Adopted.

Senator Cheshire withdrew the amendment to section 4, chapter 1, introduced by him and printed in the Senate Journal of March 10.

Senator Lothrop moved to amend section 4, chapter 1, line 25, by striking out the words "issue bonds" and insert the words "incur indebtedness."

Adopted.

Senator Blanchard moved to amend section 45, chapter 1, as follows: Insert in line 8, after the word "nor," the words "to persons who have served in the Union army or navy nor."

On this a division was called for and the amendment was adopted.

Senator Healy moved to amend section 15, chapter 1, by inserting after the words "may be," in the fifth line, the following: "All business transacted directly or indirectly by or through the servants, employes or agents of any person, firm or corporation, including those engaged in banking business, having an office or agency in any county for the transaction of business shall be regarded as business done in the assessment district where such agency is located. Such assessment shall be considered and proper deduction made in determining the taxable property of such person, firm or corporation at its principal place of business. The stipulation for the payment of obligations due such person, firm or corporation in another district than the place where such agency is located shall not determine where the property or credits of such parties shall be taxed."

Laid over.

Senator Carroll called up motion filed to reconsider the vote by which amendment to section 29, chapter 1, was adopted.

Senator Carroll moved to reconsider the vote by which amendment to section 29, chapter 1, was adopted.

Carried.

The amendment was withdrawn by Senator Blanchard.

Senator Gorrell called up amendment to section 9, chapter 1, inserting in line 1 after the word "credits," the words "or the value of real estate assessed."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bell, Craig, Downey, Druet, Gilbertson, Gorrell, Hipwell, Hobart, Hurst, Kilburn, Lothrop, Ranck, Rowen, Young—14.

The nays were:

Senators Alexander, Allyn, Berry, Blanchard, Carney, Carroll, Cheshire, Eaton, Ellis, Ericson, Everall, Funk, Garst, Harriman, Henderson, Hoppers, Hotchkiss, Mitchell, Palmer, Perrin, Pusey, Sargent, Trewin, Waterman—24.

Absent or not voting:

Senators Bonson, Byers, Carpenter, Ellison, Harper, Healy, Junkin, Löhfeldt, Penrose, Phelps, Rigger, Upton—12.

The amendment was lost.

Senator Everall offered the following and asked that it be printed in the Journal:

MR. PRESIDENT—Although I recognize the apparent injustice of taxing a person on what they owe; also, as it seems to me, the unjust discrimination in favor of moneys and credits by this section, yet, believing that if this privilege is extended to real estate, it would open the way for the same frauds that are claimed as to moneys and credits, and that it would oblige us to greatly increase the maximum rate of levies in order to raise the necessary amount of tax, I vote “no.”

JOHN EVERALL.

Senator Carney offered the following and asked that it be printed in the Journal.

MR. PRESIDENT—I vote against the amendment to the first line of section 9, for the reason that I do not know how much it would decrease the taxable property of the State. Without that knowledge we would by the adoption of the amendment disorganize our method of raising revenue and it would lead to a necessary rise in the rate of the assessment.

J. L. CARNEY.

Senator Blanchard called up the amendment offered by him to section 41, chapter 1.

Senator Blanchard withdrew the amendment and offered the following: Amend section 41 by inserting after the word “situated,” in the eighth line, the following: “But where any such property is situated partly within and partly without the limits of a city or town, such portions of the said plant shall be assessed separately, and the portion within the said city or town shall be assessed as above provided, and the portion without the said city or town shall be assessed in the district or districts in which it is located.”

Senator Ranck moved to amend the amendment by inserting in line 1 after the word “property” the words “except the capital stock.”

Adopted.

The amendment as amended was adopted.

Senator Carney called up the motion filed to reconsider the vote by which amendment to section 21, chapter 1, line 4, was adopted.

Senator Carney moved to reconsider the vote by which the amendment to section 21, line 4, was adopted.

Carried.

Senator Funk withdrew the amendment.

Senator Ellis called up the amendment to section 21, chapter 1.

Senator Ellis moved to amend section 21, chapter 1, as follows: In line 6, after the word "them" insert the words "either in this State or elsewhere;" and after the word "estate," where it occurs a second time in line 8, insert the words, "situated within the State."

Adopted.

Senator Ellis moved to amend section 21, chapter 1, as follows: Add to the end of the section the words "corporations organized under the laws of the State of Iowa, but whose tangible property is principally located outside of the State of Iowa, shall be taxed only on what property they have in the State of Iowa, and their shares of capital stock shall be correspondingly assessed and taxed."

On the amendment the yeas and nays were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Carpenter and Ellis—2.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ericson, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hoppers, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Perrin, Pusey, Ranck, Rowen, Sargent, Waterman, Young—37.

Absent or not voting:

Senators Ellison, Everall, Harper, Hipwell, Junkin, Lehfeldt, Phelps, Penrose, Rigger, Trewin, Upton—11.

The amendment was lost.

Senator Druet called up amendment to section 36, chapter 1, to insert after the word "taxes," in line 7, the following: "except the school and road tax of such railways as were voted aid by the townships through which they were built, in which case the school tax shall be divided among the schools in the townships in proportion to the number of children of school age in each district and the road tax shall be divided among the road districts in the townships in proportion to the number of miles of public highway in each district."

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate file No. 72, a bill for an act to revise, amend and codify the statutes in relation to estates of decedents.

Also, that the House has passed the following substitute for Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to the militia.

JAMES D. ROWEN,
Chief Clerk.

Senator Ellis, from the Committee on Judiciary, presented report on Senate file No. 76.

Passed on file.

Senator Ellis asked unanimous consent to withdraw report of committee on Senate file No. 76.

The hour of adjournment having arrived, the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, March 17, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. J. H. Hard of Bagley, Iowa.

PETITIONS AND MEMORIALS.

Senator Perrin presented remonstrance of W. C. T. U. of Iowa, against the manufacturing bill, and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Harper presented remonstrance of Jerome Bock and twenty-seven other suburban farmers, against the passage of a law compelling them to pay municipal tax.

Referred to Committee on Cities and Towns.

Senator Carney presented petition of citizens of Green Mountain, Iowa, relating to the insurance bill.

Referred to Committee on Insurance.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 22, a bill for an act to revise, amend and codify the statutes in relation to taking private property for works of internal improvement.

G. S. GILBERTSON,
Chairman Senate Committee

W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the bureau of labor statistics.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

HOUSE MESSAGES.

House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence, in which the House had concurred in part of the Senate amendments and rejected others, was referred to Committee on Code Revision.

House substitute for Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to the militia, was read first and second time and referred to Committee on Military.

Senate file No. 72, a bill for an act to revise, amend and codify the statutes in relation to estates of decedents, with amendments by the House, was referred to Committee on Code Revision.

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 wishes to recall Senate file No. 76, a bill for an act to revise, amend and codify the statutes in relation to attachments, garnishments, executions, and supplementary proceedings.

JAMES D. ROWEN,
Chief Clerk.

BILLS ON THIRD READING.

Senate resumed consideration of the substitute for Senate file No. 8, at the time of adjournment the amendment by Senator Druet to section 36, chapter 1, being under consideration, Senator Druet having the floor.

Senator Harriman moved to amend the amendment by inserting after the word "aid," in the third line, the words "and such taxes have been paid."

The amendment was accepted by Senator Druet.

On the amendment as amended the yeas and nays were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bell, Blanchard, Byers, Carney, Craig, Druet, Eaton, Gorrell, Harper, Hipwell, Hobart, Kilburn, Young—13.

The nays were:

Senators Alexander, Allyn, Berry, Bonson, Carroll, Downey, Ellis, Ericson, Everall, Funk, Gilbertson, Harriman, Healy, Henderson, Hospers, Hotchkiss, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Sargent, Upton, Waterman—26.

Absent or not voting:

Senators Carpenter, Cheshire, Ellison, Garst, Hurst, Junkin, Lehfeldt, Phelps, Rikken, Rowen, Trewin—11.

The amendment was lost.

Senator Harper moved to amend section 40, chapter 2, line 21, by inserting after the word "person" the words "knowingly and wilfully."

Adopted.

Senator Junkin moved to amend section 19, chapter 1, line 19, by inserting after the word "debts" the words "owing by such bank."

Adopted.

Senator Ellis withdrew the amendment to section 9, chapter 1.

Senator Ellis moved to amend section 2, chapter 1, by adding to subsection 7 the following: "All homesteads of persons earning their livelihood by manual labor, actually occupied as such by the owners, under the value of one thousand dollars to the extent of the owner's actual indebtedness therefor, when such homestead constitutes the only property of the owner, liable to taxation under existing laws."

On this the yeas and nays were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Cheshire, Downey, Druet, Ellis, Gorrell, Harper, Hipwell, Hotchkiss, Hurst, Kilburn, Lothrop, Rowen, Young—13.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Craig, Ericson, Everall, Funk, Garst, Gilbertson, Harriman, Healy, Henderson, Hospers, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Sargent, Trewin, Upton, Waterman—30.

Absent or not voting:

Senators Eaton, Ellison, Hobart, Junkin, Lehfeldt, Phelps, Rikken—7.

The amendment was lost.

Senator Healy called up amendment to section 23, chapter 1, which was as follows: Add at the end of the section the following: "In deducting, under the provisions of this chapter, the value of real estate from the taxable value of the properties, shares or capital stock of any person, firm, association or corporation,

the actual value at which said real estate is valued by the assessor or other taxing officer or body where the same is assessed shall be conclusive as to the value thereof."

Senator Healy moved to amend the amendment by striking out the word "taxable" in line 3 and insert the word "actual."

Adopted.

Senator Harper moved to amend the amendment by striking out the words "conclusive as to" in last line.

Adopted.

The amendment as amended was adopted.

Senator Healy called up the amendment to section 15, chapter 1, as printed in the Journal of March 16, page 19.

Senator Healy asked unanimous consent to withdraw the amendment.

Senator Healy moved to amend section 15, chapter 1, as follows: Amend section 15, of chapter 1 by inserting after the words "may be" in the fifth line the following: "The properties and credits connected with or growing out of all business transacted directly or indirectly by or through the servants, employes or agents of any person, firm or corporation engaged in the banking business having an office or agency in more than one assessment district for the transaction of business, shall be taxable as provided in this chapter for the taxing of private banks and bankers in the assessment district where said business is done. An assessment made in such district shall be considered and proper deduction made in determining the taxable property of such person or firm, or shares of stock of such corporation at its principal place of business. The stipulation for the payment of obligations growing out of the business of such agency, in another district than the place where such agency is located, shall not determine where the property or credits of such parties shall be taxed."

Senator Healy moved to amend the amendment, line 6, from bottom, by inserting after the word "person" the word "or," and in line 5, from the bottom after the word "or" insert the words "shares of stock of such."

Adopted.

The amendment as amended was adopted.

Senator Trewin called up amendment to section 96, chapter 1, which was as follows: Add to section 96 the following: "And no failure of the owner to have such property assessed or to have the errors in the assessment corrected, and no irregularity, error or omission in the assessment of such property

shall affect in any manner the legality of the taxes levied thereon, or affect any right or title to such real estate which would have accrued to any party claiming or holding under and by virtue of a deed executed by the treasurer as provided by this title had the assessment of such property been in all respects regular and valid."

Adopted.

Senator Funk moved to amend chapter 2 by adding section 51 as follows: "Section 51. After eight years have elapsed from the time of any tax sale and no action has been taken by the holder of a certificate to obtain a deed, it shall be the duty of the county auditor and county treasurer to cancel such sales from their tax sale index and tax sale register."

Adopted.

Senator Funk moved to amend section 7, chapter 3, by striking out of line 4, the words "each year unless otherwise directed by the State Auditor."

Adopted.

Senator Funk moved that the further consideration of the revenue bill be postponed till 2 o'clock P. M. today.

Carried.

The Journal of Tuesday was taken up, read, corrected and approved.

HOUSE MESSAGES.

Senate file No. 76, a bill for an act to revise, amend and codify the statutes in relation to attachments, garnishments, executions and supplementary proceedings, was taken up.

Senator Ellis moved that Senate file No. 76 be returned to the House.

Carried.

Senator Ellis moved that the Senate do now adjourn.

Carried.

Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

BILLS ON THIRD READING.

Senate resumed consideration of substitute for Senate file No. 8.

Senator Gorrell called up amendment to section 11, chapter 1, to insert after the word "except" in line 2 the following: "notes secured by mortgage shall be listed and assessed at the place where the mortgage is recorded, and except."

On this the yeas and nays were demanded.

On the question, "Shall the bill pass?" the yeas were:

Senators Bell, Downey, Druet, Gorrell, Harper, Hospers, Hurst, Ranck, Young—9.

The nays were:

Senators Alexander, Allyn, Berry, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Eaton, Ellis, Ericson, Funk, Garst, Gilbertson, Healy, Henderson, Hotchkiss, Junkin, Mitchell, Palmer, Penrose, Perrin, Pusey, Rowen, Sargent, Trewin, Upton, Waterman—29.

Absent or not voting:

Senators Blanchard, Bonson, Ellison, Everall, Harriman, Hipwell, Hobart, Kilburn, Lehfeldt, Lothrop, Phelps, Rigger—12.

The amendment was lost.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

Concurrent resolution relative to appointment of committee to investigate the passage of the building and loan bill.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

House file No. 69, a bill for an act to revise, amend and codify the statutes in relation to notes and bills.

JAS. D. ROWEN,
Chief Clerk.

BILLS ON THIRD READING.

Senator Funk moved to reconsider the vote by which amendment to section 7, chapter 3, was adopted.

Carried.

Senator Funk withdrew the amendment.

Senator Funk moved to amend section 7, chapter 3, as follows: Amend section 7, chapter 3, by striking out all of said section to and including the word "December," in the seventh line thereof, and inserting in lieu thereof the following: "The treasurer of each county shall on or before the fifteenth day of each month, prepare a sworn statement of the amount of money in his hands on the last day of the preceding month belonging to the State treasury and forward the same by mail to the Auditor of State, and shall pay into the State treasury, on or before the fifteenth day of each month, all money due the State remaining in his hands on the last day of the preceding month."

Adopted.

Senator Carney moved that the vote by which amendment to section 58, chapter 1, line 4, was adopted be reconsidered.

Carried.

Senator Carney withdrew the amendment.

Senator Cheshire called up his amendment to the bill printed in the Journal of March 16, striking out certain sections and substituting others.

Senator Funk moved to extend the time of adjournment until 5 o'clock.

On this a division was called for and the motion was lost.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Thursday, March 18, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. H. R. Schermerhorn, of Des Moines, Iowa.

PETITIONS AND MEMORIALS.

Senator Palmer presented remonstrance of H. T. Robinson and fifteen other citizens of Hillsboro, Henry county, Iowa, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Alexander presented petition of Samuel N. Parsons and 100 other citizens of Marion, Iowa, favoring the Temple amendment.

Referred to Committee on Railways.

Senator Rowen presented petition of John O. Fort and thirty one other business men of Eagle Grove, favoring the Temple amendment, and asked that it be read.

Referred to Committee on Railways.

Senator Rowen presented remonstrance of B. S. Morton and forty-nine other citizens of Clarion, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

President Parrott presented remonstrance of Y. M. C. A. of Penn College, Oskaloosa, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

President Parrott presented remonstrance of Y. M. C. A. of Wesleyan University of Mt. Pleasant, against passage of the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Penrose presented petition of C. H. Peterson and seventy-eight other citizens of Benton county, in favor of the manufacturing bill.

Referred to Committee on Suppression of Intemperance

REPORTS OF STANDING COMMITTEES.

Senator Penrose, from the Committee on Railways, submitted the following report:

MR. PRESIDENT—Your Committee on Railways, to whom was referred Senate file No. 18, a bill for an act to revise, amend and codify the statutes in relation to the regulation of carriers by railway, 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 same be amended as follows:

Section 9, amend section 9 by inserting after the word "court" in line 5, the words "on appeal or otherwise."

Section 15, line 10, insert after the word "done" the words "in compliance with the report and notice of the board or."

Strike out section 16 and insert the following in lieu thereof:

"Sec. 16. Whenever any common carrier as defined in this chapter shall violate or refuse or neglect to obey any lawful order or requirement of the board, it shall be the duty of the board, and lawful for any company or person interested in such order or requirement to apply in a summary way, by petition to the district or superior court in any county of this State in which the common carrier complained of has its principal office, or in any county through which its line of road passes or is operated, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience as the case may be; and the said court shall have power to hear and determine the matter, on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice may be served on such common carrier, his or its officers, agents or servants as the court shall direct; and said court shall proceed to hear and determine the matter speedily as a court of equity and without the formal pleadings and proceedings applicable to ordinary suits in equity but in such manner as to do justice in the premises; and to this end such court shall have power, if it think fit to direct and prosecute, in such mode and by such persons as it may appoint all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the report of the board shall be prima facie evidence of the matter therein, or in any order made by them stated; and if it be made to appear to such court on such hearing or on the report of any such person or persons, that the order or requirement of the board drawn in question, has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction, or other proper process mandatory or otherwise to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of the board and enjoining obedience to the same; and in case of any disobedience of any writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue a writ of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation, against one or more of the directors, officers or agents of the same, or against any owner, lessee, trustee, receiver or other person failing to obey such writ of injunction or

other proper process, mandatory or otherwise; and said court may, if it think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process mandatory or otherwise, to pay such sum of money not exceeding for each carrier or person in default the sum of one thousand dollars for every day after a day to be named in the order that such carrier or other person shall fail to obey such injunction or other proper process mandatory or otherwise; and such moneys shall, upon order of the court, be paid into the treasury of the county in which the action was commenced and one-half thereof shall be transferred by the county treasurer to the State treasury; and the payment thereof may without prejudice to any other mode of recovering the same be enforced by attachment or order, in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree in personam in such court, saving to the board and any other party or person interested the right of appeal to the supreme court of the State under the same regulations now provided by law in relation to appeals to said court as to security for such appeal except that in no case shall security for such appeal be required when the same is taken by the board; but no appeal to said supreme court shall operate, to stay or supersede the order of the court, or the execution of any writ or process thereon; and such court may in every such matter order the payment of such costs and attorney and council fees as shall be deemed reasonable.

"Whenever any such petition shall be filed or presented, or be prosecuted by the board, or by their direction, it shall be the duty of the Attorney-General of the State to prosecute the same, and in such prosecution he shall have the right to have the assistance of any county attorney of the county in which any such proceedings are instituted, and it is hereby made the duty of any such county attorney to render such assistance; and the costs and expenses on the part of the board of any such prosecution shall be paid out of the appropriations for the expenses of the board."

Section 17, line 8, after the word "law" insert the following: "The board shall give notice of its intention to revise or change such schedule by publishing a notice thereof in two weekly newspapers, published at the seat of government, for two consecutive weeks, and the last publication of such notice shall be at least ten days before the time fixed for considering the matter, and such notice shall contain in general terms, a statement of the matters the board proposes to consider and the date when, and the place where, the matter will be taken up, and shall be addressed to all persons interested therein."

Further amend section 17, in line 12, by inserting after the word "posted" the words "by such carrier."

Section 19, line 2, after the word "investigation" insert the words "and the burden of proof shall not be upon the person or persons making the complaint."

Strike out section 20 and insert the following in lieu thereof: "Sec. 20. After such hearing and investigation the board shall fix and determine the maximum charges to be thereafter made by the railroad company or common carrier complained of, which charge shall in no event exceed the one now, or hereafter fixed by law, and the board shall render their decision in writing, and shall spread the same at length in the record to be

kept for that purpose; such decision shall, specifically, set out the sums or rate which the railroad company or common carrier, so complained of, may thereafter charge or receive for the service therein named and including a classification of such freight, and the board shall not be limited in their said decision and the schedule to be contained therein to the specific case or cases complained of, but it shall be extended to all such rates between points in this State and whatever part of the line of railway of such company or common carrier within this State as may have been fairly within the scope of such investigation, and any such decisions so made and entered on record of the board, including any such schedules and classifications, shall, when duly authenticated, be received and held in all suits brought against any such railroad corporation or common carrier wherein in any way involved the charges of any such corporation or carrier mentioned in said decisions, in any of the courts of this State, as prima facie evidence that the rates therein fixed are reasonable maximum rates, the same as the schedule made by the board as provided in section seventeen hereof; and the rates and classifications so established after such hearing and investigation shall from time time thereafter, upon complaint duly made, be subject to revision by the board the same as any other rates and classifications ”

Section 29, line 5, after the word “rates” insert the words “to the quartermaster-general of Iowa, for the transportation of officers or enlisted men of the Iowa national guard when traveling under the orders of the commander-in-chief or”.

Strike out all of section 31 and renumber the sections consecutively from and after section 30.

Strike out all marginal, page and reference figures and underscoring.
And that when so amended the bill do pass.

E. G. PENROSE,
Chairman.

Ordered passed on file.

Senator Carpenter, from the Committee on Code Revision, submitted the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 84, 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 Senate recede from its amendment to section 8, line 1, page 850.

That the Senate insist upon their amendment to section 12, chapter 1, page 850.

That the Senate insist upon their amendment to section 15, chapter 1, page 850.

That the Senate insist upon their amendment to section 30, chapter 1, page 853.

That the Senate recede from its amendment to section 41, chapter 1, page 854.

That the Senate insist upon their amendment to section 62, chapter 1, page 857.

That the Senate recede from its amendment to section 63, chapter 1, page 857.

That the Senate insist upon their amendment to section 83, chapter 1, page 859.

C. A. CARPENTER,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred Senate file No. 72, a bill for an act to revise, amend and codify the statutes in relation to estates of decedents, 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 refuse to concur in all the House amendments, as follows:

Section 2, chapter 1, page 669; section 17, chapter 2, page 672; section 41, chapter 2, page 676; section 4, chapter 3, page 676; second amendment to section 4, chapter 3, page 676; section 6, chapter 4, page 683

C. A. CARPENTER,
Chairman.

Ordered passed on file.

Senator Eaton asked that House communication relating to joint resolution for appointment of committee to investigate building and loan legislation be taken up, and moved that the Senate concur in House resolution, and that no member of Committee on Building and Loan be appointed on committee on investigation.

Carried.

HOUSE MESSAGES.

Concurrent resolution in relation to the appointment of a committee to investigate the reports regarding the enactment of the building and loan law was taken up.

Senator Eaton moved that the resolution be concurred in and that no member of the Building and Loan Committee be appointed on said committee.

Carried.

House file No. 69, a bill for an act to revise, amend and codify the statutes in relation to notes and bills, was read first and second time and referred to Committee on Code Revision.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Be it resolved by the House of Representatives, the Senate concurring, That a joint supervisory committee of six be appointed, three by the Speaker of the House and three by the President of the Senate, whose business it shall be to supervise the work of the House and the Senate, keeping track of the progress made, and report from time to time as may be required.

JAMES D. ROWEN,
Chief Clerk.

The Journal of Wednesday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

Senate resumed consideration of substitute for Senate file No. 8, having under consideration at the time of adjournment the amendment by Senator Cheshire, Senator Trewin having the floor.

Senator Cheshire, by unanimous consent, offered as a substitute for his amendment printed on pages 4 to 10 inclusive, of Senate Journal, March 16, the following:

Strike out sections 27, 28, 29, 30, 38, 39, 43 and 44 of chapter 1 of the bill and insert as sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 of the bill the following, and when so inserted that the remaining sections of the chapter be properly renumbered:

Sec. 27. Every person, joint stock association, company, copartnership or corporation, whether formed or incorporated under the laws of this State, or any other State, or of any foreign nation, engaged in transmitting to, from, through, in or across the State of Iowa, telegraphic messages, shall be deemed and held to be a telegraph company, and every such telegraph company shall annually, between the first day of February and the first day of March, make out and deliver to the Auditor of State, a statement, verified by oath of the officer or agent of such company making such statement, with reference to the first day of January next preceding, showing:

First.—The total capital stock of such persons, association, company, copartnership or corporation.

Second.—The number of shares of capital stock issued and outstanding, and the par or face value of each share.

Third.—Its principal place of business.

Fourth.—The market value of said shares of stock on the first day of January next preceding, and if such shares have no market value, then the actual value thereof.

Fifth.—The real estate, structures, machinery, fixtures and appliances owned by said person, association, company, copartnership or corporation, and subject to local taxation within the State, and the location and actual value thereof, in each county or township where the same is assessed for local taxation.

Sixth.—The specific real estate, together with the permanent improvements thereon, owned by such person, association, company, copartnership, or corporation, situated outside of Iowa, and not directly

used in the conduct of the business, with a specific description of each piece, where located, the purpose for which the same is used and the actual value thereof in the locality where situated.

Seventh.—All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Eighth.—(a) The total length of the lines of said association or company.

(b) The total length of so much of their lines as is outside the State of Iowa.

(c) The length of the lines within each of the counties, townships and taxing districts within the State of Iowa.

Sec. 28. Every telephone company doing business in this State, whether incorporated under the laws of this State, or of any foreign nation, shall annually between the first day of February and the first day of March, make out and deliver to the Auditor of State a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the first day of January next preceding, showing:

First.—The total capital stock of such association, company, copartnership or corporation.

Second.—The number of shares of capital stock issued and outstanding, and the par or face value of each share,

Third.—Its principal place of business.

Fourth.—The market value of said shares of stock on the first day of January next preceding, and if such shares have no market value then the actual value thereof.

Fifth.—The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation and subject to local taxation within the State, and the location and actual value thereof in each county, township or taxing districts where the same is assessed for local taxation.

Sixth.—The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation, situate outside the State of Iowa, and not used directly in the conduct of the business, with a specific description of each piece, where located, the purpose for which the same is used, and the actual value thereof for taxation in the locality where situated.

Seventh.—All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Eighth.—(a) The total length of lines of said association or company.

(b) The total length of so much of their lines as is outside the State of Iowa.

(c) The length of the lines within each of the counties, townships and taxing districts within the State of Iowa.

Sec. 29. Every person, joint stock association, company, copartnership or corporation formed or incorporated or acting under the laws of this or any other State, or any foreign nation engaged in conveying to, from, through, in or across this State, or any part thereof, money, packages, gold, silver, plate, merchandise, freight or other articles, under contract, express or implied, with any railroad company, or the managers, lessees, agents or receivers thereof, provided such joint stock association,

company, copartnership or corporation is not a railroad company, shall be deemed and held to be an express company within the meaning of this act, and every such express company shall annually between the first day of February and the first day of March, make out and deliver to the Auditor of State a statement verified by the oath of the officer or agent of such association, company, copartnership or corporation making such statement with reference to the first day of January next preceding, showing:

First.—The total capital stock of said association, company, copartnership or corporation.

Second.—The number of shares of capital stock issued and outstanding and the par or face value of each share, and, in case no shares of capital stock are issued, in what manner the capital stock thereof is divided and in what manner such holdings are evidenced.

Third.—Its principal place of business.

Fourth.—The market value of said shares of stock on the first day of January next preceding, and if such shares have no market value, then the actual value thereof; and in case no shares of stock have been issued, state the market value, or the actual value in case no market value, of the capital thereof, and the manner in which the same is divided.

Fifth.—The real estate, structures, machinery, fixtures and appliances, owned by said person, association, company, copartnership or corporation, and subject to local taxation within the State of Iowa and the location and actual value thereof in the county, township or taxing district where the same is assessed for local taxation.

Sixth.—The specific real estate, together with the improvements thereon, owned by said association, company, copartnership, or corporation, situate outside the State of Iowa, and not used directly in the conduct of the business, with a specific description of each piece, where located, the purpose for which the same is used, and the actual value thereof for taxation in the locality where situated.

Seventh.—All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Eighth.—(a) The total length of lines or routes over which such association, company, copartnership or corporation transports such merchandise, freight or express matter.

(b) The total length of such lines or routes as are outside the State of Iowa.

(c) The length of such lines or routes within each of the counties, townships and taxing districts within the State of Iowa.

Sec. 30. Every person, joint stock association, company, copartnership or corporation formed or incorporated or acting under the laws of this or any other state, or of any foreign nation, and conveying to, from, through, in or across this State, or any part thereof, passengers or travelers in palace cars, drawing room cars, sleeping cars, dining cars or chair cars, under any contract, express or implied, with any railroad company, or the managers, lessees, agents or receivers thereof, shall be deemed and held to be a sleeping car company for the purposes of this act; and every such sleeping car company doing business in this State shall, annually, between the first day of February and the first day of March, make out

and deliver to the Auditor of State a statement, verified by the oath of the officers or agent of such company making such statement, with reference to the first day of January preceding, showing:

First.—The total capital stock of such association, company, copartnership or corporation.

Second.—The number of shares of capital stock issued and outstanding, and the par or face value of each share.

Third.—Its principal place of business.

Fourth.—The market value of said shares of stock on the first day of January next preceding, and if such shares have no market value then the actual value thereof.

Fifth.—The real estate, structures, machinery fixtures and appliances owned by said association, company, copartnership or corporation, and subject to local taxation within the State, and the location and actual value thereof in each county or township where the same is assessed for local taxation.

Sixth.—The specified real estate, together with the permanent improvements thereon owned by such association, company, copartnership or corporation, situate outside the State of Iowa, and not used directly in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the actual value thereof in the locality where situated.

Seventh.—All mortgages upon the whole or any part of its property, together with the franchises and amounts thereof.

Eighth.—(a) The total length of the main lines of all railroad companies over which said cars are run.

(b) The total length of so much of the main lines of the railroad companies over which said cars are run as is outside the State of Iowa.

(c) The length of the lines of said railroad companies over which said cars are run within each of the counties, townships or taxing districts within the State of Iowa; provided, that where the railroads, over which said lines run, have double tracks, or a greater number of tracks than a single track, the statement shall only give the mileage as though such tracks were but a single track, and in case the Auditor of State shall require it, such statement shall show in detail the number of miles of each or any particular railroad system or division.

Sec. 31. Upon the filing of such statements the Auditor of State shall examine them, and each of them, and if he shall deem the same insufficient, or in case he shall deem that other information is requisite, he shall require such officer to make such other and further statements as said Auditor of State may call for. In case of the failure or refusal of any association, company, copartnership or corporation to make out and deliver to the Auditor of State any statement or statements required by this chapter, such person, association, company, copartnership or corporation shall forfeit and pay to the State of Iowa one hundred (\$100) dollars for each additional day such report is delayed beyond the first day of March, to be sued and recovered in any proper form of action in the name of the State of Iowa on the relation of the Auditor of State, and such penalty when collected shall be paid into the general fund of the State.

Sec. 32. Upon the meeting of the Executive Council on the first Monday in March of each year, said Auditor of State shall lay such statements,

with such information as may have been furnished him, before said Executive Council, who shall thereupon value and assess the property of each person, association, company, copartnership or corporation in the manner hereinafter set forth, after examining such statements, and after ascertaining the actual value of such properties therefrom, and from such other information as they may have or obtain. For that purpose they may require such person or agents or officers of said association, company, copartnership or corporation to appear before them with such books, papers or statements as they may require, or they may require such additional statements to be made them, and may compel the attendance of witnesses, in case they shall deem it necessary, to enable them to ascertain the actual value of such property.

Sec. 33. The Executive Council shall first ascertain the actual value of the entire property owned by said person, association, company, copartnership or corporation from said statements or otherwise, for that purpose, taking the aggregate value of all shares of capital stock, in case said shares have a market value, and in case they have none, taking the actual value thereof or of the capital of said person, association, company, copartnership or corporation, in whatever manner the same is divided, in case no shares of capital stock have been issued. Provided, however, that in case the whole or any portion of the property of such person, association, company, copartnership or corporation shall be incumbered by a mortgage or mortgages, such board shall ascertain the actual value of such property by adding to the market value of the aggregate shares of stock or to the value of the capital, in case there shall be no such shares, the aggregate amounts of such mortgage or mortgages, and the result shall be deemed and treated as the actual value of the property of such person, association, company, copartnership or corporation.

Such Executive Council shall, for the purpose of ascertaining the actual value of the property within the State of Iowa, next ascertain from such statements or otherwise, the actual value in localities where the same is situated, of the several pieces of real estate, situate without the State of Iowa and not specifically used in the general business of such person, associations, companies, copartnerships or corporations, which said actual values shall be by the Executive Council deducted from the gross actual value of the property as above ascertained.

Said Executive Council shall next ascertain and assess the (true cash value of the) property of such person, associations, companies, copartnerships or corporations in the State of Iowa, by taking the proportion of the whole aggregate value of said person, associations, companies, copartnerships or corporations, as above ascertained, after deducting the actual value of such real estate without the State, which the length of the lines of said person, associations, companies, copartnerships or corporations, in case of telegraph and telephone companies within the State of Iowa, bears to the total length of the lines thereof; and in case of palace, drawing room, sleeping, dining or chair car companies, the proportion shall be the proportion of such aggregate value, after such deductions, which the length of the lines within the State, over which said cars are run, bears to the length of the whole lines over which said cars are run; and in case of express companies the proportion shall be the proportion of the aggregate value after such deductions, which the length of the lines or

routes within the State of Iowa, bears to the whole length of the lines or routes of such associations, companies, copartnerships or corporations, and such amount, so ascertained, shall be deemed and held as the entire actual value of the property of said person, associations, companies, copartnerships or corporations within the State of Iowa.

From the entire actual value of the property within the State so ascertained, there shall be deducted by the said council the actual value of all the real estate, structures, machinery and appliances within the State and subject to local taxation in the counties and townships, and other taxing districts, as hereinbefore described in the fifth item of sections 27, 28, 29 and 30 of this chapter, and the residue of such actual value so ascertained, after deducting therefrom the actual value of such local properties shall be by the board assessed to said person, associations, companies, copartnerships or corporations in the manner provided for in section 3 of this chapter.

Sec. 34. Said Executive Council shall thereupon ascertain the value per mile of the property within the State by dividing the total value, as above ascertained after deducting the specific properties locally assessed within the State by the number of miles within the State, and the result shall be deemed and held as the actual value per mile of the property of such person, association, company, copartnership or corporation within the State of Iowa.

Sec. 35. Said Executive Council shall thereupon for the purpose of determining what amount shall be assessed by it to said person, association, company, copartnership or corporation in each county of the State, through, across, into or over which the line of said association, company, copartnership or corporation extends, multiply the value per mile as above ascertained by the number of miles in each of such counties as reported in said statements, or as otherwise ascertained, and the result thereof shall be by said council certified to the Auditor of State, who shall thereupon certify the same to the auditors respectively of the several counties through, into, over and across which the lines or routes of said person, association, company, copartnership or corporation extend, and such auditors shall apportion the amount certified for their counties respectively among the several townships into, through, over and across which such lines or routes extend in proportion to the length of the lines in such townships.

Sec. 36. To enable said county auditors to properly apportion the assessments between the several townships, or taxing districts, they are authorized to require the agent of said person, association or company to report to them respectively under oath, the length of lines in each township and taxing district, and the auditor shall thereupon add to the value so apportioned the assessed valuation of the real estate, structures, machinery, fixtures and appliances situated in any township or taxing district, and extend the taxes thereon upon the tax lists as in other cases.

Sec. 37. In case any such person, association, copartnership or corporation named in this chapter shall fail and refuse to pay any taxes assessed against it in any county, township or taxing district in the State, in addition to other remedies provided by law for the collection of taxes, an action may be prosecuted in the name of the State of Iowa by the county attorneys of the different counties of the State, on the relation of the auditors of the different counties of this State, and judgment in such

action shall include a penalty of fifty per cent of the amount of taxes so assessed and unpaid, together with reasonable attorney's fees for the prosecution of such action, which action may be prosecuted in any county into, through, over or across which the line or route of any such person, association, copartnership, company or corporation shall extend, or in any county where such association, company, copartnership or corporation shall have an office or agent for the transaction of business. In case such person, association, company, copartnership or corporation shall have refused to pay the whole of the taxes assessed against the same by said Executive Council, or in case such person, association, company, copartnership or corporation shall have refused to pay the taxes, or any portion thereof, assessed to it in any particular county or counties, township or taxing districts, such action may include the whole or any portion of the taxes so unpaid in any county or counties, township or taxing districts, but the Attorney-General may, at his option, unite in one action the entire amount of tax due, or may bring separate actions in each separate county, or join counties, as he may prefer.

All collection of taxes for or on account of any particular county made in any such suit or suits, shall be by said Auditor of State accounted for as a credit to the respective counties for and on account of which such collections were made by said Auditor of State, at the next ensuing settlement with such county, but the penalty so collected shall be credited to the general fund of the State; and upon such settlement being made, the treasurers of the several counties shall, at their next settlements, enter credits upon the proper books in their offices, and at the next settlement with such county, report the amount so received by him in his settlement with the State, and proper entries shall be made with reference thereto; provided, however, that in any such action the amount of the assessment fixed by said Executive Council and apportioned to such county, or apportioned by the county auditor to any particular township or taxing district, shall not be controverted.

Senator Mitchell presiding.

President Parrott presiding.

President Parrott announced as members of committee under House concurrent resolution on investigation of building and loan legislation, Senators Mitchell, Perrin and Harper.

The hour of adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

BILLS ON THIRD READING.

Senate resumed consideration of substitute for Senate file No. 8, Senator Healy having the floor.

Senator Garst moved that the time of adjournment be extended until the amendment now under consideration be disposed of.

Carried.

On request of Senator Gilbertson, leave of absence was granted Senator Carney indefinitely on account of sickness.

Senator Waterman presiding.

President Parrott presiding.

Senator Trewin moved to reconsider the vote by which the motion by Senator Garst, extending the time of adjournment, was adopted.

On this a roll call was demanded.

On the question, "Shall the motion to reconsider the vote prevail?" the yeas were:

Senators Bonson, Byers, Carpenter, Cheshire, Downey, Ellison, Garst, Gorrell, Harper, Hipwell, Hobart, Junkin, Kilburn, Mitchell, Rowen, Trewin, Upton—17.

The nays were:

Senators Alexander, Bell, Berry, Blanchard, Carroll, Craig, Druet, Eaton, Ericson, Everall, Funk, Gilbertson, Harriman, Healy, Henderson, Hospers, Hotchkiss, Hurst, Lothrop, Palmer, Penrose, Perrin, Pusey, Ranck, Rigger, Sargent, Waterman, Young—28.

Absent or not voting:

Senators Allyn, Carney, Ellis, Lehfeldt, Phelps—5.

The motion to reconsider did not prevail.

On the amendment by Senator Cheshire substituting certain sections of the revenue bill, the yeas and nays were demanded.

On the question, "Shall the amendment prevail?" the yeas were:

Senators Bonson, Carpenter, Cheshire, Craig, Downey, Ellison, Garst, Gorrell, Harper, Hipwell, Hobart, Junkin, Kilburn, Mitchell, Rowen, Trewin, Upton—17.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carroll, Druet, Eaton, Ericson, Everall, Funk, Gil Harriman, Healy, Henderson, Hospers, Hotchkiss, Lothrop, Palmer, Penrose, Perrin, Pusey, Ranck, Sargent, Waterman, Young—29.

Absent or not voting:

Senators Carney, Ellis, Lehfeldt, Phelps—4.

The amendment was lost.

Senator Druet offered the following and asked that it be printed in the Journal.

MR. PRESIDENT—I vote against the amendment because it has not received the consideration due a measure of its importance.

S. DRUET.

Senator Ericson offered the following and asked that it be printed in the Journal:

MR. PRESIDENT—In explanation of my vote upon Senator Cheshire's amendment to the revenue bill, I believe that the amendment has merit, and may be a great improvement on the bill under consideration, and had we the time to consider this amendment and perfect the changes contemplated I would vote for the amendment, but at this late day I believe we have consumed already more time than we ought to on this bill at this session. I therefore vote "no."

C. J. A. ERICSON.

Senator Healy offered the following and asked that it be printed in the Journal:

MR. PRESIDENT—I vote against the amendment because I am satisfied the measure is not properly framed, and under its provisions no tax whatever can be collected from the corporations sought to be reached. The measure is of such importance that it deserves the consideration of the Ways and Means Committee.

THOS. D. HEALY.

Senator Ranck offered the following and asked that it be printed in the Journal:

MR. PRESIDENT—At this time I am not assured from all the information I have been able to get that the proposed amendments if passed would be better than the committee bill, and not so believing, I vote "no."

C. S. RANCK.

Senator Harriman offered the following and asked that it be printed in the Journal:

MR. PRESIDENT—As an explanation of my vote on the amendment offered by the Senator from Polk, I would say that I am favorably impressed with the principle involved in the amendment offered, but I do not deem it advisable to enact the same into the statute without due consideration as to its constitutionality.

W. F. HARRIMAN.

The hour of adjournment having arrived, the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, March 19, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott, presiding.

Prayer was offered by the Rev. O. H. L. Mason of Green Mountain, Iowa.

PETITIONS AND MEMORIALS.

Senator Perrin presented petition of O. C. Mann and twenty-nine others of Nora Springs, in reference to the Welsbach lamp.

Referred to Committee on Public Health.

Senator Perrin presented petition of Robert Eggert and other citizens of Charles City, in favor of the Temple amendment.

Referred to Committee on Railways.

Senator Rowen presented remonstrance of F. J. Finn and forty-one others of Radcliff, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Rowen presented remonstrance of S. H. Piatt and seventeen others of Clarion, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Henderson presented petition of F. W. Hunt and others of Marathon, in reference to Welsbach lamp.

Referred to the Committee on Public Health.

Senator Upton presented petition of Alfred Dall and other citizens of Decorah, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Upton presented petition of C. W. Isbell and other citizens of Calmar, on same subject.

Referred to Committee on Railways.

Senator Pusey presented petition of cigarmakers' union of Council Bluffs, favoring the Temple amendment.

Referred to Committee on Railways.

Senator Pusey presented petition of Council Bluffs typographical union on same subject.

Referred to Committee on Railways.

On request of Senator Everall, leave of absence was granted Senator Ranck until Monday.

On request of Senator Hurst, leave of absence was granted Senator Ellis until Tuesday.

On request of Senator Cheshire, leave of absence was granted Senator Junkin.

REPORT OF STANDING COMMITTEE.

Senator Rigger, from the Committee on Pharmacy, submitted the following report:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred House file No. 45, a bill for an act to revise, amend and codify the statutes in relation to the practice of pharmacy, 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:

Amend section 4, by adding thereto the following: Each commissioner of pharmacy shall receive as full compensation for his services the sum of five dollars for each day actually employed in the discharge of his official duties, together with his actual traveling expenses in performing said duties, all of which shall be paid from the fees of the office, and each commissioner shall file with the Auditor of State at the end of each quarter of his official year, an itemized statement under oath, of his actual traveling expenses incurred in the performance of his duty for such quarter.

Amend the House amendment to section 7 by inserting after the word "oaths" the words "pertaining to their said office."

Amend section 10 by striking out of line 17 the word "both" and insert in lieu thereof the word "the," and strike out of line 18 the words "and purchaser."

Amend section 11, line 2, by striking out the words "all those who" and insert the words "who shall" in lieu thereof.

And when so amended that the bill do pass.

J. A. RIGGEN,
Chairman.

Ordered passed on file.

HOUSE MESSAGES.

Concurrent resolution relative to the appointment of a supervisory committee to keep track of the progress made in the Code, was taken up and adopted.

BILLS ON THIRD READING.

Senator Harriman moved that the further consideration of House file No. 15 be postponed until Tuesday.

Carried.

Senator Carpenter called up report of committee on amendments to House file No. 72.

Senator Carpenter moved that the report of the committee be adopted.

Carried.

Senator Carpenter called up report of committee on amendments to House file No. 84.

Senator Carpenter moved that the report of the committee be adopted.

Carried.

Senator Cheshire called up report of committee on Senate file No. 4.

Senator Cheshire moved that the report of the committee on Senate file No. 4 be adopted.

Carried.

Senator Cheshire moved that the Senate concur in the House amendment to section 1, which was as follows: Section 1, strike out the word "six" in line 4 and insert the word "three," and in line 5 of same section strike out "ninety" and insert "sixty."

Motion prevailed.

Senator Cheshire moved that the House amendment to section 1, subdivision 3, be concurred in. Amendment of House is as follows: In line 8 insert after the word "reputation" the following: "including injuries to relative rights," and in same section, line 9, after the word "years" add the following: "and those brought to set aside a will within five years from the time the same is filed in the clerk's office for probate and notice thereof is given."

Motion prevailed.

Senator Cheshire moved that the Senate concur in the following: House amendment to section 6, line 2, striking out the word "thereon."

The motion prevailed.

Senator Cheshire moved that the Senate concur in House amendment to section 2, line 2, chapter 6, striking out all after the word "term" and insert the following: "the defendant may have the action dismissed."

The motion prevailed and the amendment was concurred in.

Senator Cheshire moved that the Senate concur in House amendment to section 16, line 2, inserting between the words "company" and "service" the following: "or against any foreign corporation."

The motion prevailed and the amendment was concurred in.

Senator Cheshire moved that the Senate concur in the House amendment to section 18, line 5, inserting between the words "the" and "preceding" the word "two," and in the same line add "s" to the word "section."

The motion prevailed and the amendment was concurred in.

Senator Cheshire moved that the Senate concur in the House amendment to section 28, line 5, prefixing to subdivision 2 the following: "By entering an appearance in the appearance docket, or judge's calendar or."

The motion prevailed and the amendment was concurred in.

Senator Cheshire moved that the Senate concur in House amendment to section 28, line 15, inserting after the word "January" the following: "the twenty-second day of February."

The motion prevailed and the amendment was concurred in.

Senator Cheshire moved that the Senate concur in House amendment to section 9, line 4, striking out the word "five" and inserting the word "ten."

The motion prevailed and the amendment was concurred in.

Senator Cheshire moved that the Senate concur in House amendment to section 26, line 3, after the word "petition" add the following: "and with like results attendant upon the ruling thereon."

The motion prevailed and the amendment was concurred in.

Senator Cheshire moved that the Senate concur in House amendment to section 30, line 3, after the word "petition" add the following: "and with like results attendant upon the ruling thereon."

The motion prevailed and the amendment was concurred in.

Senator Cheshire moved that the Senate concur in House amendment to section 42, line 2, after the word "introduced" add the following: "in which case they shall be verified as other pleadings."

The motion prevailed and the amendment was concurred in.

Senator Cheshire moved that the Senate concur in House amendment to section 60, by adding at end of the section the following: "and when the party interrogated is a corporation, the answers and affidavits verifying the same shall be made by the officers or agents of such corporation who have knowledge of the subjects and matters covered by the interrogatories."

The motion prevailed and the amendment was concurred in.

Senator Cheshire moved that the Senate concur in House amendment to section 70, chapter 8, striking out the words "by its title and the day of its passage" and insert in lieu thereof "so as to plainly designate it."

The motion prevailed and the amendment was concurred in.

Senator Cheshire moved that the Senate concur in House amendment to section 14, line 5, after the word "elect" add the following: "And the provisions of this Code as to appeals from justice's courts shall be applicable, so far as may be, to other appeals contemplated in this section."

Motion prevailed.

Senator Cheshire moved that the Senate concur in House amendment, section 29, line 17, after the word "reporter" insert the words "when demanded by either party."

Motion prevailed.

Senator Cheshire moved that the Senate concur in the following House amendment: Insert between sections 46 and 47 the following:

Sec. 47. When a cause is called for trial and before drawing the jury, either party may require the names of all the jurors in the panel to be called, and an attachment to be issued against those who are absent but the court may in its discretion, wait or not for the return of the attachment.

Sec. 48. The clerk shall prepare separate ballots containing the names of the person returned as jurors, which shall be folded, each in the same manner, as near as may be, and so that the name thereon shall not be visible, and must deposit them in a box kept for that purpose.

Sec. 49. Before the name of any juror is drawn, the box must be closed and shaken, so as to intermingle the ballots therein, and the clerks shall draw such ballots from the box, without seeing the names written thereon, through the top of the lid thereof.

Senator Cheshire moved that the Senate concur in House amendment striking out section 61, as proposed by the Senate, and inserting in lieu thereof the section proposed by the Code commissioners.

Motion prevailed.

Senator Cheshire moved that the Senate concur in House amendment in line 2, section 104, insert after the word "rendered" the following: "unless for good cause the court extends the time."

Motion prevailed.

Senator Cheshire moved that the Senate concur in House amendment to section 152, inserting the word "thirty" in lieu of the word "sixty" in the fourth line; also, striking out of

Senate amendment to the same section the words "to be recovered by the other party" and inserting in lieu thereof the words "by the party aggrieved."

Motion prevailed.

Senator Cheshire moved that the Senate concur in House amendment to section 17, chapter 16, striking out of line 6 the words "the second day of the term;" also, the word "first" and insert the original wording of the Code commissioners.

Motion prevailed.

Senator Cheshire moved that the Senate concur in the House amendment, striking out section 23 as adopted by the Senate and substituting the section as recommended by the Code commissioners.

Motion prevailed.

On the question, "Shall the amendments of the House be concurred in?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hoppers, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—43.

The nays were:

None.

Absent or not voting:

Senators Bell, Byers, Carney, Ellis, Junkin, Lehfeldt, Ranck—7.

The House amendments were concurred in.

Senator Cheshire moved that the part of committee report not concurring in certain amendments be adopted.

Carried.

The Senate resumed consideration of substitute for Senate file No. 8.

Senator Blanchard moved to amend section 41 by striking out all after the word "kept," line 13 to the end, and insert the words "The actual value of the capital stock, over and above that of the above listed property, shall be listed and assessed as prescribed in section 21 hereof."

Adopted.

Senator Blanchard called up motion filed to reconsider the vote by which amendment to section 19, chapter 1, line 22, was lost.

Senator Blanchard moved to reconsider the vote by which the amendment to section 19, chapter 1, line 22 was lost.

Carried.

On reconsideration the amendment to section 19, chapter 1, striking out all after the word "estate" in line 22 prevailed.

Senator Byers moved to amend section 19, chapter 1, line 4, by striking out the words "aside from real estate."

On this a division was called for and the amendment was lost.

Senator Funk moved that all marginal, reference and page numbers be stricken from the bill and that the secretary be instructed to renumber the sections consecutively.

Carried.

Senator Funk moved to amend the bill by inserting after the words "chapter 1" the words "of Title VII."

Adopted.

Senator Funk moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Harriman, Healy, Henderson, Hospers, Hotchkiss, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—36.

The nays were:

Senators Bonson, Byers, Gorrell, Harper, Hipwell, Hobart, Kilburn—7.

Absent or not voting:

Senators Carney, Carpenter, Ellis, Hurst, Junkin, Lehfelddt, Ranck—7.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Rowen offered the following explanation of his vote:

MR. PRESIDENT—In explanation of my vote on the revenue bill, I vote "aye" with the 33½ per cent basis for assessment, because under existing conditions in the General Assembly, it seems to be the lowest basis for assessment possible, and for the further reasons that under section 4 no increase in taxation over the average of 1896 and 1897 can occur, and in the meantime the people of the State of Iowa can be heard from, and also

because the discriminations in favor of moneys and credits allowing deductions of indebtedness and refusing the same to real estate can be corrected during the session of the Twenty-seventh General Assembly.

J. E. ROWEN.

Senator Druet offered the following explanation of his vote.

MR. PRESIDENT—I vote “aye” because it appears that this bill is the best the Committee on Ways and Means will give us. But in this connection I wish to protest against the united action of the Ways and Means Committee against nearly all amendments regardless of their merits.

S. DRUET.

Senator Gorrell offered the following explanation of his vote:

MR. PRESIDENT—The admitted discrimination in the bill in favor of moneys and credits, being permitted to deduct indebtedness, and denying the same privilege to real estate owners, is a violation of a fundamental principle of justice and equity between man and man. Also the more dangerous violation of the principles of justice and equity in the discrimination against mortgaged farms in Iowa, and in favor of capitalists in other states. I therefore vote “no.”

J. R. GORRELL.

Senator Kilburn offered the following explanation of his vote:

MR. PRESIDENT—Believing that this bill, if it becomes a law, will increase the burden of taxation upon the people of the State, and especially upon the producers of the State, I vote “no.”

L. M. KILBURN.

Senator Eaton offered the following explanation of his vote:

MR. PRESIDENT—I am not satisfied with all of the provisions of this bill, nor do I believe it possible to approach perfection in one enactment. There can be but one tax collection under this bill, if enacted, before the commencing of the Twenty-seventh General Assembly, and this bill can be perfected at a subsequent session much more satisfactorily than without this bill, which I believe contains much of merit and improvement.

WILLIAM EATON.

Senator Hobart offered the following explanation of his vote:

MR. PRESIDENT—I believe that section 3 of the bill will extend the constitutional limit of indebtedness three fold. That section 4 is a dangerous and unnatural limitation. In view of these objections and many unjust inequalities of the measure, I am constrained to vote “no.”

A. C. HOBART.

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 all its amendments, except the last proposed amendment to Senate file No. 3, a bill for an act to revise, amend and codify the statutes in relation to township and county government.

The Speaker has announced as conference committee on part of the House Messrs. Classen, Hauger, Baker and Hunt.

JAMES D. ROWEN,
Chief Clerk.

Senator Waterman offered the following motion:

MR. PRESIDENT—I move that hereafter no Senator shall be allowed to speak longer than ten minutes nor more than once on any amendment or proposition, except that the mover of the motion shall be allowed ten minutes to close.

H. L. WATERMAN.

Senator Trewin moved that the motion be referred to Committee on Rules, with the instruction to report on the same Monday.

On this a roll call was demanded.

On the question, "Shall the matter be referred to the Committee on Rules?" the yeas were:

Senators Bonson, Byers, Eaton, Ellison, Gilbertson, Gorrell, Hurst, Kilburn, Lothrop, Rigger, Rowen, Trewin—12.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carroll, Cheshire, Craig, Downey, Druet, Ericson, Everall, Funk, Garst, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Palmer, Penrose, Perrin, Phelps, Pusey, Sargent, Upton, Waterman, Young—30.

Absent or not voting:

Senators Carney, Carpenter, Ellis, Hipwell, Junkin, Lehfelddt, Mitchell, Rank—8.

The motion to refer was lost.

Senator Rowen moved to amend the motion by striking out the word "ten" and inserting the word "fifteen."

Lost.

The motion was adopted.

The Journal of Thursday was taken up, read, corrected and approved.

HOUSE MESSAGES.

Senate file No. 3, a bill for an act to revise, amend and codify the statutes in relation to county and township government.

The President appointed Senators Carpenter, Ellison, Trewin and Harper as committee on part of the Senate.

The President appointed on joint committee to sit with House committee on progress of Code work, Senators Sargent, Gilbertson and Hotchkiss.

Senator Palmer called up report of the Committee on Agriculture relative to the beet sugar industry.

The report of the committee indefinitely postponing the resolution was adopted.

BILLS ON THIRD READING.

On motion of Senator Palmer, House file 17, a bill for an act to revise, amend and codify the statutes in relation to agricultural and horticultural societies, etc., was substituted for Senate file No. 14, a bill for an act to revise, amend and codify the statutes in relation to certain corporations.

On motion of Senator Palmer, House file No. 17, with report of committee, was taken up, considered and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Palmer moved to amend section 4, line 1, by striking out the word "and" and insert a comma after the word "society;" line 2, same section, strike out all after the word "year" up to the word "a" in line 3; same section, line 4, insert the words "and reports" after the word "recommendations."

Adopted.

Senator Palmer moved to amend section 6, line 1, by changing the word "shall" to the word "may."

Adopted.

Senator Palmer moved to amend section 7, line 3, by striking out after the word "awards" the words "Provided the price for which publication shall not exceed 33 $\frac{1}{3}$ cents per square."

Adopted.

The hour of adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

On request of Senator Hipwell, leave of absence was granted Senator Hurst until Tuesday.

On request of Senator Rikken, leave of absence was granted Senator Rowen.

BILLS ON THIRD READING.

Senate resumed consideration of House file No. 17.

Senator Carroll moved to amend section 20, line 1, by striking out the words "five thousand" and insert the words "thirty-five hundred" in lieu thereof.

Adopted.

Senator Carroll moved to amend section 20, line 4, by striking out the word "two" and inserting the word "one" in lieu thereof.

Adopted.

Senator Carroll moved to amend section 20, line 4, by striking out the word "twelve" and inserting the word "six" in lieu thereof.

Adopted.

Senator Palmer moved to amend section 21 by striking out lines 4 and 5 and inserting a period after the word "society" in line 3.

Adopted.

Senator Palmer moved to amend section 29, line 2, by changing "two thousand two hundred dollars" to "two thousand seven hundred dollars;" in line 3, same section, after the word "service" insert the following and strike out the remainder of the section: "including the salary of the director, which shall not exceed fifteen hundred dollars per annum."

Adopted.

Senator Druet moved to amend section 1, line 3, by inserting after the word "writing" the words "who shall be a resident of the county;" also, in line 5 insert after the word "county" the words "who shall be a resident of the county."

Adopted.

Senator Upton moved to amend section 8 by inserting after the word "extent" in the second line thereof the words "or hold and occupy such amount of land by virtue of a lease, and own and have thereon buildings and improvements worth at least \$2,000.00;" also, by inserting the words "or purchasing" after the word "up" in the fourth line.

Adopted.

Senator Harriman moved to amend section 4 by adding the following thereto: "A committee consisting of three members shall be appointed annually by the Executive Council, whose

duty it shall be to pass upon all financial business of the society prior to the annual meeting thereof and make their report to the Governor."

Senator Trewin offered the following substitute for the amendment: "The Executive Council shall annually appoint three of its members as a finance committee, whose duty it shall be to pass upon all financial business of the agricultural society prior to the annual meeting thereof and make due report to the Governor."

On this a division was called for and the substitute was lost.

Senator Trewin moved to amend the amendment by inserting after the word "committee" as follows: "none of whom shall be a director or officer of the society."

The amendment was adopted.

The amendment as amended was adopted.

Senator Hotchkiss moved to amend section 19 by adding at the end thereof the following: "One-half of such reports shall be bound in muslin covers, in style uniform with the reports of the horticultural society, and the balance in board covers, similar in style with the acts of the General Assembly."

Adopted.

Senator Hotchkiss moved to amend section 20 by striking out in lines 1 and 2 the words "in style uniform with reports heretofore made" and insert the following: "One-half to be bound in muslin covers, uniform in style with the reports heretofore made, and the balance in board covers, similar with the acts of the General Assembly."

Adopted.

Senator Byers moved to amend section 9, line 4, by inserting after the word "dollars" the words "for each county in such district."

Lost.

Senator Blanchard moved to amend the bill by striking out section 8.

On this the yeas and nays were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Berry, Blanchard, Carpenter, Carroll, Cheshire, Eaton, Healy, Hotchkiss, Kilburn, Lothrop, Phelps, Waterman—12.

The nays were:

Senators Alexander, Bell, Byers, Craig, Downey, Druet, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Henderson, Hipwell, Hospers, Junkin, Palmer, Penrose, Perrin, Ranck, Riggen, Sargent, Trewin, Upton, Young—27.

Absent or not voting:

Senators Allyn, Bonson, Carney, Ellis, Harper, Hobart, Hurst, Lehfeldt, Mitchell, Pusey, Rowen—11.

The motion to strike out section 8 was lost.

Senator Carroll moved to amend section 9, line 2, by striking out the words "the preceding section," and insert the words "the chapter" in lieu thereof.

Senator Carpenter offered the following substitute for the amendment: "Strike out section 9."

Senator Upton moved the previous question.

On the question, "Shall the main question be put?" a division was called for and the motion prevailed.

On the motion to strike out section 9, a roll call was demanded.

On the question, "Shall the section be stricken out?" the yeas were:

Senators Allyn, Blanchard, Bonson, Carpenter, Carroll, Healy, Waterman—7.

The nays were:

Senators Alexander, Bell, Berry, Byers, Cheshire, Craig, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Henderson, Hospers, Hotchkiss, Junkin, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Sargent, Trewin, Upton, Young—33.

Absent or not voting:

Senators Carney, Ellis, Harper, Hipwell, Hobart, Hurst, Kilburn, Lehfeldt, Mitchell, Rowen—10.

The motion to strike out section 9 was lost.

The question recurring on the amendment, the amendment was adopted.

Senator Palmer moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton,

Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Sargent, Trewin, Upton, Waterman, Young—41.

Senator Bonson voted in the negative.

Absent or not voting:

Senators Carney, Ellis, Harper, Hobart, Hurst, Lehfeldt, Mitchell, Rowen—8.

The bill having received a constitutional majority, was declared to have passed the Senate and the title 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 has amended and passed the following bill, in which the concurrence of the Senate is asked:

Senate file No. 40, a bill for an act to revise, amend and codify the statutes in relation to the Soldiers' Home.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 40, a bill for an act to revise, amend and codify the statutes in relation to the Soldiers' Home, was read first and second time and referred to Committee on Military.

The President appointed as conference committee on amendments to House file No. 84, Senators Carpenter, Pusey, Trewin and Junkin.

Senator Blanchard moved that the Senate do now adjourn.
Carried.

The Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, March 20, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by the Rev. Levi Jarvis, Diagonal, Iowa.

On request of Senator Rowen, leave of absence was granted Senator Rikken.

On request of Senator Alexander, leave of absence was granted Senator Harriman until Monday.

On request of Senator Eaton, leave of absence was granted Senator Carpenter until Monday.

On request of Senator Ranck, leave of absence was granted Senator Hipwell until Tuesday.

On request of Senator Healy, leave of absence was granted Senator Blanchard.

PETITIONS AND MEMORIALS.

Senator Byers presented petition of Southwestern Medical society, of Clarinda, to improve the practice of medicine.

Referred to Committee on Public Health.

Senator Bell presented remonstrance of Rev. C. L. Walker and 83 other citizens of Batavia against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Penrose presented petition of A. Ortscheid and 71 other citizens of Belle Plaine, Iowa, in favor of the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Penrose presented petition of Thomas Wolf and other citizens of Watkins, Iowa, in favor of the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

REPORTS OF STANDING COMMITTEES.

Senator Henderson, from the Committee on Fish and Game, submitted the following report:

MR. PRESIDENT—Your Committee on Fish and Game, to whom was referred Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to fish and game, 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 a substitute and the recommendation that the same do pass,—it having been agreed to by the Committees on Fish and Game of both houses in joint meeting.

BY JOINT COMMITTEES ON FISH AND GAME.

Substitute for Senate file No. 35 and House file No. 42.

A BILL

For an act to revise, amend and codify the statutes in relation to the care and propagation of fish, and the protection of birds and game.

Be it enacted by the General Assembly of the State of Iowa:

CHAPTER 15 (OF TITLE 12).

OF THE CARE AND PROPAGATION OF FISH, AND PROTECTION OF BIRDS AND GAME.

Section 1. There is hereby created the office of State Fish and Game Warden. He shall be appointed by the Governor, and hold his office for three years from the first day of April of the year of his appointment. He shall receive a salary of twelve hundred dollars annually to be paid out of the State treasury. He shall have charge and management of the State fish hatcheries, which shall be used in stocking the waters of the State with fish native to the country, and to the extent of the means provided by the State. He shall impartially and equitably distribute all fry raised by or furnished to the State, or for it through other sources in the streams and lakes of the State; shall faithfully and impartially enforce obedience of the provisions of this chapter, and shall make a biennial report to the Governor of his doings, together with such information upon the subject of the culture of fish and the protection of game in the country as he may think proper, and an itemized statement monthly to the executive council under oath, of all moneys expended and for what purpose, and of the number and varieties of fish distributed and in what waters.

Sec. 2. Between the first days of November and March no one shall take from the waters of the State any salmon or trout, nor between the first days of April and June any bass, pike, croppies or other game fish, nor shall any one fish for, or by any means catch any fish in any stream which has been stocked with breeding trout one or two years old, within one year from the date of the stocking thereof if notice of such fact is by the authority of the warden posted where a public road crosses such stream; nor shall any one at any time take from the waters of the State any fish, except minnows for bait, unless by hook and line; nor shall any one place, erect or cause to be placed or erected any trot-line, seine, net, trap, dam, or other device or contrivance in the water in such manner as to hinder or obstruct the free passage of fish up, down, or through the same for the purpose of catching them, except as provided in the next section; nor shall any one place in the water any lime, ashes, or drug of any kind, or other substances, or shoot any gun, explode dynamite, gun cotton, giant powder, or other compound or preparation, or

use electricity in any way with the intent to kill or so to affect any fish that it may be taken; nor have, erect, or use while fishing on or through the ice any house, shed, or other protection against the weather, or have or use any stove or other means for creating artificial heat. The possession of a spear or seine in or upon any of the public waters of the state, or upon the ice of the same, or on the shore within a limit of ten rods shall be prima facie evidence of the intent to violate the provisions of this section, against spearing or seining fish.

Sec. 3. In taking minnows for bait, a three-eighths inch mesh seine not exceeding five yards in length may be used, and if any of the fish enumerated in the preceding section shall be taken, they shall at once be restored unharmed to the water whence taken, and the word "minnows" as used in this chapter does not include young bass, pike, croppies, trout, salmon, or fry of any game fish, native or otherwise.

Sec. 4. No person shall use more than two lines with one hook upon each line in still fishing, or otherwise, except that in trolling a spoon-hook composed of three hooks fastened together may be used.

Sec. 5. No person shall buy, sell, offer for sale, have in possession for sale or transportation, or for any other use or purpose, any fish unlawfully taken under the provisions of this chapter.

Sec. 6. Anyone who shall violate any provisions of the four preceding sections shall, upon conviction, pay a fine of not less than five nor more than fifty dollars and costs of prosecution for each offense, or be imprisoned in the county jail for not less than one day nor more than thirty days, and the taking of each fish in violation of law shall be a separate offense.

Sec. 7. Persons who raise or propagate fish upon their own premises, or who own premises on which there are waters having no natural inlet or outlet through which such waters may become stocked or replenished with fish, are the owners of the fish therein, and may take them as they see fit or permit the same to be done. Any person taking said fish without the consent of such owner shall be guilty of a misdemeanor and be prosecuted and punished as provided in the preceding section, and such owner may recover three times the value thereof from the persons so taking them.

Sec. 8. The warden may take from any of the public waters of the state at any time and in any manner, any fish for the purpose of propagating or restocking other waters, or exchanging with fish commissioners or wardens of other states or of the United States.

Sec. 9. Nothing herein contained shall be held to apply to fishing in the Mississippi, Missouri, or the Big Sioux rivers, nor to so much of the Des Moines river as forms the boundary line between this State and Missouri, nor to forbid the erection of dams across the waters of the State for manufacturing or other lawful purposes, subject to the provisions of the following section.

Sec. 10. No dam or obstruction across any river, stream, or other waters in this State shall be erected or maintained which is not provided with a fishway of suitable capacity and facilities to afford a free passage for fish up and down the same, while the water is running over such dam or obstruction. Any dam or obstruction which is not so constructed is a

public nuisance and may be abated accordingly. A violation of this section is a misdemeanor, and in addition to the remedy in this section provided, the offender may be punished by fine of not less than one hundred dollars or imprisonment in the county jail not less than fifteen days nor more than thirty days.

Sec. 11. Any city or town, bounded in whole or in part by any meandered lake or chain of lakes, or the board of supervisors of the county in which such waters are situated, may construct and maintain across the outlet or inlet thereof a dam to obstruct the passage of fish, the same to be of earth, masonry, or other material to the natural and ordinary level of the lake, above and across the entire width to be an open network of bars or wire with the necessary supports so arranged as to prevent, as far as may be, the escape of fish. For this purpose, upon the petition of a majority of the resident tax-payers of any city or town, so much land as is situated within the corporate limits as may be necessary may be purchased or condemned in the same manner provided for the appropriation of private property for streets and other municipal uses, and paid for out of the general fund.

Sec. 12. Whoever shall wilfully injure or destroy such dam so erected or maintained, shall be guilty of a misdemeanor and upon conviction, shall pay a fine of not less than one hundred nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty nor more than one hundred days and pay the costs of prosecution.

Sec. 13. No person shall trap, shoot or kill any pinnated grouse or prairie chicken between the first day of December and the first day of September next following; any woodcock between the first day of January and the tenth day of July; any ruffed grouse or pheasant, wild turkey or quail, between the first day of December and the first day of October; any wild duck, goose, or brant, between the fifteenth day of April and the first day of September; or any wild deer, elk, or fawn, between the first day of January and the first day of September. No person shall kill any of the birds mentioned in this section from any artificial ambush of any kind, or with the aid or use of any sneak boat or sink box or other device used for concealment in the open water. Nor use any artificial light, battery, or any other deception, contrivance or device whatever, with the intent to attract or deceive any of the birds mentioned in this chapter except that decoys may be used in hunting wild geese and ducks, but no person shall at any time hunt or shoot from any boat, canoe, contrivance or device whatever on any of the waters of this state between sundown and sunrise.

Sec. 14. No person shall at any time or at any place within this State trap, shoot or kill for traffic any pinnated grouse or prairie chicken, woodcock, quail, ruffed grouse, or pheasant; nor shall any one person shoot or kill during any one day more than twenty-five of either kind of said named birds; nor shall any one person, firm, or corporation have more than twenty five of either kind of said named birds in his or their possession at any one time, unless lawfully received for transportation; or catch or take, or attempt to catch or take, with any trap, snare, or net any of the birds or animals named in the preceding section, or in any manner wilfully destroy the eggs or nests of any of the birds named in the two preceding sections.

Sec. 15. It shall be unlawful for any person to kill, trap, or ensnare any beaver, mink, otter, or muskrat between the first day of April and the first day of November, except where such killing, trapping or snaring may be for the protection of private property.

Sec. 16. It shall be unlawful for any person, company, or corporation to buy or sell, or have in possession, any of the birds or animals named in this chapter, during the period when the killing of such birds or animals is prohibited, except during the first five days of such prohibited period; and the possession by any person, company, or corporation of any such birds or animals during such prohibited period, except during the first five days thereof, shall be presumptive evidence of a violation of the provisions of this chapter relating to game.

Sec. 17. No person, company, or corporation shall at any time ship, take, or carry out of this State any of the birds or animals named in this chapter; but it shall be lawful for any person to ship to any person within this State any game birds named, not to exceed one dozen in any one day, during the period when the killing of such birds is not prohibited; but he shall first make an affidavit before some person authorized to administer oaths, that said birds have not been unlawfully killed, bought, sold, or had in possession; are not being shipped for sale or profit, giving the name and postoffice address of the person to whom shipped and the number of birds to be so shipped. A copy of such affidavit, endorsed "A true copy of the original," by the person administering the oath, shall be furnished by him to the affiant, who shall deliver the same to the railroad agent or common carrier receiving such birds for transportation, and the same shall operate as a release to such carrier or agent from any liability in the shipment or carrying of such birds. The original affidavit shall be retained by the officer taking the same, and may be used as evidence in any prosecution for violation of the sections of this chapter relating to game. Any person swearing falsely to any material fact of said affidavit shall be guilty of perjury.

Sec. 18. If any person use any device, kill, trap, ensnare, buy, sell, ship, or have in his possession, or ship, take, or carry out of the State contrary to the provisions of this chapter, any of the birds or animals named or referred to herein, or shall wilfully destroy any eggs or nests of the birds named or referred to in the preceding sections, he shall be punished by a fine of ten dollars for each bird, beaver, mink, otter, or muskrat; twenty-five dollars for each wild deer, elk, or fawn, and ten dollars for each nest and the eggs therein, so killed, trapped, ensnared, bought, sold, shipped, had in possession, destroyed, or shipped, taken, or carried out of the State, and shall stand committed to the county jail for thirty days unless such fine and costs of prosecution are sooner paid.

Sec. 19. If any railway or express company, or other common carrier, or any of their agents or servants receive any of the fish, birds, or animals mentioned or referred to in this chapter, for transportation or other purpose, during the period hereinbefore limited and prohibited, or at any other time except in the manner provided in this chapter, he or it shall be punished by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment in the county jail for thirty days, or by both such fine and imprisonment.

Sec. 20. If any person shoot or kill any wild duck, goose, or brant with any swivel gun, or any kind of gun except such as is commonly shot from the shoulder, or shall use medicated or poisoned food to capture or kill any of the birds named in this chapter, he shall be fined twenty-five dollars for each offense and shall stand committed to the county jail for thirty days, unless such fine and costs of prosecution are sooner paid.

Sec. 21. In all prosecutions under this chapter any number of violations may be included in the information, but each one shall be set out in a separate count, and upon conviction there shall be taxed as a part of the costs in the case a fee of five dollars to the informant, and a like fee of five dollars to the attorney prosecuting the case upon each count upon which there is a plea or verdict of guilty and judgment of conviction, but in no event shall this fee be paid out of the county treasury. Prosecutions for violations of any provision of this chapter may be brought either in the county in which the offense was committed, or in any other county where the person, company, or corporation complained of has had or has in his or their possession any fish, birds or animals named herein and bought, sold, caught, taken, killed, trapped, or ensnared in violation hereof.

Sec. 22. No person shall hunt with dog or gun upon the cultivated or enclosed lands of another without first obtaining permission from the owner, occupant or agent thereof. Any person violating the provisions of this section shall be punished by a fine of not more than ten dollars and costs of prosecution and shall stand committed until such fine and costs are paid, for each and every offense, but no prosecution shall be commenced under this section except upon the information of the owner, occupant, or agent of such cultivated or enclosed lands.

Sec. 23. No person shall destroy the nests or eggs of, or catch, take, kill, or have in possession or under control for any purpose whatever, except specimens for use of taxidermists, at any time, any whip-poor-will, nighthawk, bluebird, finch, thrush, linnet, lark, wren, martin, swallow, bobolink, robin, turtle-dove, catbird, sandpiper, snowbird, or any other harmless bird except bluejays, blackbirds and English sparrows, but nothing herein shall be construed to prevent the removal of nests from buildings and the keeping of song birds in cages as domestic pets. Any person violating any of the provisions of this section shall be fined not less than one dollar nor more than twenty-five dollars and costs of prosecution, and may be committed to the county jail until such fine and costs are paid.

Sec. 24. The fish and game warden may appoint such number of deputies as he may deem necessary, who shall serve without expense to the State and whose duties shall be to report to the warden all violations of the fish and game laws and aid him in the enforcement thereof.

GEO. W. HENDERSON,
Chairman.

Substitute read first and second time.

Senator Henderson moved that three hundred copies of the substitute be ordered printed.

Senator Junkin, from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred House file No. 28, a bill for an act to revise, amend and codify the statutes in relation to the poor, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the following recommendation:

The committee recommend that the Senate recede from the Senate amendment to section 1, which is as follows: "But no such relative shall be so liable until notice in writing has been given him by said trustees and an opportunity afforded to furnish such poor person with proper relief or support."

The committee also recommend that the Senate recede from the Senate amendment striking out the amendment in line 8 of section 15, as follows: "They may require any able bodied person to labor faithfully on the streets and highways at the rate of five cents per hour in payment for and as a condition of granting relief; said labor shall be performed under the direction of the officers having charge of working streets and highways."

The committee also recommend that the Senate recede from the Senate amendment striking out section 37, as follows: "Sec. 37. The word 'poor' and 'poor person' as used in this chapter shall be construed to mean those who have no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor, but this section shall not be construed to forbid aid to needy persons who have some means, when the board shall be of the opinion that the same will be conducive to their welfare and the best interests of the public."

J. M. JUNKIN,
Chairman.

Ordered passed on file.

Senator Craig from the Committee on Military submitted the following report:

MR. PRESIDENT—Your Committee on Military to whom was referred Senate file No. 40, a bill for an act to revise, amend and codify the statutes in relation to the Soldiers' Home, 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 concur in the House amendments.

G. M. CRAIG,
Chairman.

Senator Carpenter, from the Committee on Code Revision, presented the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 21, 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 following amendments:

Page 369, section 6, chapter 2, line 4, amend by adding after the word "therefor" the following: "who shall be required to execute a bond with sufficient sureties in an amount equal to ten per cent of the estimated cost of the work so let, or deposit such amount in cash with the auditor as security for the performance of his contract."

Also add in the same section and chapter after the word "contract," in line 11, the following: "The cash deposited by him shall be forfeited to, or the penalty named in the bond may be recovered in an action thereon by the county auditor for the benefit of the levee or drainage district on said contract, as liquidated damages and."

Amend page 369, section 8, chapter 2, line 3, by striking out the word "six" and inserting in lieu thereof the words "three persons, one of whom shall be a competent civil engineer and two who shall be."

Also after the word "county," in line 3, section 8, chapter 2, insert, "not living within the township or townships where the improvement is or is to be located and."

Also amend by adding after the word "question" in the fourth line of section 8, chapter 2, the following words: "nor related to any party whose land is affected thereby."

Amend section 8, chapter 2, line 13, by striking out after the word "collected" the rest of the sentence down to and including the word "auditor."

Also amend section 8, chapter 2, line 13, by adding after the word "be" the following words: "shall be kept separate from other county funds, and shall be paid out only for purposes properly connected with the improvement on the order of the county auditor on claims properly certified by the engineer in charge of the improvement, as in this chapter provided or on the order of the board of supervisors."

Amend section 8, chapter 2, line 13, by striking out after the word "be" the rest of the sentence down to and including the word "auditor."

Strike out last sentence in section 8, chapter 2, page 370, and insert in, lieu thereof the following sentence:

"The engineer shall receive for each day's service while so engaged, five dollars, and the other commissioners shall each receive two dollars per day, to be paid out of the funds so collected."

Section 9, page 370, line 3, strike out all after the word "time" down to and including the word "thereof" in the sixth line, and insert in lieu thereof the following words: "But on such appeal it shall not be competent to show that the lands assessed were not benefited by the improvement."

Section 11, line 13, chapter 2, page 370, strike out the words "party appealing resides or his."

Amend section 12, page 371, chapter 2, by adding after the word "first" in line 3, the following words:

"And they shall make additional assessments in like manner for repairing said improvements when needed."

Also add after the word "county" in the third line same section and page these words "by such assessments."

Also amend section 12, by striking out in the fifth line the words "Board of supervisors of the different counties shall" and insert in lieu thereof the following words: "Boards of supervisors of the counties interested shall jointly meet and."

Amend by striking out sections 17 to 25 inclusive.

Amend section 26, lines 1 and 2, page 374, by striking out the words "ditches so opened" and insert in lieu thereof the words "drain so constructed." When so amended insert section 26 as section 33, and renumber the remaining sections to the end of the chapter.

Amend section 27, page 374, by adding after the word "any" in the third line, the words "open ditch."

Your committee further recommends that when the above amendments are adopted the bill do pass.

J. H. TREWIN,
Chairman pro tem.

Ordered passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval Joint Resolution No. 3, providing for the appointment of a Joint Committee to investigate the reports of trustees, regents, commissioners, or other officers of State institutions, and the books and records of such institutions, for the payment of expenses of such investigation, and defining the powers of the committee.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 30, a bill for an act to revise, amend, and codify the statutes in relation to the dairy commissioner and imitation dairy products.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry.

G. S. GILBERTSON,
Chairman.

Passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 57, a bill for an act to revise, amend and codify the statutes in relation to the College for the Blind.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 30, a bill for an act to revise, amend, and codify the statutes in relation to the Dairy Commissioner and imitation dairy products.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 73, a bill for an act to revise, amend and codify the statutes in relation to assignment for creditors.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Senator Gorrell offered the following concurrent resolution:

Be it Resolved by the Senate, the House of Representatives concurring, That the Governor be and is hereby requested to return to the house in which it originated, Senate file No. 36, an act to revise, amend and codify the statutes in relation to the practice of dentistry.

Adopted.

Senator Ellison offered the following resolution:

Resolved, That a committee of three be appointed to prepare and present to the Senate suitable resolutions of condolence in the matter of the death of Hon. George W. Lovell, of Monticello, Jones county, Iowa, a former member of this body.

Adopted.

The Journal of Friday was taken up, read, corrected and approved.

President appointed as Committee on Resolutions on the death of Hon. G. W. Lovell, Senators Ellison, Alexander and Everall.

BILLS ON THIRD READING.

On motion of Senator Cheshire, Senate file No. 77, a bill for an act to revise, amend and codify the statutes in relation to criminal procedure, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Cheshire moved to amend section 5, chapter 1, as follows: Substitute for section 5, chapter 1, the following: "All defendants are bailable both before and after conviction, by sufficient surety, except for offenses punishable with death under the laws of the State when the proof is evident or the presumption great. No defendant convicted of murder or charged with treason shall be admitted to bail."

Adopted.

Senator Cheshire moved to amend section 6, line 4, by striking out the words "doing so" and insert in lieu thereof the words "giving the required bonds."

Adopted.

Senator Cheshire moved to amend section 1, lines 1 and 2, page 929, by striking out the following words: "All persons who tell fortunes or where lost or stolen property may be found."

Adopted.

Senator Penrose moved to amend section 2, chapter 5, line 2, by striking out the word "shall" and insert the word "may" in lieu thereof.

Adopted.

Senator Cheshire moved to amend section 4, chapter 5, line 1, by changing the word "must" to "may."

Adopted.

Senator Cheshire moved to amend chapter 5 by striking out section 25.

Adopted.

Senator Cheshire moved to amend section 1, chapter 7, as follows: Add to chapter 7 as section 1 the following: "Every person, whether an inhabitant of this State or any other State or country or of a territory or district of the United States, is liable to punishment by the laws of this State for a public offense committed by him therein, except where it is by law cognizable exclusively in the courts of the United States."

Adopted.

Senator Cheshire moved that the sections in this chapter be renumbered.

Adopted.

Senator Cheshire moved to amend section 5, chapter 7, by inserting after the word "county" in line 3 the words "except as otherwise provided by law."

Adopted.

Senator Cheshire moved to amend section 9, chapter 7, as follows: Substitute the following for section 8: "When the offense of bigamy is committed in one county and the defendant is apprehended in another, the jurisdiction is in either county."

Adopted.

Senator Cheshire moved to amend section 4, line 1, by changing the word "must" to "may."

Adopted.

Senator Cheshire moved to amend chapter 7, section 6, line 2, by inserting after the word "county" the words "except as otherwise provided by law."

Adopted.

Senator Lothrop moved to amend chapter 8, section 1, line 2, by striking out the word "killed" and inserting the words "alleged to have been murdered."

Lost.

Senator Funk, President *pro tem.*, presiding.

Senator Cheshire moved to amend chapter 9, section 6, fifth and sixth lines, by striking out all after the word "premises" and insert in second line before the word "shall" the words "if not charged with murder."

Senator Cheshire moved to amend the amendment by striking out the word "before" in line 2 and inserting the word "after;" also insert a comma after the word "shall" in same line.

Adopted.

The amendment as amended was adopted.

Senator Cheshire asked leave to withdraw committee amendment to section 12, chapter 9, which was granted.

Senator Cheshire moved to amend section 8, line 17, by striking out the words "in writing by mail."

Adopted.

Senator Cheshire moved to amend chapter 11, section 7, line 4, by substituting the word "escapes" for the word "flees." Also amend the same section by striking out of line 6 the words "and the same may be done with safety." Change comma in same line after the word "required" to a period.

Adopted.

Senator Cheshire moved to amend section 8 by striking out the word "flee" in line 2 and insert in lieu thereof the words

“attempts to escape.” Add the letter “s” to the word “resist” in same line.

Adopted.

Senator Healy moved to amend chapter 11, section 9, by striking out the comma at the end of line 1.

Adopted.

Senator Cheshire moved to amend section 1, chapter 12, by adding at the end of the section the following: “or may allow the defendant to waive the same.”

Adopted.

Senator Cheshire moved to amend section 2, lines 1 and 4, by striking out the words “place of trial” and insert in lieu thereof the word “venue;” also, amend same section, line 6, by striking out the words “against whom no objection exists, if any,” and insert in lieu thereof the words “if there be one;” also, strike out of lines 6 and 7 the words “against whom no such objection in the opinion of the justice exists.”

Adopted.

Senator Cheshire moved to amend section 12, page 944, by adding at the end of the section the following: “But the cost thereof shall not be taxed against the county.”

Adopted.

Senator Cheshire moved to amend chapter 13, section 1, by striking out all after the word “appear” in the first line and insert in lieu thereof the following: “The names of the twelve persons constituting the panel of the grand jury shall on the second day of each term of court, unless otherwise ordered by the court of judge, be placed by the clerk in a box, and after thoroughly mixing the same he shall draw therefrom seven names, and the persons so drawn shall constitute the grand jury for that term. Should any of the persons so drawn be excused or fail to attend on said second day of the court, the clerk shall draw other names until the seven grand jurors are secured.”

Adopted.

Senator Cheshire moved to strike out all of section 2, chapter 13, and renumber the sections in this chapter.

Adopted.

Senator Cheshire moved to amend section 3 line 2, by striking out the words “and not afterwards because” and insert in lieu thereof the words “only for the reason that;” also, in same

section, third line, strike out the words "and for no other reason."

Adopted.

Senator Cheshire moved to amend subdivision 2, section 5, by substituting the word "would" for "will" in seventeenth line; also, in eighteenth line, same subdivision, substitute the word "verdict" for "finding" and "trial" for "examination."

Adopted.

Senator Cheshire moved to amend section 9, line 1, by adding after the word "which" the word "offense."

Adopted.

Senator Cheshire moved to amend chapter 14, section 4, line 1, by striking out the words "or stenographer," and insert the words "who is;" also, same section, line 2, strike out all after the word "thereof" to end of sentence; also line 9, same section, strike out the word "three" and substitute therefor the word "two."

Adopted.

Senator Cheshire moved to amend section 6, chapter 14, as follows: Strike out the words "in shorthand," in line 3, change comma to period after the word "witness" in same line and strike out the rest of the sentence down to the word "hand" in line 5; also in fifth line of same section strike out the words "shorthand notes;" also strike out all after the word "court" in sixth line, same section, to and including the word "clerk" in seventh line.

Adopted.

Senator Lothrop moved to amend section 20, chapter 14, by inserting after the word "jury," in line 7, the word "shall."

Adopted.

Senator Healy moved to amend section 6, chapter 16, by striking out of line 1 the words "except when otherwise provided by law."

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 has passed the following concurrent resolution, in which the concurrence of the House was asked:

Concurrent resolution relative to requesting the Governor to return Senate file No. 36, an act to revise, amend, and codify the statutes in relation to the practice of dentistry.

JAMES D. ROWEN,
Chief Clerk.

Passed on file.

Senator Cheshire moved that when the Senate adjourn it be until 2 o'clock P. M. to-day.

Carried.

Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

Senators Trewin, Carroll, and Ranck, were excused from attendance at afternoon session on account of meeting of Subcommittee on Schools.

On request of Senator Mitchell, leave of absence was granted Senator Rowen.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 77.

Senator Ellison moved to amend section 1, chapter 5, by striking out all after the word "gaming" in line 8.

Adopted.

Senator Ellison moved to amend section 1, chapter 5, line 2, by striking out the word "tramp."

Adopted.

Senator Ellison moved to amend section 16, chapter 5, by inserting before the word "any," in the first line of said section, the following: "Any male person sixteen years of age or over, physically able to perform manual labor, who is wandering about, practicing common begging or having no visible calling or business to maintain himself, and is unable to show reasonable efforts in good faith to secure employment, is a tramp. And."

Adopted.

Senator Waterman moved to amend section 1, chapter 5, by striking out in lines 2 and 3 the words "and keepers of bawdy houses or houses for the resort of prostitutes."

Lost.

Senator Cheshire moved to amend section 8, chapter 17, by striking out section 8.

Adopted.

Chapter 18 passed over.

Senator Cheshire moved to amend the bill by striking out chapter 19 and inserting in lieu thereof the following:

CHAPTER 19.

OF SETTING ASIDE THE INDICTMENT.

Section 1. The motion to set aside the indictment can be made by the defendant on one or more of the following grounds, and must be sustained:

1. When it is not indorsed "a true bill" and the indorsement signed by the foreman of the grand jury as prescribed by this Code;
2. When the names of all witnesses examined before the grand jury are not indorsed thereon; when the minutes of the evidence of the witnesses examined before the grand jury are not returned therewith;
3. When it has not been presented and marked "filed" as prescribed by this Code;
4. When any person, other than the grand jurors, was present before the grand jury when the question was taken upon the finding of the indictment, or when any person, other than the grand jurors, was present before the grand jury during the investigation of the charge, except as required or permitted by law.
5. That the grand jury were not selected, drawn, summoned, impaneled or sworn as prescribed by law.

Sec. 2. A motion to set aside the indictment on the ground that the names of all the witnesses examined before the grand jury are not indorsed thereon; or that the name of any other witness than those so examined is indorsed thereon as prescribed in the second subdivision of section 1 of this chapter shall not be sustained if the indorsement is corrected by the insertion or striking out of such names or name by the county attorney or the clerk of the court, under the direction of the court, so as to correspond with the minutes required to be kept by the clerk of the grand jury and returned and preserved with the indictment to the court.

Sec. 3. The ground of the motion to set aside the indictment mentioned in the fifth subdivision of section 1 of this chapter, is not allowed to a defendant who has been held to answer before indictment.

Sec. 4. The motion must be heard when it is made, unless for good cause the court postpone the hearing to another time.

Sec. 5. If the motion be denied, the defendant must immediately answer the indictment, either by demurring or pleading thereto.

Sec. 6. If the motion be granted, the court must order the defendant, if in custody, to be discharged, or if admitted to bail, that his bail be exonerated; or if he has deposited money instead of bail, that the money deposited be refunded to him, unless the court direct that the case be re-submitted to the same or another grand jury.

Sec. 7. If the court direct that the case be re-submitted, the defendant, if already in custody, must so remain unless he be admitted to bail; or if already admitted to bail, or money had been deposited instead thereof, the bail or money is answerable for the appearance of the defendant to answer a new indictment.

Sec. 8. An order to set aside the indictment as provided in this chapter, shall be no bar to a future prosecution for the same offense.

Senator Healey moved to amend section 1 of the substitute, line 1, by inserting after the word "made" the words "before a plea is entered."

Adopted.

The substitute as amended was adopted.

Senator Cheshire moved to amend section 4, chapter 20, line 1, by striking out the words "put in" and insert in lieu thereof the word "made."

Adopted.

Senator Cheshire moved to amend section 8, chapter 20, line 1, by striking out the words "put in" and substitute the word "made."

Adopted.

Senator Cheshire moved to amend section 9, chapter 20, line 1, by striking out the words "put in" and insert the word "made" in lieu thereof.

Adopted.

Senator Upton moved to amend section 6, chapter 20, by striking out of line 1 the words, "put in a plea" and inserting the words "plead to the indictment."

Adopted.

Senator Cheshire moved to amend chapter 23, section 2, line 2, by striking out all after the word "per-emptory" to the end of section.

Adopted.

Senator Cheshire moved to amend chapter 24, line 14, section 3, by striking out the sentence commencing with "The court may," etc., and insert in lieu thereof the following: "The court shall not restrict counsel as to time in their arguments to the jury."

Laid over.

Senator Cheshire moved to amend section 5, chapter 24, line 2, by striking out the words "and third subdivision of the second."

Adopted.

Senator Pusey moved to amend section 5, chapter 21, by striking out of line 2 the word "only" and inserting the words "or oral testimony of witnesses."

On this a division was called for and the amendment was lost.

Senator Healy moved to strike out section 8, chapter 21, and insert in lieu thereof the following: "If sustained, the court must, if the ground alleged be the prejudice of the judge, order the change of venue to the most convenient county in an adjoining district to which no objection exists. If sustained on the ground of excitement and prejudice in the county it must be awarded to such county in the same district in which no such objection exists."

Adopted.

Senator Healy withdrew his request to pass amendment to section 3, chapter 24, and the amendment was adopted.

Senator Cheshire moved to amend section 3, chapter 28, line 1, by striking out "must" and inserting "may."

Adopted.

Senator Cheshire moved to amend section 9, line 2, by striking out the words "objection is made" and insert the following: "cause is shown why judgment should not be pronounced."

Adopted.

Senator Lothrop moved that the Senate do now adjourn until 10 o'clock A. M. Monday.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Monday, March 22, 1897. }

Senate met in regular session at 10 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. E. L. Eaton, Des Moines, Iowa.

PETITIONS AND MEMORIALS.

President Parrott presented petition of J. F. Camp and thirty others of La Porte City against the passage of a law taxing receipts of life insurance companies.

Referred to Committee on Ways and Means.

HOUSE MESSAGES.

Concurrent resolution relative to requesting the Governor to return Senate file No. 36, an act to revise, amend and codify the statutes in relation to the practice of dentistry, was passed on file.

The Journal of Saturday was taken up, read, corrected and approved.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 77, chapter 31 of Title XXV.

Senator Cheshire moved to strike out in section 11 the words "or joinder therein," and strike out the comma after the word "error."

Adopted.

Senator Cheshire moved to strike out section 14, chapter 32.

Adopted.

Senator Hobart moved to amend section 15, chapter 32, by adding the following: "And in case the judgment of the trial court is reversed or modified in favor of the defendant on the appeal of the defendant he shall be entitled to recover the cost of printing abstract and briefs not exceeding one dollar for each page thereof, to be paid by the county from which the appeal is taken."

Adopted.

Senator Cheshire moved that the sections from section 13 be renumbered consecutively.

Carried.

Senator Cheshire moved to strike out in section 8, lines 2 and 3, chapter 33, the following words: "at every stage of the impeachment."

Adopted.

Senator Cheshire asked permission to withdraw the committee amendment to section 11, line 3, striking out the word "adult," which was granted.

Senator Cheshire moved to amend section 16, line 3, chapter 34, by striking out all of the section after the word "actions."

Adopted.

Senator Cheshire moved to amend section 8, chapter 35, by striking out the word "bail" in first line and insert the words "the surety."

Adopted.

Senator Cheshire moved to amend section 9, chapter 35, by striking out of line 1 the word "bail" and insert the words "the surety."

Adopted.

Senator Cheshire moved to amend section 12, chapter 35, by striking out the first word "the" in line 1.

Adopted.

Senator Cheshire moved to amend section 13, chapter 35, by striking out the word "put" at the beginning of the second line.

Adopted.

Senator Cheshire moved to amend chapter 38, section 4, line 4, by striking out the word "fixed" and insert a period after the word "order."

Adopted.

Senator Cheshire moved to amend chapter 43, section 3, line 4, by substituting the word "shall" for "can."

Adopted.

Senator Cheshire moved to amend chapter 43, section 5, line 4, by striking out all after the word "offense."

Senator Healy offered the following substitute for the committee amendment: Add after the word "offense" in the fourth line, the words "if it is a misdemeanor; but it is not a bar if the offense charged be a felony."

The substitute to the committee amendment was adopted.

Senator Cheshire moved to amend by striking out the figures "18" in line 8, section 39, chapter 47.

Adopted.

Senator Waterman moved to amend section 4, line 3, chapter 18, by striking out the words "allowing him to select or;" also, in lines 3 and 4, the words "not exceeding two," and insert the words "who has not solicited such appointment and."

Senator Carpenter offered the following substitute for the amendment: Strike out the words "must allow him to select or," in line 3, and insert the word "shall."

The time of adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

On request of Senator Gorrell, leave of absence was granted Senator Rowen on account of sickness.

On request of President Parrott, leave of absence was granted Senator Sargent.

On request of Senator Gilbertson, leave of absence was granted Senator Young.

On request of Senator Ranck, leave of absence was granted Senator Harper until Tuesday.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 77.

Senator Carpenter withdrew his substitute for Senator Waterman's amendment to section 4 of chapter 18.

Senator Waterman withdrew the amendment.

Senator Waterman moved to amend chapter 18, section 4, line 3, by striking out the words "allow him to select or;" also the words "not exceeding two" in lines 3 and 4, and insert after the word "counsel" in line 3 the words "who shall serve without expense to the county;" also strike out section 5.

Senator Carpenter offered the following substitute for the amendment: Strike out all of section 4 after the word "does" in line 3, down to and including the word "two" in line 4, and insert in lieu thereof the words "he shall be given reasonable time to procure such counsel;" also strike out section 5.

The substitute was lost.

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Berry, Blanchard, Carpenter, Cheshire, Druet, Healy, Henderson, Lothrop, Ranck, Waterman—11.

The nays were:

Senators Bell, Bonson, Byers, Carney, Carroll, Craig, Downey, Eaton, Ellis, Ellison, Everall, Funk, Garst, Gilbertson, Gorrell, Hipwell, Hobart, Hospers, Junkin, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Trewin, Upton—28.

Absent or not voting:

Senators Allyn, Ericson, Harper, Harriman, Hotchkiss, Hurst, Lehfeldt, Rigger, Rowen, Sargent, Young—11.

The amendment was lost.

Senator Perrin moved to amend by inserting after the word "dollars" in line 3, section 5, the following: "And such additional sum as the court may allow not exceeding ten dollars a day actually engaged in the trial."

Lost.

Senator Cheshire moved to strike out all figures prefixed to lines throughout the title; all figures referring to McClain's Code wherever they occur at end of sections, and all references to rules of practice, and all lines italicizing portions of the title wherever they occur; also, all reference words and characters wherever they occur at end of sections.

Adopted.

Senator Ellis moved that the rule be suspended and that the bill be considered engrossed, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Everall, Funk, Garst, Gilbertson, Gorrell,

Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Trewin, Upton, Waterman—40.

The nays were:

None.

Absent or not voting:

Senators Allyn, Ericson, Harper, Harriman, Hurst, Lehfeldt, Rigger, Rowen, Sargent, Young—10.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Junkin called up report of Committee on Amendments to House file No. 28, a bill for an act to revise, amend and codify the statutes in relation to the poor.

The committee recommend that the Senate recede from the Senate amendment to section 1, which is as follows: "But no such relative shall be so liable until notice in writing has been given him by said trustees and an opportunity afforded to furnish such poor person with proper relief or support."

The committee also recommend that the Senate recede from the Senate amendment striking out the amendment in line 8 of section 15, as follows: "They may require any able bodied person to labor faithfully on the streets and highways at the rate of five cents per hour in payment for and as a condition of granting relief; said labor shall be performed under the direction of the officers having charge of working streets and highways."

The committee also recommend that the Senate recede from the Senate amendment striking out section 37, as follows: "Sec. 37. The word 'poor and 'poor person' as used in this chapter shall be construed to mean those who have no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor, but this section shall not be construed to forbid aid to needy persons who have some means, when the board shall be of the opinion that the same will be conducive to their welfare and the best interests of the public."

Report of the committee was adopted.

Senator Craig called up report of Committee on House Amendments to Senate file No. 40, a bill for an act to revise, amend and codify the statutes in relation to the Soldiers' Home.

Senator Junkin moved that the time of adjournment be extended ten minutes.

Carried.

Senator Craig moved that the House amendments to sections 1 and 3 be concurred in.

On the question, "Shall the House amendments be concurred in?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet,

Eaton, Ellis, Ellison, Everall, Garst, Gilbertson, Gorrell, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Upton—37.

The nays were:

None.

Absent or not voting:

Senators Allyn, Ericson, Funk, Harper, Harriman, Hurst, Lehfeldt, Rigger, Rowen, Sargent, Trewin, Waterman, Young—13.

The House amendments were concurred in.

On motion of Senator Hotchkiss, chapter 5, Senate file No. 9, a bill for an act to revise, amend and codify the laws in relation to the executive department, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Hotchkiss moved that further consideration of the bill be postponed until to-morrow morning.

Carried.

Senator Carney offered the following motion:

MR. PRESIDENT—I move to reconsider the vote by which Senate concurred in House amendments to Senate file No. 40.

J. L. CARNEY.

The time of adjournment having arrived, the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, March 23, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Jessie Cole of Ireton, Iowa.

On request of Senator Perrin, leave of absence was granted Senator Kilburn until Thursday.

PETITIONS AND MEMORIALS.

Senator Healey presented petition of Fortress Lodge No. 171, B. of R. T., of Ft. Dodge, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Healey presented petition of S. Critzler and other citizens of Lake City, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Alexander presented petition of Twin City Lodge No. 262, of International Association of Machinists, of Cedar Rapids, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Byers presented remonstrance of D. M. Bruner, H. Bracewell and J. N. Hosier, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Cheshire presented petition of Frank Miller and thirty-six other voters of Iowa in favor of Temple amendment.

Referred to Committee on Railways.

Senator Allyn presented petition of A. T. Kerr and other citizens of Mt. Ayr, in relation to subdistricts.

Referred to Committee on Schools.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House file No. 18, a bill for an act to revise, amend and codify the statutes in relation to insurance.

JAS. D. ROWEN,
Chief Clerk.

BILLS ON THIRD READING.

The Senate resumed consideration of chapter 5 of Senate file No. 9.

Senator Carpenter moved that chapter 5 of Senate file No. 9 be numbered Senate file No. 91, a bill for an act to revise, amend and codify the statutes in relation to public printing and binding.

Carried.

The bill was read first and second time by its title.

Senator Hotchkiss moved that the bill be taken up for consideration.

Carried.

The report of the committee was adopted.

The bill was read section by section for amendments.

Senator Hotchkiss moved to amend section 1, line 5, by inserting after the word "officers" the following: "boards or commissioners having their offices at the capitol."

Adopted.

Senator Hotchkiss moved to amend section 5, subdivision d, line 12, by striking out the word "and," and in line 13, by striking out the words "including those of."

Adopted.

Senator Hotchkiss moved to amend section 8, line 2, by striking out the words "cause to be omitted" and insert in lieu thereof the following: "cause all reports to be carefully examined before being printed and shall omit." Also, amend line 6, by striking out the words "set solid" and insert in lieu thereof the following: "set in brevier or nonpareil type, with six-to-pica leads."

Adopted.

Senator Hotchkiss moved to strike out section 9 and adopt the following as a substitute therefor: "There shall be printed of the various public documents the number of copies herein-after designated, to-wit: Of the biennial message, three thousand copies; of the inaugural address, twenty-five hundred copies; of the biennial report of the Auditor of State, three thousand copies; of the report of the Superintendent of Public Instruction, four thousand five hundred copies; of the report of the Agricultural College, and of the report of the State board of health, three thousand copies; of the report of the bureau of labor statistics, four thousand copies; of the annual report of the Auditor upon insurance, six thousand copies; of the report

of the commissioner of pharmacy, three thousand copies; of the report of the railroad commissioners, four thousand copies, two thousand of which shall be bound in cloth; of the report of the Secretary of State pertaining to lands, fifteen hundred copies; of the report of the State visiting committee to the Hospitals for the Insane, two thousand copies; of the report of the State inspector of oils, and the examiners in dentistry, two thousand copies each; of the reports of the joint committees of the General Assembly to visit State institutions, fifteen hundred copies, and of all other reports, two thousand copies. Of the reports which may be required by virtue of statutes hereafter enacted, the number of copies to be printed shall, where not provided for, be fixed by the Executive Council at any number not exceeding five thousand. Of said reports five hundred copies each of the biennial message, inaugural address, Auditor's biennial report, the report of the Superintendent of Public Instruction, Agricultural College, board of health, commissioner of pharmacy, Secretary of State pertaining to lands, Secretary of State's report of criminal convictions, the Auditor's annual report pertaining to insurance, and the report of the bureau of labor statistics, shall be bound in cloth; all other reports shall be bound in paper covers and reports of the legislative visiting and special committee shall be printed and stitched without covers."

Senator Hotchkiss moved to amend the substitute for section 9 by striking out all from the word "copies," near the end of the next to the last line in first paragraph, to the word "thousand," in fourth line of the second paragraph, and insert the following: "and of all other reports not herein specified, 2,000 copies, unless the executive council shall direct a greater number to be printed, not exceeding 4,000."

Adopted.

Senator Hotchkiss moved to amend the substitute by inserting after the word "copies," end of line 7, as printed in the Journal, the word "each."

Adopted.

The substitute as amended was adopted.

Senator Hotchkiss moved to amend section 10 as follows: Strike out section 10 and adopt the following as a substitute therefor:

"(a) The Secretary of State shall distribute to each member of the General Assembly one copy of the various public documents and upon

request such additional number as the Secretary of State may provide for, and such remaining number as are not necessary to be retained for future General Assemblies shall be distributed upon special calls made therefor.

“(b) One thousand copies shall be stitched and bound in half sheep, containing a copy of each report, to be arranged under the direction of the Secretary of State. Some distinctive mark shall be put on the even numbered pages of each document to indicate its place in the bound document with the year of the report on each odd numbered page, and in each volume shall be placed a table of contents of all the volumes.

“(c). The foregoing one thousand copies shall be distributed as follows: One copy to the Lieutenant-Governor, to the Speaker, to each member of the General Assembly, to the Secretary of the Senate, and to the Clerk of the House of Representatives; one copy each to the Governor of the State and his private secretary, the Secretary of State, the Auditor of State, the Treasurer of State, the Attorney-General, the Superintendent of Public Instruction, the clerk and reporter of the supreme court and each of their deputies, the commissioner of labor statistics, the adjutant-general, the custodian of the capitol and the fish commissioner; one copy to each judge of the supreme court; one copy to each railroad commissioner, mine inspector and commissioner of pharmacy; one copy to the State librarian and the secretary of the board of health, respectively; one copy to each State institution, to remain therein; one copy to the office of each county auditor, to remain therein; forty copies to the historical society, one copy to each of the other states and each territory reciprocating the same, and to each foreign nation or province desiring to exchange like reports; twenty-five copies to the state library; the remaining copies to be placed under the control of the Secretary of State, to be disposed of as he may see fit, the persons so receiving them to pay express charges thereon.

“(d) He shall furnish to the library of Congress two copies of all Legislative Journals and reports of State offices, immediately upon their publication.

“(e) Six hundred copies of the message, two hundred copies of each of the reports of the joint visiting committees, and five hundred copies of each of the other documents shall remain with the State for the use of the future General Assemblies and to supply special calls therefor.

“(f) The copies not above disposed of shall be distributed to the officers, institutions and committees making report.”

Adopted.

Senator Harriman moved to amend section 11, by inserting after the word “print” in line 3, the following: “and number the pages consecutively through each session.”

Adopted.

Senator Hotchkiss moved to amend section 14, line 1, by striking out the words “twenty-five hundred” and inserting in lieu thereof “two thousand;” and in line 5, of the same section,

by striking out the words "fifteen hundred" and inserting "one thousand."

Adopted.

Senator Hotchkiss moved to amend section 15, line 3, by striking out the word "five" and insert the word "two;" in line 4 by striking out the words "five copies" and inserting "one copy;" and strike out all of line 5; also, amend line 9, of the same section, by striking out the word "undisturbed" and inserting "indistributed." Strike out the words "Executive Council" and insert in lieu thereof "Secretary of State."

Adopted.

Senator Hotchkiss moved to amend section 16 as follows: Strike out all of section 16 and adopt the following as a substitute therefor: "The Secretary of the Senate and the Clerk of the House of Representatives shall preserve copies of the printed daily Journals of their respective bodies as corrected, certify of their correctness and file them with the Secretary of State at the adjournment of the Legislature. The Secretary of State shall cause the same to be bound and preserved as the original Journals of the Senate and House."

Senator Hotchkiss moved to amend the substitute by striking out the word "of," after the word "certify," in line 3, and insert the word "to" in lieu thereof.

Adopted.

The substitute as amended was adopted.

Senator Funk, President *pro tem*, presiding.

Senator Hotchkiss moved to amend section 18 by inserting at the end of line 4 the words "except when otherwise ordered by the officers under whose direction the work is done."

Senator Hotchkiss moved to amend section 19 by striking out the words "so delivered," in line 3, and by adding at the end of line 3 the following: "and the purpose for which it is delivered. Upon return of the work for which any paper has been delivered, he shall enter the date thereof, and the quantity so returned. He shall also preserve for not less than two years a sample of each kind of work done, together with a memorandum of the measurement of composition, the quantity of press work, price paid and date of delivery."

Adopted.

Senator Hotchkiss moved to amend section 22, page 33, subdivision c, by striking out all of lines 15, 16, 17, 18, 19 and 20 to and including the words "thirty cents" and substitute the following: "For printing blanks on one side of a sheet of folio

post or larger paper, two dollars and fifty cents for the first two hundred impressions, and for each additional one hundred impressions, fifteen cents per one hundred. On paper smaller than folio post, for blanks or circulars, two dollars for the first two hundred impressions, and for each additional one hundred impressions, ten cents;" also, amend the same section by adding the following as subdivision: "(d) For printing one thousand copies or less of the docket for the supreme court, including press work and composition, the docket page to conform in size and form with the dockets of 1896, three dollars for each printed page contained in a single volume thereof. For printing Senate or House bills, five hundred or less, including composition and press work, two dollars and fifty cents for each printed page contained in a single bill, and for each additional one hundred, twenty-five cents. For briefs to the supreme court, fifty copies or less, of size and form prescribed by the rules of the supreme court, one dollar per printed page contained in a single volume. For letter heads, envelopes, labels and postal cards, one dollar and fifty cents for each one thousand impressions or less, and when postal cards are printed upon both sides, two press works shall be paid for."

Adopted.

Senator Hotchkiss moved to strike out all of section 24.

Adopted.

Senator Hotchkiss moved to amend section 25 as follows: Strike out section 25, page 34, and adopt the following as a substitute therefor: "The Secretary of State shall cause indexes of the Journals of the Senate and House of Representatives to be made, the cost thereof not to exceed the sum of \$75.00."

Senator Hotchkiss moved to amend the substitute by striking out the figures and sign ("75.00") and insert in lieu thereof the words "seventy-five dollars."

Adopted.

The substitute as amended was adopted.

Senator Hotchkiss moved to amend section 26, line 7, by striking out the words "and twenty-five cents;" amend line 8 by striking out the words "twenty five" and insert "twenty," and line 9, by striking out the words "the cover to be counted as one sheet." Amend line 10, by striking out the word "eighteen" and insert "seventeen." Also, amend line 13, of same section, by striking out the word "five" and inserting the word

“one.” Also, line 16, by striking out the word “forty” and inserting the word “thirty.” Also, strike out the words “fifty-five” in line 21, and insert “fifty.” Strike out lines 25, 26 and 27, being subdivision (j), and insert in lieu thereof: “For binding the Iowa Official Register, eight cents per copy for the first ten thousand copies, and six cents per copy thereafter.”

Adopted.

Senator Hotchkiss moved to amend section 26, subdivision “e,” line 14, by adding thereto the following: “For folding, sewing and binding agricultural and horticultural reports in board covers with muslin backs, similar in style with the acts of the General Assembly, eighteen cents per copy.”

Adopted.

Senator Hotchkiss moved to amend section 28 as follows: Add the following section: “Sec. 28. Nothing in this act shall be construed to in any manner affect the compensation of the present State printer and binder during the unexpired term of their offices.”

Adopted.

Senator Hotchkiss moved that the Secretary be instructed to renumber the sections of the bill consecutively.

Carried.

Senator Hotchkiss moved to amend the bill by striking out all reference figures, marginal numbers and underscoring.

Adopted.

Senator Trewin moved that the rule requiring a bill to lie over one day after first and second reading before being read a third time be suspended.

Carried.

Senator Hotchkiss moved that the rule be suspended, and that the bill be considered engrossed and read a third time now, which motion prevailed and the bill was read a third time.

On the question, “Shall the bill pass?” the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Trewin, Upton, Waterman—43.

The nays were:

None.

Absent or not voting:

Senators Craig, Hipwell, Hurst, Kilburn, Ranck, Sargent, Young—7.

The bill having received a constitutional majority was declared to have passed the Senate, and title agreed to.

Senator Garst moved to take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 18, a bill for an act to revise, amend and codify the statutes in relation to insurance, was read first and second time and referred to Committee on Insurance.

Senator Garst moved that 500 copies of House file No. 18 be ordered printed.

Carried.

President Parrott presiding.

On motion of Senator Rikken, Senate file No. 38, a bill for an act to revise, amend and codify the statutes in relation to the practice of pharmacy, was taken up.

Senator Rikken moved that House file No. 45 be substituted for Senate file No. 38, and that Senate file No. 38 be indefinitely postponed.

Carried.

House file No. 45, a bill for an act to revise, amend and codify the statutes in relation to the practice of pharmacy, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Rikken moved to amend section 4 by adding thereto the following: Each commissioner of pharmacy shall receive as full compensation for his services, the sum of five dollars for each day actually employed in the discharge of his official duties, together with his actual traveling expenses in performing said duties, all of which shall be paid from the fees of the office, and each commissioner shall file with the Auditor of State at the end of each quarter of his official year, an itemized statement under oath, of his actual traveling expenses incurred in the performance of his duty for such quarter.

Senator Rikken moved to amend the amendment by inserting after the word "actual," in next to last line, the words "time in days employed in the discharge of his duties and "

Adopted.

The amendment as amended was adopted.

Senator Riggen moved to amend the House amendment to section 7 by inserting after the word "oaths" the words "pertaining to their said office."

Adopted.

Senator Riggen moved to amend section 10 by striking out of line 17 the word "both" and insert in lieu thereof the word "the," and strike out of line 18 the words "and purchaser."

Adopted.

Senator Lothrop moved to amend section 10 by adding thereto the following words: "Any person violating any of the provisions of this section, except as otherwise provided in this law, shall be adjudged guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both fine and imprisonment, in the discretion of the court."

On this a division was called for and the amendment was adopted.

Senator Garst moved to reconsider the vote by which amendments to section 4 were adopted.

On this a division was called for and the motion to reconsider was lost.

Senator Riggen moved to amend section 11, line 2, by striking out the words "all those who" and insert the words "who shall" in lieu thereof.

Adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Senate file No. 88, a bill for an act to provide for the payment of the mileage of the committee appointed to visit the Institution for the Feeble Minded at Glenwood.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

House file No. 94, a bill for an act to revise, amend and codify the statutes in relation to the uniformity, purchase and loaning of text-books.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

House file No. 88, a bill for an act to provide for the payment of the four paper folders and file clerk of the Twenty-sixth General Assembly for three days' labor performed after the adjournment of the regular session of the Twenty-sixth General Assembly.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate file No. 78, a bill for an act to revise, amend and codify the statutes in relation to procedure to reverse, vacate or modify judgments.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Senate file No. 89, a bill for an act authorizing the executive council to purchase or condemn a site on which to erect a memorial, historical and art building; to procure plans and specifications therefor, and take other necessary preliminary steps toward its construction, and making an appropriation therefor, and to repeal chapter 115, laws of the Twenty-sixth General Assembly, regular session.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists on its amendments to Senate file No. 72, a bill for an act to revise, amend and codify the statutes in relation to estates of decedents.

The Speaker has appointed as members of the conference committee on the part of the House, Representatives Cornwall, Mayne, Power and Hayes.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists on its amendments to Senate file No. 4, a bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction.

The Speaker has appointed as members of the Conference Committee on the part of the House, Representatives Cornwall, McArthur, Porter and McNulty.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to concur in the Senate amendments to sections 2, 4 and 8 of House file No. 31, a bill for an act to revise, amend and codify the statutes in relation to fences.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists on its amendments to House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence.

The Speaker has appointed the following as members of Conference Committee on the part of the House: Representatives Temple, Finch, Martin and Clark.

JAMES D. ROWEN,
Chief Clerk.

Senator Riggen moved that the time of adjournment be extended ten minutes.

Lost.

Senator Riggen moved to amend section 2 by striking out the words "fifteen hundred," in line 6, and inserting in lieu thereof the words "three thousand."

Adopted.

The hour of adjournment having arrived the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

BILLS ON THIRD READING.

Senate Resumed consideration of House file No. 45.

Senator Riggen moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey,

Druet, Eaton, Ellis, Ellison, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Ranck, Riggen, Rowen, Trewin, Upton, Waterman—42.

The nays were:

None.

Absent or not voting:

Senators Ericson, Harriman, Hipwell, Kilburn, Lehfeldt, Pusey, Sargent, Young—8.

The bill having received a constitutional majority, was declared to have passed the Senate.

Senator Riggen moved to amend the title by inserting the words "Chapter 18 of Title XII."

Adopted.

The title was agreed to.

Senator Trewin moved to take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 88, a bill for an act to provide for the payment of four paper folders and file clerk of the Twenty-sixth General Assembly for three days labor performed after adjournment of the regular session of the Twenty-sixth General Assembly, was read first and second time and referred to Committee on Appropriations.

Senate file No. 78, a bill for an act to revise, amend and codify the statutes in relation to procedure to reverse, vacate or modify judgments, was read first and second time and referred to Committee on Code Revision.

Senate file No. 89, a bill for an act authorizing the executive council to purchase or condemn a site on which to erect a memorial, historical and art building; to procure plans and specifications therefor, and take other necessary preliminary steps toward its construction, and making an appropriation therefor and to repeal chapter 115, laws of the Twenty-sixth General Assembly, regular session, was read and passed on file.

Senate file No. 88, a bill for an act to provide for the payment of the mileage of the committee appointed to visit the Institution for the Feeble Minded at Glenwood, was read and passed on file.

House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence was passed on file for reference to Conference Committee.

House file No. 31, a bill for an act to revise, amend and codify the statutes in relation to fences, was taken up.

Senator Palmer moved that the Senate insist on its amendments to House file No. 31.

Carried.

Senate file No. 4, a bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction, was passed on file for reference to Conference Committee.

Senate file No. 72, a bill for an act to revise, amend and codify the statutes in relation to estates of decedents, was passed on file for reference to Conference Committee.

House file No. 94, a bill for an act to revise, amend and codify the statutes in relation to the uniformity, purchase and loaning of text books was read first and second time.

Senator Trewin moved that rule 15 be suspended and the bill be taken up for a third reading to-day.

Carried.

Senator Trewin moved to amend section 7, line 3, by striking out the word "auditor" and inserting the word "superintendent" in lieu thereof.

Adopted.

Senator Trewin moved that the rule be suspended and that the bill be considered engrossed and read a third time now, which motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Ranck, Rigger, Rowen, Trewin, Upton, Waterman—44.

The nays were:

None.

Absent or not voting:

Senators Kilburn, Lehfeldt, Phelps, Pusey, Sargent, Young—6.

The bill having received a constitutional majority was declared to have passed and the title agreed to.

REPORTS OF STANDING COMMITTEES.

Senator Trewin, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House file No. 50, a bill for an act to revise, amend and codify the statutes in relation to the educational board of examiners, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed, for the reason that Senate file No. 50 covers the same subject.

J. H. TREWIN,
Chairman.

Report of committee indefinitely postponing the bill was adopted.

Senator Carpenter, from the Committee on Code Revision, submitted the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 69, a bill for an act to revise, amend and codify the statutes in relation to notes and bills, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it be referred to the Committee on Judiciary, for the reason that they have under consideration the Senate file on the same subject.

C. A. CARPENTER,
Chairman.

Ordered passed on file.

Senator Blanchard, from the Committee on Educational Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred Senate file No. 90, a bill for an act to revise, amend and codify the statutes in relation to the School for the Deaf, 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 same be amended as follows:

In section 1, line 21, insert the word "and" between the words "institution" and "board," and strike out the words "clothing, fuel or other supplies."

Also strike out section 5, and insert in lieu thereof the following: "For the purpose of meeting the current and ordinary expenses of the institution, including furniture, books, school apparatus, and compensation of employes, except officers and teachers, there is hereby appropriated the sum of thirty-five dollars per quarter for each pupil in said institution, based upon the average number of pupils in attendance during each quarter. But where the quarter occurs in vacation, then upon the average number of pupils in attendance during the last preceding quarter. There is hereby further appropriated the sum of twenty-one thousand dollars, or so much thereof as may be necessary, for the payment of salaries of officers and teachers in said institution, the same to be drawn quarterly at the end of each quarter."

The above mentioned appropriations, including the accounts for clothing and transportation, shall be drawn quarterly on the requisition of the

trustees of the institution, in the usual manner and in such amounts only as the wants of the institution may require.

Section 6. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published in Des Moines, Iowa. And when so amended that it do pass.

L. C. BLANCHARD,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred House file No. 93, a bill for an act to amend an act to revise, amend and codify the statutes in relation to the normal schools, 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.

L. C. BLANCHARD,
Chairman.

Ordered passed on file.

Senator Garst moved that Senate file No. 91 be recalled from the House.

Carried.

Senator Garst filed a motion to reconsider the vote by which Senate file No. 91 was passed.

MR. PRESIDENT—I move that the vote by which Senate file No. 91, a bill for an act to revise, amend and codify the statutes in relation to public printing and binding, passed the Senate, be reconsidered.

WARREN GARST.

Senator Rikken moved that Senate file No. 38, be indefinitely postponed.

Carried.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF IOWA,
EXECUTIVE OFFICE, }
DES MOINES, March 23, 1897. }

To the Senate:

I return herewith to the Senate, in compliance with the request of the General Assembly, Senate file No. 36, an act to revise, amend and codify the statutes in relation to the practice of dentistry.

F. M. DRAKE.

Senator Gorrell moved that the vote by which the Senate concurred in House amendments to Senate file No. 36 be reconsidered.

Carried.

BILLS ON THIRD READING.

On motion of Senator Gorrell Senate file No. 37, a bill for an act to revise, amend and codify the statutes in relation to the practice of medicine, with report of committee recommending

amendments, was taken up, considered and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Gorrell moved to amend section 1, line 7, as follows: Insert after the word "obstetrics" the following: "In materia medica, therapeutics and the principles and practice of medicine, a set of questions shall be used corresponding to the school of medicine which the applicant desires to practice."

Adopted.

Senator Gorrell moved to amend the bill by striking out section 2.

Senator Gorrell moved to amend section 4, line 2, insert after the word "felony" the words "is incompetent or is grossly immoral;" also, in line 3, same section, insert after the word "state" the words "or upon satisfactory evidence by affidavit or otherwise that a certificate had been granted upon false and fraudulent statements as to graduation or length of practice."

Senator Perrin moved to amend the amendment by striking out of section 4, line 2, the words, "who has been convicted of a felony, or is grossly immoral," and insert in lieu thereof the words "who is not of good moral character."

Adopted.

Senator Lothrop moved to amend the amendment by striking out the words "incompetent or."

Adopted.

The amendment as amended was adopted.

Senator Lothrop moved to amend section 4, line 3, by striking out the words "or for removal from this state."

Adopted.

Senator Blanchard moved to amend section 5 by inserting after the word "board," in the tenth line, the following: "Nor to physicians, as defined herein, who have been in practice in this state for five consecutive years, three years of which shall have been in one locality."

Senator Healy moved to amend the amendment by adding the words "nor to any person who may give massage treatment."

Senator Healy withdrew his amendment to the amendment and offered the following in lieu thereof, "nor to any person who may practice massage, rubbing or manipulation, or any other mechanical treatment without the use of medicine."

Senator Healy offered the following substitute for the amendments, "nor any person who only practice massage, rubbing or manipulation of the body."

Senator Gorrell moved to amend section 5 as follows: At the end of line 11, just after the word "medicines," strike out the words "by a registered pharmacist" and insert the same words after the word "prescriptions" in same line and section.

Senator Berry moved that the further consideration of section 5 with amendments be passed until to-morrow.

Carried.

Senator Gorrell moved to amend section 6 as follows: Insert after section 6, as section 6, after sections have been renumbered, the following: "Section 6. Every physician practicing medicine, surgery, or obstetrics, or professing or attempting to treat, cure or heal diseases, ailments, or injuries, by any medicine, appliance or method, who goes from place to place, or from house to house; or by circulars, letters, or advertisements solicits persons to meet him for consultation or professional treatment at places other than his office at the place of his residence, shall be considered an itinerant physician; and any such itinerant physician shall, in addition to the certificate elsewhere provided for in this chapter, procure from the State board of medical examiners a license as an itinerant, for which he shall pay to the secretary of said board, for the use of said board, the sum of two hundred and fifty dollars per annum. Upon payment of this sum the secretary shall issue to the applicant therefor a license to practice within the State, as an itinerant physician, for one year from the date thereof. The board may for satisfactory reasons refuse to issue such license, or may cancel such license upon satisfactory evidence of incompetency or gross immorality. Any person practicing medicine as an itinerant physician as herein defined without having procured such license, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than three hundred dollars, nor more than five hundred dollars and costs, and shall be committed to the county jail until such fine is paid; provided, however, that nothing herein shall be construed to prevent any physician otherwise legally qualified from attending patients in any part of the State to whom he may be called in the regular course of business, or in consultation with other physicians."

Senator Penrose moved to amend the amendment by striking out the words "consultation or" in line 5.

Adopted.

Senator Carpenter moved that the further consideration of this bill be postponed until to-morrow.

Carried.

The President appointed the following conference committees on the part of the Senate:

On Senate file No. 4, Senators Blanchard, Carpenter, Berry and Ranck.

On Senate file No. 72, Senators Carpenter, Berry, Trewin and Carney.

On House file No. 84, Senators Pusey, Junkin, Hobart and Lothrop.

On House file No. 31, Senators Mitchell, Henderson, Everall and Palmer.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, March 24, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. N. G. Brown of Tiffin, Iowa.

On request of Senator Harriman, leave of absence was granted Senator Palmer until Thursday.

PETITIONS AND MEMORIALS.

Senator Carney presented petition of citizens of Marshall county, in favor of the Temple amendment.

Referred to Committee on Railways.

Senator Carroll presented remonstrance of citizens of Moulton, against the Temple amendment.

Referred to Committee on Railways.

Senator Pusey presented petition of Spencer Smith and eighteen other citizens of Council Bluffs, in favor of the Temple amendment.

Referred to Committee on Railways.

Senator Funk presented petition of J. E. Jenkins and other citizens of Estherville in favor of the Temple amendment.

Referred to Committee on Railways.

Senator Bell presented remonstrance of congregation of M. E. Church at Brookville, Iowa, against the manufacturing bill and asked that it be read.

Referred to Committee on Suppression of Intemperance.

Senator Bell presented remonstrance of M. E. Church at Packwood against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Hotchkiss presented petition of citizens of Perry in favor of Temple amendment.

Referred to Committee on Railways.

Senator Hotchkiss presented petition of citizens of Stuart on same subject.

Referred to Committee on Railways.

REPORT OF STANDING COMMITTEE.

Senator Carpenter from the Committee on Code Revision submitted the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred Senate file No. 78, a bill for an act to revise, amend and codify the statutes in relation to procedure to reserve, vacate or modify judgment, 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 amendment to section 11, chapter 2, page 787.

That the Senate concur in the House amendment to section 8, page 787.

That the Senate do not concur in the House amendment to section 37, page 791.

That the Senate concur in the House amendment to section 50, page 792.

C. A. CARPENTER,

Chairman.

Ordered passed on file.

Senator Carpenter called up report on House file No. 69.

Report of committee was adopted and bill was referred to Committee on Judiciary.

The Journal of Monday was taken up, read, corrected and approved.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

Substitute for House file No. 20, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations.

JAS. D. ROWEN,

Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to concur in Senate amendments to sections 4 and 5 and has amended Senate amendments to section 6 of House file No. 29, a bill for an act to revise, amend and codify the statutes in relation to the care of the insane.

JAS. D. ROWEN,

Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate file No. 76, a bill for an act to revise, amend and codify the statutes in relation to attachments, garnishments, executions and supplementary proceedings.

JAS. D. ROWEN,

Chief Clerk.

Also:

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

House file No. 29, a bill for an act to revise, amend and codify the statutes in relation to mines and mining.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns, as requested, Senate file No. 91, a bill for an act to revise, amend and codify the statutes in relation to public printing and binding.

JAS. D. ROWEN,
Chief Clerk.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 37. At the time of adjournment the amendment to section 5 by Senator Blanchard, and substitute by Senator Healy, was under consideration.

Passed over.

Senator Cheshire moved to amend section 14, line 5, after the word "obstetrics" insert the words "who have had not less than two courses of lectures in a medical school of good standing."

Adopted.

Senator Gorrell moved to amend section 1, lines 6 and 7, by striking out the words "materia medica, therapeutics and the principles and practice of medicine."

Adopted.

Senator Gorrell moved to amend section 7 as follows: Insert as section 7, after the sections have been renumbered, the following: "Section 7. From and after January 1st, 1899, all persons beginning the practice of medicine in the State of Iowa must submit to an examination as set forth in this section, and in addition thereto, shall present diplomas from medical colleges recognized as in good standing by the State board of medical examiners, and all persons receiving their diplomas subsequent to January 1, 1899, shall present evidence of having attended four full courses of study of not less than twenty-six weeks each, no two of which shall have been given in any one year."

Adopted.

Senator Gorrell moved to amend section 7 as follows: In line 2, strike out the word "ten" and insert the word "eight"

in lieu thereof; also, in same section, line 3, just after the word "necessary" insert the word "traveling."

Senator Waterman moved to amend the amendment by striking out the word "eight" and insert the word "five."

On this a division was called for, and the amendment to the amendment was adopted.

Senator Allyn moved to reconsider the vote by which the amendment striking out the word "eight" and inserting the word "five" was adopted.

On this a division was called for and the motion to reconsider prevailed.

Senator Waterman withdrew the amendment.

Senator Waterman moved to amend the amendment by striking out the word "eight" and inserting the word "six" in lieu thereof.

On this a division was called for and the amendment to the amendment was lost.

The amendment of Senator Gorrell, as amended, was adopted.

Senator Blanchard called up amendment to section 5 and the amendment to the amendment by Senator Healy.

Senator Trewin raised the point of order that the amendment to the amendment was not german and asked a division of the amendments.

The yeas and nays were called for on the substitute by Senator Healy "nor to any person who only practices massage, rubbing or manipulation of the body."

On the question, "Shall the substitute be adopted?" the yeas were:

Senators Bell, Blanchard, Carpenter, Carroll, Downey, Ellison, Everall, Funk, Garst, Gilbertson, Harper, Healy, Lothrop, Mitchell, Penrose, Perrin, Pusey, Waterman—18.

The nays were:

Senators Alexander, Allyn, Berry, Bonson, Byers, Carney, Cheshire, Craig, Druet, Eaton, Ellis, Ericson, Gorrell, Harri-
man, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst,
Phelps, Ranck, Rigger, Rowen, Sargent, Trewin, Upton—27.

Absent or not voting:

Senators Junkin, Kilburn, Lehfeldt, Palmer, Young—5.

The substitute was lost.

On the amendment by Senator Blanchard, inserting after the word "board," in the tenth line, the following: "Nor to physicians, as defined herein, who have been in practice in this

state for five consecutive years, three years of which shall have been in one locality."

A division was called for and the amendment was adopted.

Senator Mitchell moved to amend section 1, by inserting after the word "practice," in amendment to section 1, line 7, page 16, Journal of March 23d, the words "but persons practicing massage, rubbing or manipulation, without the use of medicine, shall be required to pass a satisfactory examination in anatomy, physiology and hygiene only."

On this a division was called for and the amendment was lost.

Senator Perrin moved to amend section 6, line 3, by changing comma to semicolon after the word "method" and insert "except physicians who treat cases of hernia and receives no payment until cure is effected."

Senator Waterman moved to amend the amendment as follows: Insert after the word "hernia" the words "heart failure."

Lost.

The amendment was lost.

Senator Cheshire moved to amend section 5 of the bill, as renumbered, by adding the words "and upon conviction thereof shall be fined not less than three hundred dollars and costs of prosecution, and shall stand committed to the county jail until such fine is paid."

Adopted.

Senator Gorrell called up amendment to section 5 passed over from yesterday which was as follows: At the end of line 11, just after the word "medicines," strike out the words "by a registered pharmacist" and insert the same words after the word "prescriptions" in same line and section.

Adopted.

Senator Gorrell called up amendments to section 6, laid over from yesterday, as follows: Insert after section 6, as section 6, after sections have been renumbered, the following: "Section 6. Every physician practicing medicine, surgery, or obstetrics, or professing or attempting to treat, cure or heal diseases, ailments, or injuries, by any medicine, appliance or method, who goes from place to place, or from house to house; or by circulars, letters, or advertisements solicits persons to meet him for consultation or professional treatment at places other than his office at the place of his residence, shall be considered an itinerant physician; and any such itinerant physician shall, in addition to the certificate elsewhere provided for in this chapter,

procure from the state board of medical examiners a license as an itinerant, for which he shall pay to the secretary of said board, for the use of said board, the sum of two hundred and fifty dollars per annum. Upon payment of this sum the secretary shall issue to the applicant therefor a license to practice within the State, as an itinerant physician, for one year from the date thereof. The board may for satisfactory reasons refuse to issue such license, or may cancel such license upon satisfactory evidence of incompetency or gross immorality. Any person practicing medicine as an itinerant physician as herein defined without having procured such license, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than three hundred dollars, nor more than five hundred dollars and costs, and shall be committed to the county jail until such fine is paid; provided, however, that nothing herein shall be construed to prevent any physician otherwise legally qualified from attending patients in any part of the State to whom he may be called in the regular course of business, or in consultation with other physicians."

Senator Penrose moved to amend the amendment by striking out the words "consultation or" in line 5.

Adopted.

Senator Carney moved to amend the amendment to section 6, line 10, by striking out the words "for the use of said board."

Adopted.

Senator Healy moved to amend the amendment to section 6, next to last line, by inserting after the word "business" the words "to meet patients or to treat them professionally."

Lost.

On the adoption of the amendment as amended a division was called for and the section was adopted.

Senator Gorrell moved to amend the bill by renumbering the sections consecutively.

Adopted.

Senator Gorrell moved to amend the bill as follows: Strike out all marginal numbers, reference numbers at end of sections and all underscoring.

Adopted.

Senator Cheshire moved to amend the title of the bill by adding the words "of Title XII."

Adopted.

Senator Gorrell moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Lothrop, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Upton, Waterman—39.

The nays were:

Senators Carpenter and Mitchell—2.

Absent or not voting:

Senators Downey, Eaton, Ellison, Hipwell, Hurst, Kilburn, Lohfeldt, Palmer, Young—9.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

House file No. 25, a bill for an act to revise, amend and codify the statutes in relation to the regulation of carriers by railway.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to the board of railroad commissioners.

JAS. D. ROWEN,
Chief Clerk.

Senator Carroll moved to take up House messages.

Carried.

HOUSE MESSAGES.

Senate file No. 29, a bill for an act to revise, amend and codify the statutes in relation to mines and mining, was taken up.

Senator Carroll moved that the Senate concur in House amendments to sections 8 and 14.

On the question, "Shall the House amendments be concurred in?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellison, Ericson, Everall, Gilbertson, Gorrell, Harper, Harriman, Healy, Hobart, Hospers, Hotchkiss, Junkin, Lothrop, Mitchell, Penrose, Perrin, Phelps, Pusey, Ranck, Rikken, Sargent, Trewin, Waterman—37.

The nays were:

None.

Absent or not voting:

Senators Eaton, Ellis, Funk, Garst, Henderson, Hipwell, Hurst, Kilburn, Lehfeltdt, Palmer, Rowen, Upton, Young—13.

The House amendments were concurred in.

Substitute for House file No. 20, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations, was read first and second time and referred to Committee on Building and Loan.

Amended Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to the board of railway commissioners, was read first and second time and referred to Committee on Railways.

House file No. 25, a bill for an act to revise, amend and codify the statutes in relation to the regulation of carriers by railway, was read first and second time and referred to Committee on Railways.

Senate file No. 91, a bill for an act to revise, amend and codify the statutes in relation to public printing, was read and passed on file.

House file No. 29, a bill for an act to revise, amend and codify the statutes in relation to the care of insane, was read and referred to Committee on Charitable Institutions.

Senate file No. 76, a bill for an act to revise, amend and codify the statutes in relation to attachments, garnishment, executions and supplementary proceedings, which the House amended and passed was taken up.

Senator Ellis moved to reconsider the vote by which Senate concurred in House amendments to Senate file No. 76.

Carried.

Senator Ellis moved that Senate file No. 76 be referred to Committee on Judiciary.

Carried.

REPORTS OF STANDING COMMITTEES.

Senator Berry, from the Committee on Public Libraries, submitted the following report:

MR. PRESIDENT—Your Committee on Public Libraries, to whom was referred Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to the State library, 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 that the bill do pass:

Amend title by adding thereto the following: "and historical collections."

Amend section 1, line 8, by adding thereto the following: "and shall have the power to remove such officers by a two-thirds vote of said board, for immorality, incompetency or inattention to their duties."

Insert as section 11 the following:

Sec. 11. Any public, incorporated, school or college library in the State may, upon compliance with the provisions of the rules prescribed by the board of trustees of the State library, become an "associate library" with the State library, and be entitled to all the privileges accorded by this act to associate libraries. It shall be the duty of the State librarian to issue to any eligible library complying with such rules a certificate of association, showing that such library has become an "associate library." The associate relationship may be terminated at any time by a surrender of said certificate, and the return of all books and other property belonging to the State library, whereupon the State librarian shall return to such associate library any bonds or deposit held for the security of said books or other property. The associate relationship may also be terminated by a violation of such rules as may be prescribed by said board of trustees for the regulation and management of said associate libraries.

Insert as section 12 the following:

Sec 12. The librarian, committee or other persons having the management and control of said associate library shall make an annual report to the State librarian of the names of its officers, trustees or managers, the number of volumes contained in such library, the number of volumes drawn therefrom during the preceding year, and such other facts and statistics regarding the same as may be required by said State librarian. Such report shall be made at such time as may be fixed by the State librarian. Such associate librarian, committee, or other persons aforesaid shall also report at once any changes made in the officers, trustees or management of such associate library during the year.

Insert as section 13 the following:

Sec. 13. Under such reasonable rules and regulations as may be prescribed therefor by said board of trustees and the State librarian, said State librarian, upon the requisition of such associate library, may lend to such associate library books, or collections of books, from the duplicate department of said State library, or from books especially procured for such purpose, or any books in the State library; but this section shall not authorize the removal of such books, pamphlets, papers, maps or documents as in the discretion of said board of trustees and the State librarian cannot, consistent with the best interests of the State library, be allowed to be taken

therefrom; but all expense of transportation shall in all cases be paid by the associate library borrowing such book or other property.

Insert as section 14 the following:

Sec. 14. The officers, directors, managers or librarian of any such associate library shall be entitled to ask from the state librarian any needed advice or instruction as to buildings, furniture, equipment, management, service, rules for readers, selections of books, buying, cataloguing, shelving, binding books, or other matter pertaining to the establishment, organization or administration of a public library. It shall be the duty of the state librarian to impart such advice or instruction, whenever so requested, consistent with his other duties.

Insert as section 15 the following.

Sec. 15. If the responsible officers or managers of any associate library shall disregard, violate, or refuse to comply with such rules and regulations as may be made under the provisions of this chapter, such associate library shall be debarred the privileges herein granted.

Insert as section 16 the following:

Sec. 16 The State librarian shall keep a complete record of such associate libraries and of the transactions therewith, and shall include in his annual report a summary of the facts of public interest and value in relation thereto. It shall also be the duty of the State librarian to provide lists of the books, or collections of books, which may be thus available for such purposes, which shall be furnished upon application, together with such requisites, rules and regulations as may be prescribed for the obtaining and management of the same.

Insert as section 17 the following:

Sec. 17. Where no such library exists, and whenever twenty-five resident tax payers petition therefor, such books, or collection of books, may be lent to any college, school, university, extension center, Chautauqua circle, literary society, reading course, study club or other association, approved by the rules prescribed by said board of trustees of the State library, under such rules, securities and guarantees for the preservation, care, control and management of the same as may be prescribed by said board of trustees.

Change number of sections 11, 12, 13, 14, 15, 16 and 17, to 18, 19, 20, 21, 22, 23 and 24.

Amend section 15, line 1, by striking out the words "of the library."

W. H. BERRY,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Public Libraries, to whom was referred House file No. 65, a bill for an act to revise, amend and codify the statutes in relation to the State Historical Society, 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 do pass.

W. H. BERRY,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Public Libraries, to whom was referred Senate file No. 46, a bill for an act to revise, amend and codify the statutes in relation to the State historical society, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed, for the reason that House file No. 65 covers same subject.

W. H. BERRY,
Chairman.

The report of the committee indefinitely postponing the bill was adopted.

REPORT OF CONFERENCE COMMITTEE.

Senator Carpenter, from Conference Committee on Senate file No. 3, made the following report:

MR. PRESIDENT—The Conference Committee appointed by the House and Senate on amendments to Senate file No. 3, beg leave to report that they have had the same under consideration and report the same back with the following recommendations:

That the Senate recede from its amendment to section 2, chapter 2, page 90, and that the said section 2, chapter 2, page 90 be amended as follows, by adding after "over" in line 2 in said section these words: "Except that in counties having seven supervisors elected at large and having therein a township embracing an entire city of thirty-five thousand inhabitants or over, he may be a resident of the same township; but no more than one supervisor shall be elected from such township in any one year, and in no case shall there be more than three supervisors from such township"

Also strike out in line 3 the words "and who" and insert "such supervisors."

That the Senate concur in the second amendment in line 15, section 32, chapter 2, page 97, striking out the word "may" and inserting "shall."

That the senate concur in the House amendment to section 33, chapter 2, page 97.

That the House recede from its amendment to section 1, chapter 4, page 104.

That the House recede from the first amendment to line 10, section 10, chapter 4, striking out the word "shall" and inserting "may."

That the Senate concur in the House amendment to section 10, chapter 6, line 4, page 108.

That the House recede from its amendment to section 11, chapter 6, page 109, adding at the end of the section as amended the words "provided the total receipts of his office exceed fifteen hundred dollars."

C. A. CARPENTER,
T. G. HARPER,
F. O. ELLISON,
J. H. TREWIN,

Committee on part of Senate.

J. B. CLASSEN,
G. N. HAUGEN,
GEO. T. BAKER
W. B. HUNT

Committee on part of House.

Senator Carpenter moved that the report of the Conference Committee on Senate file No. 3 be adopted.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Harriman, Healy, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Sargent, Trewin, Upton, Waterman—41.

The nays were:

None.

Absent or not voting:

Senators Allyn, Craig, Garst, Henderson, Kilburn, Lehfeldt, Palmer, Rowen, Young—9.

The report of the committee was adopted.

BILLS ON THIRD READING.

On motion of Senator Henderson, Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to care and propagation of fish with report of committee recommending a substitute was taken up, considered, and the report of the committee adopted.

The hour of adjournment having arrived the Senate adjourned until 2 o'clock P. M., to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

PETITIONS AND MEMORIALS.

Senator Cheshire presented petition of C. S. Yeaton and 15 other railway men of Polk county in favor of Temple amendment.

Referred to Committee on Railways.

Senator Ericson presented petition of W. H. McNeil and 60 other citizens of Boone, Iowa, on same subject.

Referred to Committee on Railways.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 89, a bill for an act authorizing the executive council to purchase or condemn a site on which to erect a memorial, historical and art building, to procure plans and specifications therefor, and take other preliminary steps toward its construction, and making an appropriation therefor, and to repeal chapter 115, laws of the Twenty-sixth General Assembly, regular session.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 30, a bill for an act to revise, amend, and codify the statutes in relation to the dairy commissioner and imitation dairy products.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 88, a bill for an act to provide for the payment of the mileage of the committee appointed to visit the Institution for the Feeble Minded at Glenwood.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

BILLS ON THIRD READING.

Senate resumed consideration of substitute for Senate file No. 35 and House file No. 42.

Senator Trewin moved to amend section 2, line 16, by striking out all after the word "heat" to the end of the section.

On the amendment a roll call was demanded.

On the question, 'Shall the amendment be adopted?' the yeas were:

Senators Allyn, Blanchard, Bonson, Byers, Carney, Ellison, Everall, Gilbertson, Gorrell, Hipwell, Hurst, Ranck, Rowen, Sargent, Trewin, Upton—16.

The nays were:

Senators Alexander, Berry, Carroll, Downey, Druet, Eaton, Ericson, Funk, Harriam, Healy, Henderson, Hobart, Hospers, Hotchkiss, Lothrop, Perrin, Phelps, Pusey, Rigger, Young

Absent or not voting:

Senators Bell, Carpenter, Cheshire, Craig, Ellis, Garst, Harper, Junkin, Kilburn, Lehfeldt, Mitchell, Palmer, Penrose, Waterman—14.

The amendment was lost.

Senator Trewin moved to amend section 2, by adding after the word "State" in line 17, the words "except the Mississippi, Missouri, or Big Sioux rivers, and so much of the Des Moines river as forms the boundary line between this State and the State of Missouri."

Senator Trewin withdrew the amendment.

Senator Trewin moved to amend section 2, by adding thereto the following: "But this presumption shall not exist against fishing in the excepted waters as provided in section 9 of this chapter."

Adopted.

Senator Carroll moved to amend section 1, line 1, by striking out the word "he" and inserting the words "the warden" in lieu thereof.

Adopted.

Senator Blanchard moved to amend section 10, line 2, by striking out the words "or maintained."

Lost.

Senator Pusey moved to amend section 5, line 1, by inserting after the word "shall" the word "knowingly."

Adopted.

Senator Carroll moved to amend section 13 by inserting in line 5 after the word "September" the words "any gray, timber or fox squirrels between the first day of January and the first day of June."

Adopted.

Senator Hobart moved to amend section 13 by striking out all of the section beginning with the words "no person" to end of the section.

Lost.

Senator Penrose moved to amend section 15 by inserting the words "or public" after the word "private," in line 3.

Adopted.

Senator Carney moved to amend section 17, line 14, by inserting after the word "person" the words "knowingly and wilfully."

Adopted.

Senator Phelps moved to amend section 23, line 4, by inserting after the word "snowbird" the word "blackbird;" also in line 5 strike out the word "blackbird."

On this amendment a division was called for and the amendment was lost.

Senator Trewin moved to amend section 23 by inserting after the word "prevent" the words "the killing of blue jays, blackbirds and English sparrows, and;" strike out the words "blue jays, blackbirds and English sparrows" where they occur in the preceding line.

Lost.

Senator Lothrop moved to amend section 14, line 4, by striking out all after the word "birds" down to and including the word "transportation," in line 6.

Lost.

Senator Berry moved to amend section 22, line 5, by striking out the words "for each and every offense" and insert the words "for each and every offense" after the word "prosecuted," in line 4.

Lost.

Senator Henderson moved to amend section 14, line 8, by striking out the words "the two" and insert the words "this and" in lieu thereof.

On this a division was called for and the amendment was adopted.

Senator Blanchard moved to amend section 9, line 2, by inserting after the word "Missouri" the word "Skunk."

Lost.

Senator Henderson moved to amend the bill by adding as section 25 the following: "Sec. 25. The office of fish commissioner is hereby abolished."

Adopted.

Senator Henderson moved to amend the bill by striking out all marginal figures and page numbers and underscoring.

Adopted.

Senator Henderson moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Healy, Henderson, Hobart,

Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Penrose, Phelps, Pusey, Riggen, Sargent, Trewin, Upton, Waterman, Young—35.

The nays were:

Senators Blanchard, Bonson, Ellison, Harper, Harriman, Hipwell, Perrin, Ranck, Rowen—9.

Absent or not voting:

Senators Byers, Eaton, Ellis, Kilburn, Lehfeldt, Palmer—6.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

On motion of Senator Blanchard Senate file No. 90, a bill for an act to revise, amend and codify the statutes in relation to the school for the deaf, with report of committee recommending amendments was taken up, considered, and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Blanchard moved to amend section 1 as follows: In section 1, line 21, insert the word "and" between the words "institution" and "board," and strike out the words "clothing, fuel or other supplies."

Adopted.

Senator Blanchard moved to amend the bill by striking out section 5, and insert in lieu thereof the following: "For the purpose of meeting the current and ordinary expenses of the institution, including furniture, books, school apparatus, and compensation of employes, except officers and teachers, there is hereby appropriated the sum of thirty-five dollars per quarter for each pupil in said institution, based upon the average number of pupils in attendance during each quarter. But where the quarter occurs in vacation, then upon the average number of pupils in attendance during the last preceding quarter. There is hereby further appropriated the sum of twenty-one thousand dollars, or so much thereof as may be necessary, for the payment of salaries of officers and teachers in said institution, the same to be drawn quarterly at the end of each quarter. The above mentioned appropriations, including the accounts for clothing and transportation, shall be drawn quarterly on the requisition of the trustees of the institution, in the usual manner and in such amounts only as the wants of the institution may require."

Adopted.

Senator Blanchard moved to amend section 3, line 3, by inserting after the word "deafness" the words "if known."

Adopted.

Senator Blanchard moved to insert the following as section 6: "Section 6. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published in Des Moines, Iowa." And when so amended that it do pass.

Adopted.

Senator Blanchard moved that the time of adjournment be extended until the bill under consideration is disposed of.

Carried.

Senator Blanchard moved that the rule be suspended and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Rowen, Sargent, Upton, Waterman, Young—45.

The nays were:

None.

Absent or not voting:

Senators Eaton, Kilburn, Lehfelddt, Palmer, Trewin—5.

The bill having received a constitutional majority was declared to have passed the Senate and the title 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 has passed the following bill, in which the concurrence of the Senate is asked:

House file No. 34, a bill for an act to revise, amend and codify the statutes in relation to fire companies.

JAS. D. ROWEN,
Chief Clerk.

The time of adjournment having arrived the Senate adjourned until 9 o'clock A. M., to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Thursday, March 25, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. H. R. Paul of Clarion, Iowa.

On request of Senator Funk, leave of absence was granted Senator Henderson.

PETITIONS AND MEMORIALS.

Senator Alexander presented five petitions of railroad men and citizens of Cedar Rapids, in favor of the Temple amendment.

Referred to Committee on Railways.

Senator Carney presented petition of citizens of Marshall county, on same subject.

Referred to Committee on Railways.

Senator Bonson presented petition of citizens of Dubuque, on same subject.

Referred to Committee on Railways.

Senator Blanchard presented petition of citizens of Mahaska county, on same subject.

Referred to Committee on Railways.

Senator Penrose presented petition of citizens of Tama county, on same subject.

Referred to Committee on Railways.

Senator Penrose presented petition of citizens of Benton county, on same subject.

Referred to Committee on Railways.

Senator Harper presented memorial of Trades and Labor assembly of Burlington, on same subject.

Referred to Committee on Railways.

Senator Rowen presented petition of railroad men and citizens of Eagle Grove, on same subject

Referred to Committee on Railways.

Senator Ericson presented petition of citizens of Boone, on same subject.

Referred to Committee on Railways.

Senator Bell presented remonstrance of citizens of Fairfield, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Lothrop presented two petitions of citizens of Woodbury county, in favor of the Temple amendment.

Referred to Committee on Railways.

Senator Cheshire presented petition of citizens of Polk county, on same subject.

Referred to Committee on Railways.

Senator Funk presented petition of citizens of Spencer, on same subject.

Referred to Committee on Railways.

Senator Funk presented petition of citizens of Estherville, on same subject.

Referred to Committee on Railways.

Senator Ellis presented petition of citizens of Clinton county, in favor of Temple amendment.

Referred to Committee on Railways.

REPORTS OF STANDING COMMITTEES.

Senator Penrose, from the Committee on Railways, submitted the following report:

MR. PRESIDENT—Your Committee on Railways, to whom was referred Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to the Board of Railroad Commissioners, 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 amendments.

E. G. PENROSE,
Chairman.

Report of the committee adopted and Senate refused to concur in House amendments.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 76, a bill for an act to revise, amend and codify the statutes in relation to attachments, garnishment, executions and supplementary proceedings, 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 House amendments be concurred in.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 74, a bill for an act to revise, amend and codify the statutes in relation to mechanics' liens, 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 same do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 62, a bill for an act to revise, amend and codify the statutes in relation to mechanics' liens, 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 same be indefinitely postponed as House file No. 74 covers same ground.

L. A. ELLIS,
Chairman.

Report of committee indefinitely postponing Senate file No. 62, was adopted.

Genator Gorrell moved to reconsider the vote by which the Senate concurred in the House amendments to Senate file No. 36.

Carried.

Senator Gorrell moved that Senate file No. 36 be committed to the Committee on Public Health.

Carried.

The Journal of Tuesday was taken up, read, corrected and approved.

Senator Trewin moved that Senate file No. 19 be recalled from the House.

Carried.

Senator Carpenter moved that Senate file No. 3 be recalled from the House.

Carried.

Senator Ellis moved that the report of the committee recommending that the Senate concur in House amendment to Senate file No. 76 be adopted.

On the question, "Shall the House amendments to Senate file No. 76 be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Harriman, Healy, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rikken, Rowen, Sargent, Trewin, Upton, Waterman, Young—44.

The nays were:

None.

Absent or not voting:

Senators Byers, Garst, Henderson, Junkin, Kilburn, Lehfeldt—6.

The House amendments to Senate file No. 76 were concurred in.

BILLS ON SECOND READING.

Senator Ellis moved that House file No. 74 be substituted for Senate file No. 62.

Carried.

On motion of Senator Ellis, House file No. 74, a bill for an act to revise, amend and codify the statutes in relation to mechanics' liens, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Pusey moved to amend section 6, line 16, after the word "dates" insert the word "than."

Adopted.

Senator Lothrop moved to amend section 8, by substituting for paragraph 1, of section 8, the following: "As between persons claiming liens upon same property accruing for labor upon or material furnished for the same buildings or improvements, there shall be no priority of one claimant over another, but each shall be paid in full if the property sells for sufficient to discharge all the liens in full and if not the proceeds of such sale shall be applied pro rata upon all such liens as were claimed within ninety days after such claim became complete, provided the wages of any laborer who has become a lien holder as herein provided, shall be prior to the claims of any contractor or sub-contractor by whom he has been employed."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Carpenter, Cheshire, Craig, Druet, Gorrell, Lothrop, Rowen—7.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Carney, Downey, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Harper, Harriman, Healy, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Sargent, Trewin, Upton, Young—35

Absent or not voting:

Senators Byers, Carroll, Garst, Henderson, Junkin, Kilburn, Lehfeldt, Waterman—8.

The amendment was lost.

REPORT OF CONFERENCE COMMITTEE.

MR. PRESIDENT—The Conference Committee appointed by the House and Senate on amendments to Senate file No. 3, beg leave to submit this, a modified report of our report made March 24, 1897, as follows:

Substitute for Conference Committee substitute to section 2, chapter 2, page 90, the following: "Except that in counties having seven supervisors and having therein a township embracing an entire city of 35,000 inhabitants or over, he may be a resident of the same township, and in no case shall there be more than two supervisors from such township."

C. A. CARPENTER,

F. O. ELLISON,

T. G. HARPER,

J. H. TREWIN,

Committee for Senate.

J. B. CLASSEN,

G. N. HAUGEN,

GEO. T. BAKER,

W. B. HUNT,

Committee for House.

Senator Carpenter moved that the modified report of the Conference Committee be adopted.

Carried.

Senator Carpenter moved that the amendment recommended by the Conference Committee to section 2, chapter 2, be adopted.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Cheshire, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Harri-man, Healy, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Lothrop, Mitchell, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Upton, Waterman, Young,
—41.

The nays were:

None.

Absent or not voting:

Senators Allyn, Carroll, Downey, Garst, Henderson, Junkin, Kilburn, Lehfeldt, Palmer—9.

The amendment was adopted.

Senator Carney moved to amend section 8 by striking out the last clause beginning with the words "In case the premise" to the end of the section.

Lost.

Senator Gilbertson moved to amend section 13, line 2, by inserting after the word "date" the words "and hour;" also, in line 3 after the word "date" insert the words "and hour."

Adopted.

Serator Trewin moved to amend section 4 by changing the period to a semicolon and adding the following: "All of which except the easement or right of way, shall constitute the building, erection or improvement provided and mentioned in this chapter."

Adopted.

Senator Ellis moved that the rule be suspended, and that the bill be considered engrossed, and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Cheshire, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Healy, Hobart, Hospers, Hotchkiss, Hurst, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—38.

The nays were:

None.

Absent or not voting:

Senators Allyn, Carroll, Downey, Garst, Harper, Harriman, Henderson, Hipwell, Junkin, Kilburn, Lehfeldt, Phelps—12.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns Senate file No. 3, a bill for an act to revise, amend and codify the statutes in relation to township and county government.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to the Board of Railroad Commissioners.

JAS. D. ROWEN,
Chief Clerk.

Senator Carpenter moved to take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 34, a bill for an act to revise, amend and codify the statutes in relation to fire insurance companies, was read first and second time and referred to Committee on Insurance.

Senate file No. 3, a bill for an act to revise, amend and codify the statutes in relation to county and township government was taken up.

Senator Carpenter moved to reconsider the vote by which report of Conference Committee was adopted yesterday.

Carried.

Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to Board of Railroad Commissioners was taken up.

Senator Penrose moved that the vote by which the report of the committee on House amendment to Senate file was adopted be reconsidered.

Carried.

Senator Penrose moved that the Senate do not concur in the House amendment to section 7.

Carried.

Senator Penrose moved that the Senate do not concur in House amendment renumbering the sections of the bill.

Carried.

Senator Funk, President *pro tem.*, presiding.

Senator Penrose moved that the Senate do not concur in the House amendment to section 11.

Senator Trewin raised the point of order that the question should be stated in the affirmative.

Point of order was sustained.

On the question, "Shall the House amendment be concurred in?" the yeas were:

Senators Allyn, Bell, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Mitchell, Phelps, Rigger, Rowen, Trewin, Upton—32.

The nays were:

Senators Alexander, Berry, Byers, Craig, Harriman, Hobart, Lothrop, Palmer, Penrose, Perrin, Pusey, Sargent, Waterman, Young—14.

Absent or not voting:

Senators Eaton, Henderson, Lehfeldt, Ranck—4.

The House amendment to section 11 was concurred in.

Senator Carpenter moved to reconsider the vote by which the Senate concurred in House amendments.

Senator Healy moved to lay the motion upon the table.

Carried.

Senator Garst called up the motion filed to reconsider the vote by which Senate file No. 91 was passed.

Senator Garst moved to reconsider the vote by which Senate file No. 91 was passed.

Senator Ranck moved that the further consideration of the motion "to reconsider," be postponed until the report of the committee appointed by the House to investigate the offices of State Printer and State Binder reports its findings, but not later than April 1st.

Senator Hotchkiss moved that the time of adjournment be extended 10 minutes.

Lost.

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

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

The Senate resumed consideration of Senator Ranck's motion to postpone action on motion by Senator Garst to reconsider the vote by which Senate file No. 91 was passed.

Senator Waterman moved that the motion by Senator Ranck be laid upon the table.

On this a roll call was demanded.

On the question, "Shall the motion be laid on the table?" the yeas were:

Senators Alexander, Bell, Berry, Byers, Carney, Carroll, Craig, Downey, Druet, Eaton, Ellison, Ericson, Funk, Gorrell, Gilbertson, Harriman, Healy, Henderson, Hobart, Hospers,

Hotchkiss, Junkin, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Rigger, Rowen, Sargent, Upton, Waterman, Young—34.

The nays were:

Senators Blanchard, Bonson, Carpenter, Ellis, Everall, Garst, Harper, Hipwell, Hurst, Kilburn, Ranck—11.

Absent or not voting:

Senators Allyn, Cheshire, Lehfeldt, Mitchell, Trewin—5.

The motion prevailed.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 15, laid over from March 15.

Senator Harriman moved to amend the House amendment to section 3, chapter 2, by striking out all after the word "town," in line 3, down to and including the word "council" in the fifth line and insert the following in lieu thereof: "On the roads or streets within such city or town or on the roads adjacent thereto within three miles of the limit thereof, under the direction of the city or town council."

Senator Ellis moved to amend the amendment by striking out the words "within three miles of the limits thereof."

Adopted.

The amendment as amended was adopted.

Senator Harriman moved to amend House amendment to section 3, chapter 2, by striking out the words "they shall expend," in the first line thereof, and insert the words "shall be expended" after the word "town" in the third line.

Adopted.

Senator Trewin moved to amend House amendment to section 3, chapter 2, by inserting after the word "town" in House amendment, and before the word "shall," the following, "shall be paid over by the county treasurer to the treasurer of such city or town and".

Senator Funk moved to extend the time of adjournment until the amendment under consideration is disposed of.

Carried.

On the amendment to the amendment a roll call was demanded.

On the question, "Shall the amendment to the amendment be adopted?" the yeas were:

Senators Bell, Blanchard, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Gilbertson, Hipwell, Junkin, Lothrop, Penrose, Pusey, Ranck, Rigger, Sargent, Trewin, Upton, Waterman—21.

The nays were:

Senators Alexander, Allyn, Berry, Bonson, Byers, Carney, Carpenter, Downey, Ellis, Everall, Funk, Garst, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Mitchell, Palmer, Perrin, Phelps, Rowen, Young—28.

Absent or not voting:

Senator Lehfeldt—1.

The amendment to the amendment was lost.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate file No. 77, a bill for an act to revise, amend and codify the statutes in relation to criminal procedure.

JAMES D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has receded from its amendment to section 7, Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to board of railway commissioners.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted conference committee report to Senate file No. 3, a bill for an act to revise, amend and codify the statutes in relation to township and county government.

JAS. D. ROWEN,
Chief Clerk.

The hour of adjournment having arrived, the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, March 26, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. D. M. Helmick, of Altoona, Iowa.

On request of Senator Everall, leave of absence was granted Senator Pusey until Monday.

On request of Senator Garst, leave of absence was granted Senator Healy until Monday.

PETITIONS AND MEMORIALS.

Senator Harper presented petition of brotherhood of railroad trainmen lodge No. 26 of Burlington, in favor of the Temple amendment.

Referred to the Committee on Railways.

Senator Downey presented petition of citizens of Ft. Madison, on the same subject.

Referred to Committee on Railways.

Senator Ericson presented petition of Connecting Link lodge No. 25, brotherhood of locomotive firemen of Boone, on the same subject.

Referred to Committee on Railways.

Senator Ericson presented petition of citizens of Boone, on the same subject.

Referred to Committee on Railways.

Senator Hotchkiss presented memorial of citizens of Panora, against the manufacturing bill and asked that it be read.

Referred to Committee on Suppression of Intemperance

Senator Eaton presented memorial of Fremont county teachers' association, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Byers presented memorial of Wayne county Teachers' Association against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

HOUSE MESSAGES.

Senate file No. 3, a bill for an act to revise, amend and codify the statutes in relation to county and township government was passed on file.

Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to Board of Railway Commissioners, was passed on file.

Senate file No. 77, a bill for an act to revise, amend and codify the statutes in relation to criminal procedure, was referred to Committee on Judiciary.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 15.

Senator Cheshire moved to amend section 3, chapter 2, as amended by the House, by inserting after the word "cities" the words "of over five thousand inhabitants."

Senator Ellison moved to amend the amendment by striking out the words "of over five thousand" and insert the words "two thousand or over."

On this a roll call was demanded.

On the question, "Shall the amendment to the amendment be adopted?" the yeas were:

Senators Bell, Blanchard, Cheshire, Ellison, Harper, Junkin, Phelps, Pusey—8.

The nays were:

Senators Alexander, Allyn, Bonson, Carney, Carpenter, Carroll, Craig, Downey, Druet, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Ranck, Rigger, Rowen, Sargent, Trewin, Waterman, Young—36.

Absent or not voting:

Senators Berry, Byers, Healy, Hipwell, Lehfeldt, Upton—6.

The amendment to the amendment was lost.

The vote recurred on the amendment and the amendment was lost.

Senator Waterman moved to amend section 3, chapter 2, by inserting the words "by and" before the words "under."

On the amendment the yeas and nays were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bell, Blanchard, Cheshire, Ellis, Ellison, Ericson, Funk, Harper, Junkin, Lothrop, Penrose, Pusey, Ranck, Sargent, Trewin, Upton, Waterman—17.

The nays were:

Senators Alexander, Allyn, Berry, Byers, Carney, Carpenter, Carroll, Craig, Downey, Druet, Eaton, Everall, Garst, Gilbertson, Gorrell, Harriman, Hospers, Hotchkiss, Hurst, Kilburn, Mitchell, Palmer, Perrin, Phelps, Riggen, Rowen, Young—27.

Absent or not voting:

Senators Bonson, Healy, Henderson, Hipwell, Hobart, Lehfeldt—6.

The amendment was lost.

Senator Harriman moved to amend section 29, chapter 2, by striking off the letter "s" from "supervisors," "waters" and "channels;" also, from the word "channels" in the last line.

Adopted.

Senator Harriman moved to amend section 29, chapter 2, line 3, by striking out the words "enclosed or unenclosed."

Adopted.

Senator Perrin moved to amend section 5, chapter 2, line 1, by inserting after the word "April" the words "upon the petition of a majority of the voters of the township."

Lost.

Senator Harriman moved to amend section 35, chapter 2, by striking out the words "or any other variety of thistles;" also, in line 4, strike out the words "which in no case shall exceed two dollars per day for such services."

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Harriman moved to amend section 39, chapter 2, line 1, by striking out the word "October" and insert the word "November" in lieu thereof.

Adopted.

Senator Upton moved to amend chapter 2, by striking out section 42, and that the sections be renumbered consecutively.

Adopted.

Senator Harriman moved to add the following to section 44, chapter 2: "Where the one district system is adopted as provided in this chapter, it shall be the duty of the township trustees to enforce the foregoing provisions."

Adopted.

Senator Harriman withdrew the committee amendment to section 45, chapter 2.

Senator Ellis moved to amend section 2, chapter 3, line 2, by inserting after the word "change" the words "or toll bridges over the rivers constituting the boundary lines of this state, excepting the operation of street cars."

Adopted.

Senator Hobart moved to amend section 45, chapter 2, by striking out the words "at suitable intervals as a danger signal to approaching teams;" and substitute between "shall" and "be" in line 2 of said section the word "not."

Adopted.

Senator Eaton moved to amend section 45, chapter 2, by adding to the section the following: "and in no case shall the county be liable for damages."

Adopted.

Senator Trewin moved to reconsider the vote by which the amendment by Senator Eaton, adding certain words to end of section 45, chapter 2, was adopted.

Carried.

President Parrott presiding.

Senator Ellis moved to amend the amendment by adding "happening to the owner or operator of such engine, or for injury to such property."

Lost.

On reconsideration of the amendment a division was called for and the amendment was adopted.

Senator Harriman moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hipwell, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Ranck, Riggan, Rowen, Sargent, Trewin, Upton, Waterman, Young—46.

The nays were:

None.

Absent or not voting:

Senators Byers, Healy, Lehfeldt, Pusey—4.

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Harriman moved to amend the title by adding the words "and the destruction of thistles."

Adopted.

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 wishes to recall Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to the board of railway commissioners.

JAMES D. ROWEN,
Chief Clerk.

BILLS ON SECOND READING.

On motion of Senator Blanchard, House file No. 93, a bill for an act to revise, amend and codify the statutes in relation to the normal schools, with report of committee, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Blanchard moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Ranck, Rigger, Rowen, Sargent, Waterman, Young—41.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Byers, Healy, Hipwell, Lehfeldt, Pusey, Trewin, Upton—9.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Carney, Senate file No. 41, a bill for an act to revise, amend and codify the statutes in relation to regents and trustees of State institutions, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

Senator Carney moved to amend section 1, line 2; strike out "named" and add to line 2 "all of whom shall not be of the same political party;" also, section 1, line 7, strike out the words "Industrial Home for the Blind." Line 8, after the word "insane" insert the word "and." Strike out the words "and Soldiers' Home six." Insert before the word "trustees" the word "five."

Adopted.

The time of adjournment having arrived the Senate adjourned until 2 P. M. to-day.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 2 o'clock P. M., President Parrott presiding.

Senator Blanchard, from conference committee, presented report on Senate file No. 4.

REPORT OF CONFERENCE COMMITTEE.

MR. PRESIDENT—Your Committee on Conference on Senate file No. 4, a bill for an act to revise, amend and codify the laws in relation to procedure in courts of original jurisdiction, beg leave to submit the following report:

We recommend that the House recede from its amendment to subdivision 4 of section 1, chapter 2, page 696.

That the Senate concur in the House amendment to section 2, line 2, chapter 3, page 697.

That the House recede from its amendment to line 4 of section 2, chapter 8, page 711.

That the Senate concur in the House amendment to lines 4, 5 and 6 of section 8, chapter 8, page 712.

That the Senate concur in the House amendment of line 4 of section 10, chapter 8, page 712.

That the Senate concur in the House amendment of line 2 of section 31, chapter 8, page 715.

That the following be adopted as a substitute for section 38, of chapter 9, page 726, and amendments of the House and Senate: Strike out in line 1 the word "he" and insert the words "the jury" and make a period after the word "sworn." Also, strike out all after the word "sworn" and insert in lieu thereof the following: "Upon the trial of a challenge the juror challenged shall be sworn, if demanded by either party, and examined as a witness, and must answer every question pertinent to the inquiry thereon, but his answers shall not afterwards be testimony against him."

That the House recede from its amendment to section 52, page 728.

That the Senate concur in the House amendment to section 163, lines 15 and 19, page 735.

That the House recede from its amendment to section 20, chapter 18, page 749.

The committee further recommends that section 42, chapter 9, page 727, be amended by inserting after the word "client" in line 8 the following: "or the client of any attorney engaged in the cause."

L. C. BLANCHARD,

C. A. CARPENTER,

W. H. BERRY,

C. S. RANCK,

Committee for Senate.

W. W. CORNWALL,

W. C. MCARTHUR,

F. McNULTY,

C. R. PORTER,

Committee for House.

Senator Blanchard moved that the report of the conference committee on Senate file No. 4 be adopted.

Carried.

On the question, "Shall the recommendations and amendments as reported by the conference committee be concurred in?" the yeas were:

Senators Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hobart, Hospers, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Ranck, Riggen, Sargent, Trewin, Waterman, Young—38.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Byers, Healy, Hipwell, Hotchkiss, Lehfeldt, Mitchell, Pusey, Rowen, Upton—12.

The recommendations and amendments were concurred in.

On request of Senator Kilburn, leave of absence was granted Senator Bell until Tuesday.

PETITIONS AND MEMORIALS.

Senator Ellis presented two petitions of citizens of Clinton county in favor of Temple amendment.

Referred to Committee on Railways.

REPORT OF STANDING COMMITTEE.

Senator Penrose from the Committee on Railways submitted the following report:

MR. PRESIDENT—Your Committee on Railways, to whom was referred Senate file No 20, a bill for an act to revise amend and codify the statutes in relation to the construction and operation of railways, with House amendments thereto, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the following recommendations.

Committee recommend that the Senate concur in House amendments to section 22, inserting in line 2, after the word "large" the words "and maintain proper and sufficient cattle guards;" in same line after the word "fence" inserting the words, "or maintain cattle guards," and in line 3, after the word "fence," inserting the words "or cattle guards."

Committee recommend that the Senate concur in the House amendment to section 36, striking out the word "grade" in line 5 and inserting in lieu thereof the word "roadbed."

Committee recommend that the House amendment to section 38 be amended by substituting therefor the following: "If any such corporation maintain a relief department for the benefit of its employes to which such employes in any manner contribute, and in the contract for which it agrees, in case of accident resulting in injury or death, to pay to its employes any insurance, relief, benefit or indemnity, and in which contract it is provided that if the person injured, his beneficiary, heirs or legal representative shall accept such insurance, relief, benefit or indemnity, such acceptance shall be a bar to any right of recovery on account of such accident, then and in such case the person so injured, his beneficiary or legal representative shall have thirty days from the date of such accident in which to elect as to whether he will accept such insurance, relief, benefit or indemnity or rely on his right of action against the corporation, anything in the contract for such insurance, relief, benefit or indemnity to the contrary notwithstanding; and the acceptance of any such insurance, relief, benefit or indemnity within said thirty days shall be no bar or defense to any action brought under the provisions of this section. In case any insurance, relief, benefit or indemnity is paid within said thirty days to the person injured, his beneficiary or legal representative, and suit is brought under the provisions of this section to recover on account thereof, then the said corporation shall have the right to have the amount so paid, set off, for the benefit of the relief department, against any claim which the person so injured, his heirs or legal representatives may have against it on account of such injury."

Committee recommend that the House amendment to line 1 of section 42, inserting the words "including street railways" after the word "corporation," be amended to read as follows: "or any street railway corporation or copartnership," and when so amended that it be concurred in.

Committee recommend that the House amendment to line 3 of section 42, inserting the word "railway" before the word "mortgage" be not concurred in.

Committee recommend that the House amendment at the end of section 42, adding the following to the section: "and prior and superior to the lien of any street railway mortgage or trust deed executed after the adoption of this Code," be concurred in.

Committee recommend that the House amendment to section 45, inserting after the word "superintendent" in line 3, the following: "or other officer in possession of the necessary information," be not concurred in.

Committee recommend that the House amendment to section 72, striking out section 72 and inserting the following in lieu thereof: "In cases where any railway company shall fail or refuse to make the name of the railway station conform to the name of the village, incorporated town or city within the limits of which it is situated, it shall be the duty of the Railway Commissioners of the State to order the change of the name of said railway station to effect such uniformity within sixty days after a petition in writing by the town council of said incorporated town or city, or in the case of a village, by the township trustees, asking for such order, is filed with said Railway Commissioners," be concurred in.

E. G. PENROSE,
Chairman.

MINORITY REPORT.

Senator Hobart, from the Committee on Railways, submitted the following minority report:

MR. PRESIDENT—We the undersigned members of your Committee on Railways, to whom was referred Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of railways, beg leave to submit the following minority report:

We recommend that the House amendment to section 38 adding to said section the following: "Nor shall any contract of insurance, relief, benefit, or indemnity in case of injury or death, nor any other contract entered into prior to the injury, between the person so injured and such corporation, or any other person or association acting for such corporation, nor shall the acceptance of any insurance, relief, benefit or indemnity by the person injured after the injury, from such corporation, person or association, constitute any bar or defense to any cause of action brought under the provisions of this section," be amended by inserting the word "such" between the words "any" and "insurance" and that when the House amendment is so amended the Senate concur therein.

A. C. HOBART,
WARREN GARST.

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT—We, your joint committee appointed to investigate the amount of work completed and unfinished, beg leave to submit the following:

Senate files 16 bills, 277 pages, passed both houses.

House files 37 bills, 187 pages, passed both houses.

Total 53 bills, 464 pages, passed both houses.

Passed Senate only, Senate files 7, 119 pages.

Passed House only, House files 23, 305 pages.

Total 424 pages.

Senate files indefinitely postponed 21; 158 pages.

House files indefinitely postponed 8; 45 pages.

Total 203 pages.

Senate files enrolled 7, 29 pages.
 House files enrolled 27, 99 pages.
 Total 128 pages.

E. M. SARGENT,
 G. S. GILBERTSON,
 A. C. HOTCHKISS,
Senate Committee.
 A. M. LOOMIS,
 P. A. SMITH,
 J. L. WILSON,
House Committee.

REPORT OF CONFERENCE COMMITTEE.

Senator Carpenter, from conference committee on Senate file No. 72, presented the following report:

MR. PRESIDENT AND MR. SPEAKER—Your conference committees, appointed by the House and Senate to report on the disagreement upon amendments to Senate file No. 72, beg leave to report that they have had the said amendments under consideration and recommend that the House recede from its amendment to chapter 1, section 2, page 669.

That the Senate concur in the House amendment to section 17, chapter 2, page 672.

That the Senate concur in the House amendment to add an additional section numbered 40 to said chapter 2, page 676.

That the Senate concur in both House amendments to section 4, chapter 3, pages 676 and 677.

That the House recede from its amendment to section 6, chapter 4, page 683.

C. A. CARPENTER,
 J. H. TREWIN,
 J. L. CARNEY,
 W. H. BERRY,
Committee for Senate.
 W. W. CORNWALL,
 SAM MAYNE,
 JOHN T. P. POWER,
Committee for House.

Senator Carpenter moved that the report of the conference committee on Senate file No. 72 be adopted.

Carried.

On the question, "Shall the recommendations and amendments by conference committee on Senate file No. 72 be adopted?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Ellison, Ericson, Everall, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hipwell, Hobart, Hospers,

Hotchkiss, Junkin, Kilburn, Lothrop, Palmer, Perrin, Phelps, Ranck, Rigger, Sargent, Trewin, Upton, Waterman, Young—39.

The nays were:

None.

Absent or not voting:

Senators Bell, Druet, Funk, Garst, Healy, Hurst, Lehfeldt, Mitchell, Penrose, Pusey, Rowen—11.

The Journal of Thursday was taken up, read, corrected and approved.

HOUSE MESSAGES.

Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to board of railway commissioners, was ordered returned to the House.

BILLS ON SECOND READING.

Senator Carney moved that the further consideration of Senate file No. 41 be postponed.

Carried.

Senator Carney withdrew his motion filed to reconsider the vote by which House amendments to Senate file No. 40 were concurred in.

On motion of Senator Carpenter, House file No. 21, a bill for an act to revise, amend and codify the statutes in relation to internal improvements, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Carpenter moved to amend section 6, chapter 2, line 4, by adding after the word "therefor" the following: "who shall be required to execute a bond with sufficient sureties in an amount equal to ten per cent of the estimated cost of the work so let, or deposit such amount in cash with the auditor as security for the performance of his contract."

Adopted.

Senator Carpenter moved to amend section 6, chapter 2, by adding after the word "contract," in line 8, the following: "The cash deposited by him shall be forfeited to, or the penalty named in the bond may be recovered in an action thereon by the county auditor for the benefit of the levee or drainage district on said contract, as liquidated damages and."

Adopted.

Senator Carpenter moved to amend section 8, chapter 2, line 3, by striking out the word "six" and inserting in lieu thereof the words "three persons, one of whom shall be a competent civil engineer and two who shall be."

Adopted.

Senator Carpenter moved to amend section 8, chapter 2, as follows: After the word "county," in line 3, section 8, chapter 2, insert "not living within the township or townships where the improvement is or is to be located and."

Adopted.

Senator Carpenter moved to amend by adding after the word "question," in the fourth line of section 8, chapter 2, the following words: "nor related to any party whose land is affected thereby."

Adopted.

Senator Carpenter moved to amend section 8, chapter 2, line 13, by adding after the word "be" the following words: "kept separate from other county funds, and shall be paid out only for purposes properly connected with the improvement on the order of the county auditor on claims properly certified by the engineer in charge of the improvement, as in this chapter provided or on the order of the board of supervisors."

Adopted.

Senator Carpenter moved to amend section 8, chapter 2, as follows: Strike out last sentence in section 8, chapter 2, and insert in lieu thereof the following sentence: "The engineer shall receive for each day's service while so engaged five dollars, and the other commissioners shall each receive two dollars per day, to be paid out of the funds so collected."

Adopted.

Senator Carpenter moved to amend section 9, line 3, by striking out all after the word "time" down to and including the word "thereof," in the sixth line, and inserting in lieu thereof the following words: "But on such appeal it shall not be competent to show that the lands assessed were not benefited by the improvement."

Adopted.

Senator Carpenter moved to amend section 11, line 13, chapter 2, by striking out the words "party appealing resides or his."

Adopted.

Senator Carpenter moved to amend section 12, page 371, chapter 2, by adding after the word "first" in line 3, the following words: "And they shall make additional assessment in like manner for repairing said improvements when needed;" also add after the word "county" in the third line, same section and page these words, "by such assessments;" also, amend section 12, by striking out in the fifth line the words "board of supervisors of the different counties shall" and insert in lieu thereof the following words: "Boards of supervisors of the counties interested shall jointly meet and."

Adopted.

Senator Carpenter moved to amend chapter 2 of the bill by striking out sections 17 to 25 inclusive.

Adopted.

Senator Carpenter moved to amend section 26, lines 1 and 2, by striking out the words "ditches so opened" and insert in lieu thereof the words "drain so constructed." When so amended insert section 26 as section 33, and renumber the sections of this chapter.

Adopted.

Senator Carpenter moved to amend section 27, page 374, by adding after the word "any," in the third line, the words "open ditch."

Adopted.

Senator Carpenter moved that the further consideration of the bill be postponed until to-morrow morning.

The hour for adjournment having arrived the Senate adjourned until to-morrow at 9 o'clock A. M.

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, March 27, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Dr. William L. Pearson, of Penn College, Oskaloosa, Iowa.

On request of Senator Gilbertson, leave of absence was granted Senator Carney until Monday.

On request of Senator Hurst, leave of absence was granted Senator Hipwell until Monday.

On request of Senator Ranck, leave of absence was granted Senator Blanchard.

On request of Senator Gilbertson, leave of absence was granted Senator Hospers until Monday.

On request of Senator Palmer, leave of absence was granted Senator Riggen until Monday.

PETITIONS AND MEMORIALS.

Senator Byers presented remonstrance of people of Seymour, Iowa, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

REPORTS OF STANDING COMMITTEES.

Senator Gorrell, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry, 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 House amendments be not concurred in.

J. R. GORRELL,
Chairman.

Report of committee adopted recommending that the House amendments be not concurred in.

Senator Junkin, from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred Senate file No. 57, a bill for an act in relation to the College for the Blind, and No. 59, in relation to the School for the Deaf, 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 indefinitely postponed for the reason that House files relating to the same subject matter were referred to the Committee on Educational Institutions.

J. M. JUNKIN,
Chairman.

Report of committee adopted, and bill indefinitely postponed.
Also:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred Senate file No. 16, in relation to the support of the poor; Senate file No. 55, in relation to the Orphans' Home and Home for Destitute Children; Senate file No. 27, in relation to care of the insane; Senate file No. 54, in relation to the Institute for Feeble Minded; Senate file No. 56, in relation to the Industrial School; and Senate file No. 53, in relation to the Home for the Blind, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed for the reason that the subject matter of said bills is contained in House files Nos. 28, 29, 54, 55, 56 and 58, which said House files and all of them have been passed by the Senate.

J. M. JUNKIN,
Chairman.

Report of committee adopted and bills indefinitely postponed.
Senator Penrose, from the Committee on Railways, submitted the following report:

MR. PRESIDENT—Your Committee on Railways, to whom was referred House file No. 25, a bill for an act to revise, amend and codify the statutes in relation to the regulation of carriers by railway, 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 16 and insert the following in lieu thereof:

“Sec. 16. Whenever any common carrier as defined in this chapter shall violate or refuse or neglect to obey any lawful order or requirement of the board, it shall be the duty of the board, and lawful for any company or person interested in such order or requirement to apply in a summary way, by petition to the district or superior court in any county of this State, in which the common carrier complained of has its principal office, or in any county through which its line of road passes or is operated, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience as the case may be; and the said court shall have power to hear and determine the matter, on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice may be served on such common carrier, his or its officers, agents or servants as the court shall direct; and said court

shall proceed to hear and determine the matter speedily as a court of equity and without the formal pleadings and proceedings applicable to ordinary suits in equity but in such manner as to do justice in the premises; and to this end such court shall have power, if it think fit to direct and prosecute, in such mode and by such persons as it may appoint all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the report of the board shall be prima facie evidence of the matter therein, or in any order made by them stated; and if it be made to appear to such court on such hearing or on the report of any such person or persons, that the order or requirement of the board drawn in question, has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction, or other proper process mandatory or otherwise to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of the board and enjoining obedience to the same; and in case of any disobedience of any writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue a writ of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation, against one or more of the directors, officers or agents of the same, or against any owner, lessee, trustee, receiver or other person failing to obey such writ of injunction or other proper process, mandatory or otherwise; and said court may, if it think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money not exceeding for each carrier or person in default the sum of one thousand dollars for every day after a day to be named in the order that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall, upon order of the court, be paid into the treasury of the county in which the action was commenced, and one-half thereof shall be transferred by the county treasurer to the State treasury; and the payment thereof may without prejudice to any other mode of recovering the same be enforced by attachment or order, in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree in personam in such court, saving to the board and any other party or person interested the right of appeal to the supreme court of the State under the same regulations now provided by law in relation to appeals to said court as to security for such appeal except that in no case shall security for such appeal be required when the same is taken by the board; but no appeal to said supreme court shall operate, to stay or supersede the order of the court, or the execution of any writ or process thereon; and such court may in every such matter order the payment of such costs and attorney and council fees as shall be deemed reasonable.

“Whenever any such petition shall be filed or presented, or be prosecuted by the board, or by their direction, it shall be the duty of the Attorney-General of the State to prosecute the same, and in such prosecution he shall have the right to have the assistance of any county attorney of the county in which any such proceedings are instituted, and it is hereby made the duty of any such county attorney to render such assistance; and the

costs and expenses on the part of the board of any such prosecution shall be paid out of the appropriations for the expenses of the board."

Strike out section 20 and insert the following in lieu thereof: "Sec. 20. After such hearing and investigation the board shall fix and determine the maximum charges to be thereafter made by the railroad company or common carrier complained of, which charge shall in no event exceed the one now, or hereafter fixed by law, and the board shall render their decision in writing, and shall spread the same at length in the record to be kept for that purpose; such decision shall, specifically, set out the sums or rate which the railroad company or common carrier, so complained of, may thereafter charge or receive for the service therein named and including a classification of such freight, and the board shall not be limited in their said decision and the schedule to be contained therein to the specific case or cases complained of, but it shall be extended to all such rates between points in this State and whatever part of the line of railway of such company or common carrier within this State as may have been fairly within the scope of such investigation, and any such decisions so made and entered on record of the board, including any such schedules and classifications, shall, when duly authenticated, be received and held in all suits brought against any such railroad corporation or common carrier wherein is in any way involved the charges of any such corporation or carrier mentioned in said decisions, in any of the courts of this State, as prima facie evidence that the rates therein fixed are reasonable maximum rates, the same as the schedule made by the board as provided in section seventeen hereof; and the rates and classifications so established after such hearing and investigation shall from time to time thereafter, upon complaint duly made, be subject to revision by the board the same as any other rates and classifications."

Amend section 26, by striking out at the end of the section the following: "such fine to be imposed in a criminal prosecution by indictment, or shall be subject to the liability prescribed in the next succeeding section, to be recovered as therein provided."

And that when so amended the bill do pass.

E. G. PENROSE,
Chairman.

Passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 89, a bill for an act authorizing the Executive Council to purchase or condemn a site on which to erect a memorial, historical and art building, to procure plans and specifications therefor, and take other preliminary steps toward its construction, and making an appropriation therefor

and to repeal chapter 115, laws of the Twenty-sixth General Assembly, regular session.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 52, a bill for an act to revise, amend and codify the statutes in relation to the State College of Agriculture and Mechanic Arts.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 94, a bill for an act to revise, amend and codify the statutes in relation to the uniformity, purchase and loaning of text books.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 43, a bill for an act to revise, amend and codify the statutes in relation to the State board of health.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 88, a bill for an act to provide for the payment of the mileage of the committee appointed to visit the Institution for Feeble Minded at Glenwood.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

The Journal of Friday was taken up, read, corrected and approved.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 21.

Senator Carpenter moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ericson, Everall, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hobart, Hotchkiss, Junkin, Kilburn, Lothrop, Penrose, Perrin, Phelps, Ranck, Sargent, Trewin, Upton, Waterman, Young—35.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Carney, Ellison, Funk, Healy, Hipwell, Hospers, Hurst, Lehfeldt, Mitchell, Palmer, Pusey, Riggen, Rowen—15.

The bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Carpenter called up report of Code Revision Committee on Senate file No. 78.

Senator Carpenter moved that the report of the committee be adopted.

Carried.

Senator Carpenter moved that the Senate concur in House amendment to section 8, chapter 2.

Lost.

On the question, "Shall the Senate concur in the House amendment to section 50, chapter 2?" the yeas were:

Senators Alexander, Allyn, Berry, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Henderson, Hobart, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Ranck, Sargent, Trewin, Upton, Waterman—36.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Carney, Harriman, Healy, Hipwell, Hospers, Hotchkiss, Lehfeldt, Mitchell, Pusey, Riggen, Rowen, Young—14.

The House amendment to section 50, chapter 2, was concurred in.

On motion of Senator Berry, Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to the State library, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Berry moved to amend title by adding thereto the following: "and historical collections."

Adopted.

Senator Berry moved to amend section 1, line 8, by adding thereto the following: "and shall have the power to remove such officers by a two-thirds vote of said board, for immorality, incompetency or inattention to their duties."

Adopted.

Senator Berry moved to amend as follows: Insert as section 11 the following: "Sec. 11. Any public, incorporated, school or college library in the State may, upon compliance with the provisions of the rules prescribed by the board of trustees of the State library, become an 'associate library' with the State library, and be entitled to all the privileges accorded by this act to associate libraries. It shall be the duty of the State librarian to issue to any eligible library complying with such rules a certificate of association, showing that such library has become 'an associate library.' The associate relationship may be terminated at any time by a surrender of said certificate, and the return of all books and other property belonging to the State library, whereupon the State librarian shall return to such associate library any bonds or deposit held for the security of said books or other property. The associate relationship may also be terminated by a violation of such rules as may be prescribed by said board of trustees for the regulation and management of said associate libraries."

Adopted.

Senator Berry moved to amend as follows: Insert as section 12 the following: "Section 12. The librarian, committee or other persons having the management and control of said associate library shall make an annual report to the

State librarian of the names of its officers, trustees or managers, the number of volumes contained in such library, the number of volumes drawn therefrom during the preceding year, and such other facts and statistics regarding the same as may be required by said State librarian. Such report shall be made at such time as may be fixed by the State librarian. Such associate librarian, committee, or other persons aforesaid shall also report at once any changes made in the officers, trustees or management of such associate library during the year."

Adopted.

Senator Berry moved to amend as follows: Insert as section 13 the following: "Section 13. Under such reasonable rules and regulations as may be prescribed therefor by said board of trustees and the State librarian, said State librarian, upon the requisition of such associate library, may lend to such associate library books, or collection of books, from the duplicate department of said State library, or from books especially procured for such purpose, or any books in the State library; but this section shall not authorize the removal of such books, pamphlets, papers, maps or documents as in the discretion of said board of trustees, and the State librarian cannot, consistent with the best interests of the State library, be allowed to be taken therefrom, but all expense of transportation shall in all cases be paid by the associate library borrowing such book or other property."

Adopted.

Senator Berry moved to insert as section 14 the following: "Sec. 14. The officers, directors, managers or librarian of any such associate library shall be entitled to ask from the State librarian any needed advice or instruction as to buildings, furniture, equipment, management, service, rules for readers, selections of books, buying, cataloguing, shelving, binding books, or other matter pertaining to the establishment, organization or administration of a public library. It shall be the duty of the State librarian to impart such advice or instruction, whenever so requested, consistent with his other duties."

Adopted.

Senator Berry moved to insert as section 15 the following: "Sec. 15. If the responsible officers or managers of any associate library shall disregard, violate, or refuse to comply with

such rules and regulations as may be made under the provisions of this chapter, such associate library shall be debarred the privileges herein granted."

Adopted.

Senator Berry moved to insert as section 16 the following: "Sec. 16. The State librarian shall keep a complete record of such associate libraries and of the transactions therewith, and shall include in his annual report a summary of the facts of public interest and value in relation thereto. It shall also be the duty of the State librarian to provide lists of the books, or collections of books, which may be thus available for such purposes, which shall be furnished upon application, together with such requisites, rules and regulations as may be prescribed for the obtaining and management of the same."

Adopted.

Senator Berry moved to insert as section 17 the following: "Sec. 17. Where no such library exists, and whenever twenty-five resident tax payers petition therefor, such books, or collection of books, may be lent to any college, school, university, extension center, chautauqua circle, literary society, reading course, study club or other association, approved by the rules prescribed by said board of trustees of the State library, under such rules, securities and guarantees for the preservation, care, control and management of the same as may be prescribed by said board of trustees."

Adopted.

Senator Berry moved to amend the bill by changing number of sections 11, 12, 13, 14, 15, 16 and 17, to 18, 19, 20, 21, 22, 23 and 24.

Adopted.

Senator Berry moved to amend section 15 (section 22 of renumbered sections) by striking out the words "of the library."

Adopted.

Senator Berry moved to amend section 8 by striking out the word "set," where it appears first in line 2, and insert "series" in lieu thereof; also, strike out the words "the set," in line 2, and insert "such series."

Adopted.

Senator Berry moved to amend the bill by inserting the words "Chapter 17 of Title XIII."

Adopted.

Senator Berry moved to amend the bill by striking out all marginal figures, reference numbers and underscoring.

Adopted.

Senator Berry moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Bonson, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Ranck, Sargent, Trewin, Waterman—35.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Carney, Carpenter, Downey, Healy, Hipwell, Hospers, Lehfeldt, Mitchell, Pusey, Rikken, Rowen, Upton, Young—15.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Ellis filed the following motion:

MR. PRESIDENT—I move to reconsider the vote by which the Senate concurred in the report of the conference committee on Senate file No. 4 and adopted the substitute which reads as follows: "Upon the trial of a challenge the juror challenged shall be sworn if demanded by either party, and examined as a witness, and must answer every question pertinent to the inquiry thereon, but his answers shall not afterward be testimony against him.

L. A. ELLIS.

Senator Ellis moved that Senate file No. 4 be recalled from the House.

Carried.

On motion of Senator Berry House file No. 65, a bill for an act to revise, amend and codify the statutes in relation to State Historical Society, with report of committee, was taken up, considered, and the report of the committee adopted.

Senator Berry moved to amend the bill by striking out all marginal numbers, page numbers, reference figures and underscoring.

Adopted.

Senator Berry moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allen, Berry, Bonson, Byers, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Eunk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hobart, Hotckhiss, Hurst, Junkin, Kilburn, Lothrop, Penrose, Perrin, Phelps, Ranck, Sargent, Upton, Waterman, Young—36.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Carney, Carpenter, Healy, Hipwell, Hospers, Lehfeldt, Mitchell, Palmer, Pusey, Rikken, Rowen, Trewin—14.

The bill having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Lothrop moved that the Senate do now adjourn until 2 o'clock P. M. Monday.

Senator Garst moved to amend by making it 10:15 A. M. Monday.

Carried.

The motion as amended prevailed.

Senate adjourned until 10:15 A. M., Monday.

SENATE CHAMBER,
DES MOINES, Iowa, Monday, March 29, 1897. }

Senate met in regular session at 10:15 A. M., President Parrott presiding.

Prayer was offered by Rev. J. B. Holmes, Chesterfield, Iowa.
Leave of absence was granted Senator Phelps.

PETITIONS AND MEMORIALS.

Senator Ellis presented petition of citizens of Clinton, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Penrose presented petition of citizens of Dysart, Tama county, favoring passage of manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Funk presented remonstrance of sixty-two citizens of Graettinger, Iowa, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

The Journal of Saturday was taken up, read, corrected and approved.

RESOLUTIONS ON THE DEATH OF HON. CHARLES BEARDSLEY.

Senator Harper, from committee on resolutions on the death of Dr. Charles Beardsley, presented the following resolutions and moved their adoption by a rising vote, and as a further mark of esteem for the memory of an honored citizen that this body stand adjourned until 11 o'clock.

Since the last session of this Senate and General Assembly, one of its former distinguished members and leaders has closed his earthly career and joined the silent majority.

A short time since the news flashed over the State and over the nation that Dr. Charles Beardsley, of Burlington, Iowa, was no longer among the living.

For nearly half a century his voice was heard in the councils of the State and nation, and he stood conspicuous among those whose hands were on the helm, guiding the ship of state in safety on its onward course.

The world will ever admire its leaders—the great and masterful spirits who not only see the trend of human affairs, but are brave and fearless in

In Memoriam

... of ...

Hon. Charles Beardsley,

Senator 9th District, 1870-74.

Editor War Records, 1878.

Fourth Auditor-Treasury, 1878-85.

Appointed Auditor of State, 1886.

Inspector of Oils, 1888-90.

Who Died at Burlington, Iowa,

December 29, 1896.

These Resolutions Adopted

By His Colleagues,

... March 29, 1897...

guiding them toward the goal of honor and justice and the accomplishment of the greatest good to mankind; and when such leaders fall down in death, we involuntarily halt in our march and are startled, as when the voice of the thunder breaks the stillness of the night, or the meteors fall down from among the stars.

Dr. Beardsley not only stood in the front rank of his profession as physician and surgeon, not only in the front rank as political leader and statesman, but in all the varied relations of life; in all the honorable positions of public trust which he filled, he manifested such integrity and honor; he was so courteous and kind and charitable toward all, that his career furnished a grand example for the present and oncoming generations of mankind to imitate.

It was only natural that such a man, with such abilities united with most attractive personal qualities and presence should enjoy the love of his countrymen, and be the recipient of office and honor to the latest hour of his life. Therefore, be it

Resolved, That the Senate, in whose deliberations in the past, his voice was so often heard in eloquent advocacy of the right, and fearless denunciation of the wrong, gladly offers this tribute to his worth, this garland of words and thoughts to his memory, and may they be an inspiration to those who follow him and us in the councils of this Senate chamber, to pure and lofty patriotism and statesmanship, to the end that the glory and honor of the State may be forever perpetuated.

Resolved, That this preamble and resolution in memory of the late Dr. Charles Beardsley be spread upon the Journal of the Senate and a copy of the same be transmitted by the Secretary of the Senate to his surviving wife and children.

T. G. HARPER,
L. A. ELLIS,
W. H. BERRY.

Senate reconvened at 11 o'clock A. M.

BILLS ON SECOND READING.

On motion of Senator Penrose, House file No. 25, a bill for an act to revise, amend and codify the statutes in relation to the regulation of carriers by railways, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read section by section for the purpose of amendments.

Senator Penrose moved to amend the title by inserting after chapter 7 the words "of title X."

Adopted.

Senator Penrose moved to amend the bill by striking from the heading the words "House file No. 25 by Brighton."

Adopted.

Senator Penrose moved to amend the bill by striking out section 16 and inserting the following in lieu thereof:

“Sec. 16. Whenever any common carrier as defined in this chapter shall violate or refuse or neglect to obey any lawful order or requirement of the board it shall be the duty of the board, and lawful for any company or person interested in such order or requirement to apply in a summary way, by petition to the district or superior court in any county of this State, in which the common carrier complained of has its principal office, or in any county through which its line of road passes or is operated, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience as the case may be; and the said court shall have power to hear and determine the matter, on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice may be served on such common carrier, his or its officers, agents or servants as the court shall direct; and said court shall proceed to hear and determine the matter speedily as a court of equity and without the formal pleadings and proceedings applicable to ordinary suits in equity but in such manner as to do justice in the premises; and to this end such court shall have power, if it think fit to direct and prosecute, in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the report of the board shall be prima facie evidence of the matter therein, or in any order made by them stated; and if it be made to appear to such court on such hearing or on the report of any such person or persons, that the order or requirement of the board drawn in question, has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction, or other proper process mandatory or otherwise to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of the board and enjoining obedience to the same; and in case of any disobedience of any writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue a writ of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation, against one or more of the directors, officers or agents of the same, or against any owner, lessee, trustee, receiver or other person failing to obey such writ of injunction or other proper process, mandatory or otherwise; and said court may, if it think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money not exceeding for each carrier or person in default the sum of one thousand dollars for every day after a day to be named in the order that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall, upon order of the court, be paid into the treasury of the county in which the action was commenced, and one-half thereof shall be transferred by the county treasurer to the State treasury; and the payment thereof may without prejudice to any other mode of recovering the same be enforced by attachment or order, in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree in personam in such court, saving to the board and any other party or person interested the right of appeal to the supreme court of the State under the same regulations now provided by law in relation to appeals to said court as to

security for such appeal except that in no case shall security for such appeal be required when the same is taken by the board; but no appeal to said supreme court shall operate to stay or supersede the order of the court, or the execution of any writ or process thereon; and such court may in every such matter order the payment of such costs and attorney and counsel fees as shall be deemed reasonable.

"Whenever any such petition shall be filed or presented, or be prosecuted by the board, or by their direction, it shall be the duty of the Attorney-General of the State to prosecute the same, and in such prosecution he shall have the right to have the assistance of any county attorney of the county in which any such proceedings are instituted, and it is hereby made the duty of any such county attorney to render such assistance; and the costs and expenses on the part of the board of any such prosecution shall be paid out of the appropriations for the expenses of the board."

Adopted.

Senator Penrose moved to amend the chapter as follows: Strike out section 20 and insert the following in lieu thereof: "Sec. 20. After such hearing and investigation the board shall fix and determine the maximum charges to be thereafter made by the railroad company or common carrier complained of, which charges shall in no event exceed the one now, or hereafter fixed by law, and the board shall render their decision in writing, and shall spread the same at length in the record to be kept for that purpose; such decision shall, specifically, set out the sums or rate which the railroad company or common carrier, so complained of, may thereafter charge or receive for the service therein named and including a classification of such freight, and the board shall not be limited in their said decision and the schedule to be contained therein to the specific case or cases complained of, but it shall be extended to all such rates between points in this State and whatever part of the line of railway of such company or common carrier within this State as may have been fairly within the scope of such investigation, and any such decisions so made and entered on record of the board, including any such schedules and classifications, shall, when duly authenticated, be received and held in all suits brought against any such railroad corporation or common carrier wherein is in any way involved the charges of any such corporation or carrier mentioned in said decisions, in any of the courts of this State, as prima facie evidence that the rates therein fixed are reasonable maximum rate the same as the schedule made by the board as provided in section 17 hereof; and the rates and classifications so established after such hearing and investigation shall from time to time thereafter, upon complaint duly

made, be subject to revision by the board the same as any other rates and classifications."

Adopted.

Senator Penrose asked that section 26 be passed for further consideration.

Senator Penrose moved that the further consideration of the bill be postponed until the afternoon session.

Carried.

Senator Alexander moved that the Senate do now adjourn.

Carried.

Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

On request of Senator Alexander, leave of absence was granted Senator Young.

On request of Senator Garst, leave of absence was granted Senator Healy.

On request of Senator Cheshire, leave of absence was granted Senator Junkin.

On request of Senator Trewin leave of absence was granted Senator Bonson.

On request of Senator Palmer leave of absence was granted Senator Rikken.

On request of Senator Lothrop leave of absence was granted Senator Hobart.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 25.

Senator Penrose moved to withdraw senate amendment to section 26.

Carried.

Senator Berry offered the following amendment to section 10: Strike out of section 10 all after the word "papers" in line 9 and insert the following: "But no person shall be prosecuted or subjected to any penalty or forfeiture for and on account of

any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise. Provided, that no person so testifying shall be exempted from prosecution and punishment for perjury committed in so testifying."

Adopted.

Senator Berry moved to amend section 12 as follows: Strike out all after the word "testifying" in line 15, section 12, and insert the following: "But no person shall be prosecuted or subjected to any penalty or forfeiture for and on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise. Provided that no person so testifying shall be exempted from prosecution and punishment for perjury committed in so testifying."

Adopted.

Senator Penrose moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Sargent, Trewin, Upton, Waterman—39.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bonson, Byers, Healy, Hobart, Junkin, Lehfeldt, Phelps, Riggen, Rowen, Young—11.

The bill having received a constitutional majority was declared to have passed the Senate and title agreed to.

Senator Penrose moved that Senate file No. 18, a bill for an act to revise, amend and codify the statutes in relation to the regulation of carriers by railways, be indefinitely postponed.

Carried.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

Senate file No. 90, a bill for an act to revise, amend and codify the statutes in relation to the school for the deaf.

Also:

Amended and passed Senate file No. 10 a bill for an act to revise, amend and codify the statutes in relation to the election of officers.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the conference report on Senate file No. 72, a bill for an act to revise, amend and codify the statutes in relation to estates of decedents.

JAMES D. ROWEN,
Chief Clerk.

Also:

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

Senate file No. 4, a bill for an act to revise, amend and codify the statute in relation to courts of original jurisdiction.

JAMES D. ROWEN,
Chief Clerk.

Passed on file.

BILLS ON SECOND READING.

Senator Carney moved to take up Senate file No. 41, laid over from March 26.

Carried.

Senator Carney moved to reconsider the vote by which the amendment to section 1, line 2, was adopted.

Carried.

Senator Carney moved to amend line 2, section 1, as follows: Add after the word "institutions" the words "all of whom on any one board shall not be of the same political party."

Senator Trewin offered the following substitute for the amendment: "No such board shall be composed wholly of members of the same political party."

Lost.

The amendment was adopted.

Senator Carney moved to amend section 1 as follows: Line 10, insert after the words "the Orphans' Home" the words "the Industrial Home for the Blind."

Adopted.

Senator Carney moved to amend section 1 as follows: Line 11, add "for the Soldiers' Home five trustees to be appointed by the Governor by and with the consent of the Senate, who shall hold office for the term of six years."

Senator Craig moved to amend the amendment by striking out the word "six" in last line and inserting the word "five" in lieu thereof.

Adopted.

The amendment as amended was adopted.

Senator Carney moved to amend section 6, line 2, by striking out the word "congressional" and insert in place thereof the word "senatorial" also, in line 1, after the word "trustees" insert "except as otherwise provided."

Senator Blanchard offered the following substitute for amendment to section 6: Strike out all of the section down to the word "no" in line 2; also, after the word "two" in same line insert the word "trustees."

Senator Waterman moved that section 6, with proposed amendment, be referred to committee consisting of Senators Carney, Blanchard and Ranck.

Carried.

Senator Ranck moved to amend section 11 by inserting after the word "years," in line 2, the words "except regents or trustees acting upon building committees, which committee shall not consist of more than three members."

Adopted.

Senator Carney moved to amend section 11, lines 2 and 3, strike out the words "traveling expenses" and insert in place thereof the word "mileage."

Adopted.

Senator Carney moved to strike out section 12 and insert: "Sec. 12. All claims of members of boards of trustees or of regents for attendants upon meetings of the board for time actually and necessarily spent in official duties shall be itemized, showing the date of such service and the nature thereof, and shall be sworn to by the claimant and certified to by the president and secretary of the board. It shall then be filed with the Auditor of State, who shall compute the mileage due each claimant by the nearest traveled route from his home to the place of meeting and shall enter said mileage upon the claim and if it be found in due form of law; the Auditor shall draw his warrant upon the Treasurer of State for the amount of said attendance and mileage. No compensation shall be allowed any member of such boards except as provided in this chapter."

Adopted.

Senator Carney moved to add the following as section 13: "Section 13. The Secretary of State shall upon request furnish proper blanks prepared in accordance with this act for the purpose of making claims by members of boards of trustees of State institutions for compensation."

Adopted.

Senator Waterman moved to amend the section by striking out the word "act" and insert the word "chapter" in lieu thereof.

Adopted.

Senator Carney moved to add the following as section 14: "Section 14. The Auditor shall include in his report to the Governor the amount paid for such services and mileage and to whom paid."

Adopted.

Senator Carney moved that the further consideration of the bill be postponed.

On this a division was called for and the motion prevailed.

HOUSE MESSAGES.

Senate file No. 4, a bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction was read and passed on file.

Senate file No. 72, a bill for an act to revise, amend and codify the statutes in relation to estates of decedents, was read and passed on file.

Senate file No. 10, a bill for an act to revise, amend and codify the statutes in relation to elections and officers, was referred to Committee on Elections.

Senate file No. 90, a bill for an act to revise, amend and codify the statutes in relation to school for the deaf, read and passed on file.

Senator Harper moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, March 30, 1897. }

Senate met in regular session at 9 o'clock A. M.

Senator Funk, President *pro tem.*, presiding.

Prayer was offered by Rev. J. H. Boatman, Fairfield, Iowa.

Leave of absence was granted Senator Rowen on account of sickness.

PETITIONS AND MEMORIALS.

Senator Bell presented remonstrance of Mrs. S. White and sixteen other citizens of Fairfield, Iowa, against the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Riggen presented remonstrance of ministerial association of Keokuk county, against passage of the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

REPORT OF SPECIAL COMMITTEE.

Senator Carney, from the special committee on section 6, chapter 21, title 12, submitted the following report:

MR. PRESIDENT—Your special committee, to whom was referred section 6 of chapter 21, title 12, respectfully report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be stricken from the bill, a portion of the provisions thereof and all that are deemed necessary having already been incorporated in the bill.

J. L. CARNEY,
L. C. BLANCHARD,
C. S. RANCK.

Report adopted and section 6 of chapter 12 stricken from the bill.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 89, a bill for an act authorizing the Executive Council to purchase or condemn a site on which to erect a memorial, historical and art building, to procure plans and specifications therefor, and take other preliminary steps toward its construction, and making an appropriation therefor

and to repeal chapter 115, laws of the Twenty-sixth General Assembly, regular session.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval Senate file No. 88, a bill for an act to provide for the payment of the mileage of the committee appointed to visit the Institution for Feeble Minded at Glenwood.

G. S. GILBERTSON,
Chairman.

Passed on file.

The Journal of Monday was taken up, read, corrected and approved.

BILLS ON SECOND READING.

Senate resumed consideration of Senate file No. 41.

Senator Carney moved to reconsider the vote by which the amendments to section 11 were adopted.

Carried.

Senator Carney offered the following substitute for section 11 of the bill: "Regents and trustees shall be allowed four dollars for each day actually and necessarily engaged in the performance of official duties, and mileage at the same rate as is allowed members of the General Assembly. The limitation of thirty days shall not apply to building committees, which shall not consist of more than three members, but such committee shall not charge for or receive compensation for more than sixty days in any one year."

Adopted.

Senator Ranck moved to amend the bill by striking out section 5.

On this a division was called for and the amendment adopted:

Senator Carney moved to amend the bill by striking out all marginal figures, reference numbers and underscoring.

Adopted.

Senator Carney moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carney, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison,

Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Palmer, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Upton, Waterman—38.

The nays were:

None.

Absent or not voting:

Senators Bonson, Byers, Carpenter, Healy, Hipwell, Junkin, Lehfeldt, Mitchell, Penrose, Perrin, Phelps, Young—12.

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Carney moved to amend the title by inserting the words "of title 12."

Adopted.

The title as amended was agreed to.

Senator Harper offered the following explanation of his vote, and asked that it be printed in the Journal.

MR. PRESIDENT—Because our State institutions must be cared for, I am constrained to vote "yea" for Senate file No. 41, but I do so under protest. I believe there is no valid reason to longer continue the cumbersome system by which our State institutions are now controlled. Our people, overburdened as they are, by taxation, demand retrenchment and reform wherever it can be safely made. Can anyone give a reason why we should continue to pay the per diems and traveling expenses of a small army of men to do the work that three or five men could better do. With the prices of productions of all sorts falling lower and lower, the value of lands going down, a vast state indebtedness rapidly accumulating, it seems to me that the time is now ripe to adopt democracy's wise plan of reform in this particular in the relegation of these political henchmen and the establishment of a board of control for these institutions.

T. G. HARPER.

Senator Ranck offered the following explanation of his vote, and asked that it be printed in the Journal:

MR. PRESIDENT—I would favor a "State Board of Control" as the best method of managing the affairs of the several institutions in this state, but I do not believe that such a measure could be passed at this session, and hence feel that it is my duty to vote for this bill. I vote "aye."

C. S. RANCK.

Senator Everall offered the following and asked that it be printed in the Journal:

MR. PRESIDENT—I prefer a state board of control for the management of these institutions, but as the passage of such an act is unlikely at this session, I vote "aye."

JOHN EVERALL.

Senator Ellis called up the following motion.

MR. PRESIDENT—I move to reconsider the vote by which the Senate concurred in the report of the Conference Committee on Senate file No. 4 and adopted the substitute which reads as follows: "Upon the trial of a challenge the juror challenged shall be sworn if demanded by either party, and examined as a witness, and must answer every question pertinent to the inquiry thereon, but his answers shall not afterwards be testimony against him."

L. A. ELLIS.

Senator Ellis moved to reconsider the vote by which the report of the Conference Committee on Senate file No. 4 was adopted.

Carried.

Senator Blanchard moved that the section under consideration and report of Conference Committee be referred back to Conference Committee.

Carried.

Senator Upton moved that the Senate adjourn until 9 o'clock A. M. to-morrow.

Senator Trewin moved to amend the motion by making it 2 o'clock P. M. to-day.

Carried.

The motion as amended prevailed.

Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., Senator Funk, President *pro tem.*, presiding.

Senator Garst moved that House file No. 34 be referred to the Committee on Cities and Towns.

Carried.

Senator Waterman moved that the Senate take a recess until 2:30 P. M.

Carried.

Senate reconvened.

PETITIONS AND MEMORIALS.

Senator Lothrop presented petition of brotherhood of locomotive engineers, brotherhood of locomotive firemen,

order of railway conductors and brotherhood of railway trainmen of Woodbury county, favoring Temple amendment.

Referred to Committee on Railways.

Senator Byers presented remonstrance of 500 citizens of Lucas county, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

On request of Senator Ranck, leave of absence was granted Senator Bonson.

REPORT OF STANDING COMMITTEE.

Senator Carpenter from the committee on Code Revision presented the following report:

MR. PRESIDENT—Your committee on Code Revision, to whom was referred House file No. 9, a bill for an act to revise, amend, and codify the statutes in relation to the executive department, 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 amendments be adopted:

Page 17, section 2, line 2, insert after the word "each" and before the word "act" the word "official."

Page 17, section 3, line 5, strike out the words "shall be audited."

Page 17, section 3, line 6, insert the words "shall be audited" after the word "earned."

Page 18, section 5, line 1, amend by striking out the word "ten" and inserting in lieu thereof the word "fifteen."

Also, amend chapter 2, section 6, line 2, page 18, by striking out the word "forty" and inserting in lieu thereof the word "sixty."

Page 21, section 18, line 2, amend by inserting the word "State" before the word "university;" also, capitalize the word "University."

Page 21, section 20, amend by striking out all after the word "cents," in line 4, and insert in lieu thereof these words: "He shall also collect such other fees as directed by law."

Amend section 1, chapter 6, page 35, by adding at the end of the section these words: "He shall be paid a salary of fifteen hundred dollars a year."

Page 36, chapter 6, section 5, line 8, amend by inserting the words "including all offices and rooms" after the word "capitol."

Amend chapter 6, section 7, page 36, line 3, by inserting after the word "representatives" these words "and committee rooms."

Amend chapter 6, section 7, line 2, by inserting the words "excepting janitor service" after the word "same" and before the word "but."

Amend by adding to section 7, chapter 6, page 36, the following: "The supreme court may appoint a bailiff who shall have charge of its rooms and perform such services as the court may require and be paid seventy-five dollars per month upon warrants drawn upon the treasury."

Amend page 36, section 8, line 2, by inserting the words "including janitor service and expenses for the care of offices and rooms" after the word "chapter" and before the word "itemizing."

Amend chapter 6, page 37, by striking out section 10, and inserting in lieu thereof the following as section 10: "No person shall be employed as janitor in and about the capitol except by the custodian with the consent of the Governor, except as herein otherwise specially provided."

Amend chapter 7 (of Title 2), by striking out section 2, and inserting in lieu thereof the following:

"Sec. 2. The Executive Council shall choose a secretary to hold office during its pleasure. The secretary shall keep a journal in which shall be entered all the doings of the Council."

"Sec. 3. The Secretary shall, on or before the fifteenth day of January in each year, prepare a report of the doings of the executive council for the year preceding, which report shall include a statement of the assessment of railroad, sleeping and dining cars, telegraph and telephone companies; the official canvass of the votes cast at the general election; a list of the building and loan associations authorized to do business in the State within the year, and of those refused authority to do business with a statement of the reasons for such refusal; a statement of the cities and towns the grades whereof may be changed during the year by reason of increase or decrease of population as shown by the census; a list of the official and other bonds approved by the Executive Council; a statement of the contracts for prison labor authorized and approved; a classified and detailed statement of the expenditures made by the said council or with its approval; and a full statement of all other acts of the said council. The report so made shall be published in the Iowa Official Register."

Amend chapter 7 (of title 2), by adding as section 4, the following:

"Sec. 4. In addition to the duties provided by law the Executive Council shall direct the manner in which the accounts of all transactions of the several State institutions shall be kept and the various items thereof, and such method shall be subject to change by them from time to time as occasion may require. All officers or persons having charge of or supervision over said institutions shall keep accounts as directed by the Executive Council, which shall at all times be open for the inspection of the Governor or any examiner appointed under the provisions of this Code. A failure to so keep such accounts shall be ground for suspension from office."

Amend chapter 8, section 1, page 37, by striking out all after the word "militia" in the fourth line down to and including the word "sold" in the tenth line.

Amend chapter 8, page 38, by striking out section 6, and inserting in lieu thereof the following as a new section:

"Sec. 6. It shall be the duty of the Secretary of State to publish in the Iowa Official Register the population of counties, cities, and towns as shown by the last census, either State or national; and when the printing is completed the Secretary of State shall certify that the same includes the census publication required by law and such certificate with the date and signature shall be printed on the page following the title page thereof."

Amend section 1, chapter 9, after the word "advertisement" in the seventh line by adding, "They shall require all paper purchased for the use of the State to have a distinguishing mark or water line by which it can be identified."

Amend section 2, chapter 9, line 3, by adding after the word "duties" the following: "and he shall keep with the public printer an account of all paper furnished him, and all printed matter shall be returned to the Secretary of State for distribution, and he shall credit the public printer with all paper so returned and require him to account for the balance."

Amend section 2, chapter 9, page 39, by adding after the word "instruction," in line 5, the words "adjutant-general and railroad commissioners."

Amend chapter 9, section 3, page 39, line 10, by striking out the word "cover" and inserting in lieu thereof the following: "make a detailed statement of."

Your committee further recommends that when so amended the bill do pass.

C. A. CARPENTER,
Chairman.

Passed on file.

REPORT OF SPECIAL COMMITTEE.

The Conference Committee on House file No. 84, submitted the following report:

MR. PRESIDENT—Your Committee on Conference to whom was referred House file No. 84, 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 unanimously recommend that the House concur in Senate amendments to sections 30 and 83, and concur in Senate amendment to section 15, with the following amendment thereto:

In the second line of said amendment insert the word "conversation" after the word "declaration," and in the fifth line of the amendment insert the word "conversation" after the word "declaration;" and your committee recommend concurrence in amendment to section 12, modified to read as follows:

"But in prosecutions against gaming, betting, lotteries, dealing in options, and keeping gambling houses, or rooms for illegal use or disposal of intoxicating liquors, no witness shall be excused from giving testimony upon the ground that his testimony would tend to render him criminally liable or expose him to public ignominy; but any matter so elicited shall not be used against him, and said witness shall not be prosecuted for any crime connected with or growing out of the act on which the prosecution is based in the cause in which his evidence is used for the State under the provision of this section."

N. M. PUSEY,
A. C. HOBART,
J. S. LOTHROP,
J. M. JUNKIN,
Committee for the Senate.

M. L. TEMPLE,
W. B. MARTIN,
P. FINCH,
J. M. CLARK,
Committee for the House.

Senator Pusey moved that the report of the conference committee be adopted.

On the question, "Shall the report of the conference committee on section 15 be adopted?" the yeas were:

Senators Allyn, Berry, Blanchard, Byers, Carney, Carpenter, Cheshire, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Perrin, Pusey, Ranck, Riggen, Sargent, Trewin, Upton, Waterman, Young—37.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Bonson, Carroll, Craig, Ellis, Garst, Healy, Junkin, Lehfeldt, Penrose, Phelps, Rowen—13.

The report of the conference committee and amendments to section 15 were adopted.

On the question, "Shall the report of the conference committee and amendments to section 12 be adopted?" the yeas were:

Senators Allyn, Bell, Berry, Carney, Carpenter, Cheshire, Eaton, Ellison, Ericson, Funk, Gilbertson, Gorrell, Harriman, Henderson, Hobart, Hospers, Hotchkiss, Kilburn, Lothrop, Mitchell, Palmer, Perrin, Pusey, Riggen, Sargent, Trewin, Upton, Young—28.

The nays were:

Senators Blanchard, Byers, Downey, Druet, Ellis, Everall, Harper, Hipwell, Hurst, Ranck—10.

Absent or not voting:

Senators Alexander, Bonson, Carroll, Craig, Garst, Healy, Junkin, Lehfeldt, Penrose, Phelps, Rowen, Waterman—12.

The report of conference committee and amendments to section 12 were adopted.

REPORTS OF STANDING COMMITTEES.

Senator Cheshire, from the Committee on Cities and Towns, submitted the following report:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate file No. 28, a bill for an act to revise amend and codify the statutes in relation to fire companies, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely

postponed, for the reason that the committee have recommended for passage House file No. 34, covering the same subject.

THOS. A. CHESHIRE,
Chairman.

Report adopted and Senate file No. 28 indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House file No. 34, a bill for an act to revise, amend and codify the statutes in relation to fire companies, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it do pass.

THOS. A. CHESHIRE,
Chairman.

Ordered passed on file.

Senator Cheshire moved that 750 copies of substitute for Senate file No. 2 be ordered printed.

Carried.

Senator Ellis, from the Committee, on Judiciary submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 44, 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 have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed for the reason that House file No. 66, on the same subject, has been reported on by the committee.

L. A. ELLIS,
Chairman.

Report of committee recommending indefinite postponement adopted.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 66, 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 have instructed me to report the same back to the Senate with the recommendation that the bill be amended as follows:

Amend section 17, page 606, line 1; add after the word "shall" the words "index and;" also, page 610, line 10, section 35, substitute the word "named" for "described;" also, page 615, section 5, strike out all after the word "term" in fifth line, and when so amended the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

REPORT OF CONFERENCE COMMITTEE.

Senator Blanchard, from the conference committee on Senate file No. 4, presented the following report:

MR. PRESIDENT—Your committee on conference on Senate file No. 4, to whom was re-referred the substitute recommended for section 38, of chapter 9, page 726, beg leave to report that they have had the same under consideration and recommend that the following be adopted as a substitute therefor, to-wit:

“Sec. 38. It must be taken when the juror appears and before the jury is sworn. Upon the trial of a challenge the juror challenged shall be sworn, if demanded by either party, and examined as a witness, and must answer every question pertinent to the inquiry thereof.”

L. C. BLANCHARD,

C. A. CARPENTER,

W. H. BERRY,

C. S. RANCK,

Committee for the Senate.

W. W. CORNWALL,

C. R. PORTER,

W. MCARTHUR,

F. McNULTY,

Committee for the House.

Senator Blanchard moved that the report of conference committee on substitute for section 38 of chapter 9, of Senate file No. 4, be adopted.

On the question, “Shall the report of the committee be adopted?” the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Byers, Carney, Carpenter, Cheshire, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Funk, Garst, Gilbertson, Gorrell, Henderson, Hospers, Hotchkiss, Kilburn, Lothrop, Mitchell, Palmer, Perin, Pusey, Riggen, Sargent, Trewin, Upton, Waterman, Young—34.

The nays were:

None.

Absent or not voting:

Senators Bonson, Carroll, Craig, Everall, Harper, Harriman, Healy, Hipwell, Hobart, Hurst, Junkin, Lehfeldt, Penrose, Phelps, Ranck, Rowen—16.

The report of the conference committee was adopted.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has receded from its first and fourth amendments and insists on its

second and third amendments to Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry.

The Speaker has appointed the following conference committee on the part of the House, Representatives Prentis, Bowen, Davis and Lowry.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in all the Senate amendments except section 19 of House file No. 17, a bill for an act to revise, amend and codify the statutes in relation to agricultural, horticultural societies and stock breeding associations.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists on all its amendments to Senate file No. 78, a bill for an act to revise, amend and codify the statutes in relation to procedure to reverse, vacate or modify judgments.

The Speaker appoints as members of the Conference Committee on part of the House, Representatives Evans, Johnston, Power and Hayes.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House recedes from its amendments to section 7 of Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to the board of railroad commissioners.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in all the Senate amendments except sections 26, 35 and 45, chapter 2, and section 2 of chapter 3, of House file No. 15, a bill for an act to revise, amend and codify the statutes in relation to roads and ferries.

JAS. D. ROWEN,
Chief Clerk.

Senator Palmer offered the following concurrent resolution and moved its adoption:

Resolved by the Senate, the House concurring, That Senate and House meet in joint convention in the House chamber at 4 o'clock P. M. to-day, for the purpose of hearing J. S. Emery and others in the interest of the beet sugar industry.

Adopted.

HOUSE MESSAGES.

Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry, was read and passed on file.

House file No. 15, a bill for an act to revise, amend and codify the statutes in relation to roads, bridges and ferries, was read and referred to Committee on Highways.

House file No. 17, a bill for an act to revise, amend and codify the statutes in relation to Agricultural and Horticultural societies, Stockbreeders Associations and State Dairy Association was read and referred to Committee on Agriculture.

Senate file No. 78, a bill for an act to revise, amend and codify the statutes in relation to procedure to reverse, vacate or modify judgment was read and passed on file and conference committee appointed.

Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to the board of Railway Commissioners was read and passed on file.

CONFERENCE COMMITTEE.

The President appointed as conference committee on the part of the Senate on Senate file No. 36, as follows: Senators Gorrell, Druet, Ranck and Rikken.

The President appointed as conference committee on the part of the Senate on Senate file No. 78, Senators Carpenter, Trewin, Pusey and Berry.

BILLS ON SECOND READING.

On motion of Senator Cheshire House file No. 34, a bill for an act to revise, amend and codify the statutes in relation to fire companies, with report of committee, was taken up, considered and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Cheshire moved to amend the bill by striking out all reference figures, marginal numbers and underscoring.

Adopted.

Senator Cheshire moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Byers, Carney, Carpenter, Cheshire, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hipwell, Hobart, Hoppers, Hotchkiss,

Hurst, Kilburn, Lothrop, Mitchell, Palmer, Perrin, Pusey, Ranck, Rigger, Sargent, Trewin, Upton, Waterman, Young—40.

The nays were:

None.

Absent or not voting:

Senators Bell, Bonson, Carroll, Craig, Healy, Junkin, Lehfeldt, Penrose, Phelps, Rowen—10.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Waterman moved that the Senate do now adjourn.

Lost.

Senator Carney moved that the Senate take a recess until 3:55 o'clock P. M.

Carried.

Senate reconvened.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following concurrent resolution, in which the concurrence of the House was asked:

Relative to holding a joint convention to-day.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Concurrent resolution relative to holding joint convention to-day.

Passed on file.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in joint convention.

Senator Garst moved that the time of adjournment be extended until the Senate return from joint convention.

Carried.

JOINT CONVENTION.

The joint convention was called to order by Speaker Byers, who stated that the object of this call for a joint convention was to hear Mr. J. S. Emery and others on the beet sugar industry.

The Speaker then introduced Mr. Emery, who addressed the convention.

Mr. H. T. Jul. Fuehrman was next introduced, who addressed the convention.

Prof. C. T. Curtis, of Ames, was next introduced, who addressed the convention.

On motion of Senator Henderson the joint convention was dissolved.

Senate reconvened.

Senator Palmer moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, March 31, 1897. }

Senate met in regular session at 9 o'clock A. M., Senator Funk, President *pro tem.*, presiding.

Prayer was offered by Rev. J. C. Hall, Fontanelle, Iowa.

PETITIONS AND MEMORIALS.

Senator Alexander presented petition of J. H. Shaver and other citizens of Cedar Rapids, asking for an amendment to the Sunday law.

Referred to Committee on Judiciary.

Senator Henderson presented remonstrance of W. C. Ralston and thirty other citizens of Pocahontas county, against Temple amendment.

Referred to Committee on Railways.

Senator Downey presented petition of 192 business men and citizens of Keokuk, against Temple amendment.

Referred to Committee on Railways.

Senator Byers presented remonstrance of Frank R. Crocker and other citizens of Chariton, Iowa, against Temple amendment.

Referred to Committee on Railways.

Senator Ericson presented petition of V. O. Holcomb and twenty-three other citizens of Boone county, in favor of manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Gilbertson presented remonstrance of Dan Simmons and other citizens of Worth county, against Temple amendment.

Referred to Committee on Railways.

Senator Ellis moved that the Senate take a recess of thirty minutes.

On this a division was called for and the motion prevailed.

Senate reconvened.

The journal of Tuesday was taken up, read, corrected and approved.

BILLS ON SECOND READING.

On motion of Senator Carpenter, House file No. 9, a bill for an act to revise, amend and codify the statutes in relation to the executive department, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Carpenter moved to amend section 2, line 1, chapter 1, by inserting after the word "each" and before the word "act" the word "official."

Adopted.

Senator Carpenter moved to amend section 3, chapter 1, by striking out of line 5 the words "shall be audited;" also, in line 6 insert the words "shall be audited" after the word "earned."

Adopted.

Senator Carpenter moved to amend section 5, chapter 2, line 1, by striking out the word "ten" and inserting in lieu thereof the word "fifteen."

Adopted.

Senator Carpenter moved to amend section 6, chapter 2, line 2, by striking out the word "forty" and inserting in lieu thereof the word "sixty."

Adopted.

Senator Carpenter moved to amend section 18, chapter 2, line 2, by inserting the word "State" before the word "university;" also, capitalize the word "University."

Adopted.

Senator Carpenter moved to amend section 20, chapter 2, by striking out all after the word "cents," in line 4, and insert in lieu thereof these words: "He shall also collect such other fees as directed by law."

Adopted.

Senator Carpenter moved to amend section 20, chapter 2, by striking out all after the word "states" in line 2, down to the word "for" in the same line.

Adopted.

Senator Carpenter moved to amend section 1, chapter 6, by adding at the end of the section these words: "He shall be paid a salary of fifteen hundred dollars a year."

Adopted.

Senator Carpenter moved to amend line 8, by inserting the words "including all offices and rooms and," after the word "capitol."

Adopted.

Senator Carpenter moved to amend chapter 6, section 7, line 3, by inserting after the word "representatives" these words "and committee rooms."

Adopted.

Senator Carpenter moved to amend chapter 6, section 7, line 2, by inserting the words "excepting janitor service" after the word "same" and before the word "but."

Adopted.

Senator Carpenter moved to amend by adding to section 7, chapter 6, the following: The supreme court may appoint a bailiff who shall have charge of its rooms and perform such services as the court may require and be paid seventy-five dollars per month upon warrants drawn upon the treasury."

Adopted.

Senator Carpenter moved to amend section 8, line 2, by inserting the words "including janitor service and expenses for the care of offices and rooms" after the word "chapter" and before the word "itemizing."

Adopted.

Senator Carpenter moved to amend chapter 6, by striking out section 10, and inserting in lieu thereof the following as section 10: "No person shall be employed as janitor in and about the capitol except by the custodian with the consent of the Governor, except as herein otherwise specially provided."

Adopted.

Senator Carpenter moved to amend chapter 7 (of title 2), by striking out section 2 and inserting in lieu thereof the following sections:

"Sec. 2. The Executive Council shall choose a secretary to hold office during its pleasure. The Secretary shall keep a journal in which shall be entered all the doings of the Council."

"Sec. 3. The Secretary shall, on or before the fifteenth day of January in each year, prepare a report of the doings of the Executive Council for the year preceding; which report shall include a statement of the assessment of railroad, sleeping and dining cars, telegraph and telephone companies; the official canvass of the votes cast at the general election; a list of the building and loan associations authorized to do business in the

State within the year, and of those refused authority to do business with a statement of the reasons for such refusal; a statement of the cities and towns the grades whereof may be changed during the year by reason of increase or decrease of population as shown by the census; a list of the official and other bonds approved by the Executive Council; a statement of the contracts for prison labor authorized and approved; a classified and detailed statement of the expenditures made by the said council or with its approval, and a full statement of all other acts of the said council. The report so made shall be published in the Iowa Official Register."

"Sec. 4. In addition to the duties provided by law the Executive Council shall direct the manner in which the accounts of all transactions of the several State institutions shall be kept and the various items thereof, and such method shall be subject to change by them from time to time as occasion may require. All officers or persons having charge of or supervision over said institutions shall keep accounts as directed by the Executive Council, which shall at all times be open for the inspection of the Governor or any examiner appointed under the provisions of this Code. A failure to so keep such accounts shall be ground for suspension from office."

Adopted.

Senator Carpenter moved to amend chapter 8, section 1, by striking out all after the word "militia," in the fourth line, down to and including the word "sold," in the tenth line.

Adopted.

Senator Carpenter moved to amend chapter 8, by striking out section 6, and inserting in lieu thereof the following as a new section: "Sec. 6. It shall be the duty of the Secretary of State to publish in the Iowa Official Register the population of counties, cities, and towns as shown by the last census, either State or national; and when the printing is completed the Secretary of State shall certify that the same includes the census publication required by law and such certificate with the date and signature shall be printed on the page following the title page thereof."

Adopted.

Senator Carpenter moved to amend section 1, chapter 9, after the word "advertisement" in the seventh line, by adding, "They shall require all paper purchased for the use of the State

to have a distinguishing mark or water line by which it can be identified."

Adopted.

Senator Carpenter moved to amend section 2, chapter 9, line 3, by adding after the word "duties" the following: "and he shall keep with the public printer an account of all paper furnished him, and all printed matter shall be returned to the Secretary of State, for distribution, and he shall credit the public printer with all paper so returned and require him to account for the balance."

Adopted.

Senator Carpenter moved to amend section 2, chapter 9, by adding after the word "instruction," in line 5, the words "adjutant-general and railroad commissioners."

Adopted.

Senator Carpenter moved to amend chapter 9, section 3, line 10, by striking out the word "cover" and inserting in lieu thereof the following: "make a detailed statement of."

Adopted.

Senator Carpenter moved to amend the bill by striking out all marginal numbers, reference figures, page numbers and underscoring.

Adopted.

Senator Carpenter moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Penrose, Perrin, Pusey, Ranck, Rikken, Rowen, Sargent, Trewin, Upton, Waterman, Young—46.

The nays were:

None.

Absent or not voting:

Senators Druet, Lehfeldt, Palmer, Phelps—4.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

REPORT OF STANDING COMMITTEES.

Senator Garst, from the Committee on Insurance, submitted the following report:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred House file No. 18, a bill for an act to revise, amend and codify the statutes in relation to Insurance, 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 4.

Section 16, line 7, strike out letter "s" at the end of the word "pledges."

Section 24, line 1, strike out the words "personal demand" and insert the words "notice personally." In same section, line 2, strike out the words "has been made."

At the end of subsection 2, of section 26, page 7 printed bill, add the following words: "and which shall be engaged in stock companies only."

Section 26, subsection 6, strike out all of said subsection after the word "boilers" in the second line.

Amend section 38 by adding at the end of said section the following: "but such companies organized to insure against personal injury, disablement or death, resulting from traveling or general accidents by land or water exclusively, having an actual paid up capital of one hundred thousand dollars and one hundred thousand dollars cash surplus safely invested exclusive of any assets deposited in other states and territories, for the special benefit or security of the insured therein, shall be deemed to be possessed of two hundred thousand dollars actual paid up capital within the meaning of this section."

Section 46, line 1, insert before the word "preceding" the word "two," and add to the end of word "section" in line 2, the letter "s."

Section 58, line 2, insert after the word "of" the words "the conditions of." Line 8, same section, insert after the word "thereof" the words "not so attached or indorsed."

Strike out section 59 and insert the following: "In an action brought on a policy of insurance for loss by fire to any building covered by such policy, the amount of insurance upon such building as stated in the policy shall be presumed to be the insurable value of such building at the date of the policy, but the insurer may show in diminution of the amount of recovery the actual value thereof before the loss occurred. And in an action on such policy, it shall only be necessary for the insured to prove the loss of the building insured, and that the insured has given the insurer notice in writing of such loss accompanied by an affidavit stating the facts as to how the loss occurred so far as they are within his knowledge, and the extent of the loss."

Section 60, line 1, insert after the word "loss" the words "and proof thereof," and after the word "section" in same line the words "and in notice and proof of loss in case of insurance on personal property." In line 3, same section, strike out the word "has" and insert in lieu thereof the words "and proofs have." In line 4, same section, strike out the word "two" and insert in lieu thereof the word "one." In line 6, same section,

strike out the first word "and" and insert the word "or" and strike out the word "two" in same line. Strike out in line 6, same section, the letter "s" at the end of the word "sections." Strike out all of section after the word "section" in line 6.

Section 66, line 5, strike out the words "solicits insurance, procure" and also the word "applications" in line 6. In section 66, line 8, strike out the word "all."

Strike out section 70, and insert the following: "It shall be unlawful for two or more fire insurance companies doing business in this State, or for the officers, agents or employes of such companies, to make or enter into any combination or agreement relating to the rates to be charged for insurance, the amount of commissions to be allowed agents for procuring the same, or the manner of transacting the fire insurance business within this State, and any such company, officer, agent or employe violating this provision shall be guilty of a misdemeanor, and on conviction thereof shall pay a penalty of not less than one hundred dollars nor more than five hundred dollars for each offense, to be recovered in the name of the State for the use of the permanent school fund."

CHAPTER 5.

Amend title by adding after "Title IX" the words "Of Mutual Fire, Tornado and Hail Storm Assessment Insurance Associations."

In last line of section 8 strike out the word "and" and insert the word "or."

CHAPTER 6.

Section 3, line 1, insert after the word "organized" the words "under the laws of this State."

Section 5, line 6, insert after the word "bonds" the words "when they are at or above par." In line 7, same section, strike out the words "where said deposits are made" and insert in lieu thereof the words "of some other State." In line 8, same section, after the word "within" insert the words "this or."

Section 7, line 10, printed bill, strike out the figures "8" "8" and substitute the words "eight" "eight."

Section 9, line 12, page 26, printed bill, insert after the word "further" the word "new."

CHAPTER 7.

In title strike out the word "Flexible" and insert the word "Stipulated."

Section 1, strike out the word "flexible" wherever it appears in said section and insert in lieu thereof the word "stipulated;" strike out the figure "8," in last line, and insert the word "eight;" also, strike out the figure "9," in same line, and insert the word "nine."

Section 8, line 3, strike out the figures "8" "8" and insert the words "eight" "eight" in lieu thereof.

In section 11, line 4, strike out the word "flexible" and insert in lieu thereof the word "stipulated." In line 19, same section, strike out the figure "10" and insert in lieu thereof the word "ten;" also, in same line, strike out the figure "8" and insert in lieu thereof the word "eight."

Section 13, line 1, strike out the words "or title;" line 7, section 13 strike out the word "title" and insert the word "chapter."

Section 14, line 2, page 32, printed bill, strike out the word "flexible" and insert in lieu thereof the word "stipulated."

CHAPTER 8.

Amend title by inserting after "Title IX" the words "Of provisions applying to Life Insurance companies and associations."

Section 3, line 1, insert the word "new" after the word "solicits"

Section 8, line 4, strike out the word "the" and insert the word "this."

Section 12, lines 9 and 11, strike out the words "assessment."

Section 13, add at the end of said section the following: "and that such agent knew of the existence of such policy or certificate."

Section 15. Strike out all of section after the word "assured," in line 6, and insert the following in lieu thereof: "pay upon the policy or certificate the amount that the premium received actually paid for according to its rates for the actual age of the assured and no other defense or deduction shall be permitted after the death of the person assured on account thereof."

Strike out all of section 16 and insert the following: "No answer to any interrogatory made by any applicant, unless made a warranty, shall bar the right to recover upon any policy or certificate issued thereon, or be used in evidence upon any trial to recover upon the same, unless it is clearly proved that such answer is wilfully false and was fraudulently made, that it is material and induced the company or association to issue such policy or certificate, and that but for such answer the policy or certificate would not have been issued; and, moreover, that the agent or company or association had no knowledge of the falsity or fraud of such answer."

Strike out all of section 17 and insert the following: "All companies, after having received three annual premiums on any policy and all associations after any certificate of membership shall have been in continuous force for three years from its date, are estopped, in any suit brought on such policy or certificate of membership, from defending upon other ground than fraud, against any claim arising upon such policy or certificate by reason of any errors, omissions or misstatements of the assured in any application on which such policy or certificate was issued, except with respect to age."

Section 19, line 2, page 37, printed bill, strike out the letter "s" at the end of the word "sections" and strike out the figures "57" and the word "and" and the figures "65" and insert the word "sixty-six" in lieu thereof. Strike out the figure "4" in same line and insert the word "four."

Add to section 22 the following: "For filing and examination of the first application and the issuance of certificate thereon, ten dollars." For filing each annual statement and issuance of renewal certificate, three dollars. For each agent's certificate, fifty cents. The provisions of the chapter on insurance other than life shall apply as to fees under this and the two preceding chapters, except as modified by this section."

Section 23, line 11, printed bill, insert after the word "representations" the words "made by the assured."

CHAPTER 8½.

Section 9, line 12, strike out "\$5" and insert the words "five dollars," and when so amended it do pass

WARREN GARST,
Chairman.

Senator Garst moved that Senate file No. 5, be indefinitely postponed.

Carried.

Senator Garst moved to reconsider the vote by which Senate file No. 5 was indefinitely postponed.

Carried.

REPORT OF COMMITTEE.

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

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred House file No. 17, a bill for an act to revise, amend and codify the statutes in relation to agricultural and horticultural societies, stock breeders' associations and State dairy association, 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 House amendment, transferring the Senate amendment to section 19 to section 4, be concurred in.

D. J. PALMER,
Chairman.

Senator Palmer moved the adoption of the report.

Carried.

On the question, "Shall the House amendment to section 19 be concurred in?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bonson, Carney, Carroll, Cheshire, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Riggen, Rowen, Sargent, Upton, Waterman, Young—40.

The nays were:

None.

Absent or not voting:

Senators Berry, Byers, Carpenter, Craig, Ellis, Harper, Hipwell, Lehfeldt, Phelps, Trewin—10.

The House amendment to section 19 was concurred in.

Senator Gilbertson moved that the Senate do now adjourn.

Carried.

Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., Senator Funk, president *pro tem.* presiding.

PETITIONS AND MEMORIALS.

Senator Lothrop presented petition of O. S. Westcott and other citizens of Woodbury county, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Garst withdrew the motion to postpone Senate file No. 5.

Senator Lothrop offered the following resolution and moved its adoption:

WHEREAS, Senate Journals of dates of January 26, 27 and 30 and February 1, 2, 3, 4, 5 and 18 are now exhausted; therefore, be it

Resolved, That there be printed one hundred additional copies of the Senate Journal of each of said dates.

Lost.

BILLS ON SECOND READING.

On motion of Senator Ellis, House file No. 66, a bill for an act to revise, amend and codify the statutes in relation to the rights of property, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Blanchard moved to amend section 17, chapter 6, line 1, by adding after the word "shall" the words "index and." Adopted.

Senators Ellis and Trewin were excused from the afternoon session, being engaged on committee work.

Senator Blanchard moved to amend line 10, section 35, chapter 6, by substituting the word "named" for "described."

Adopted.

Senator Blanchard moved to amend section 5, chapter 9, by striking out all after the word "term" in fifth line.

Senator Harriman moved that the time of adjournment be extended until this bill is disposed of.

Senator Blanchard moved to amend the motion by striking out the word "bill" and inserting the word "chapter."

On this a division was called for and the amendment was adopted.

The motion as amended prevailed.

On the amendment to section 5, chapter 9, a roll call was demanded.

On the question, 'Shall the amendment be adopted?' the yeas were:

Senators Alexander, Blanchard, Bonson, Byers, Carney, Carroll, Craig, Downey, Druet, Eaton, Ellis, Ellison, Everall, Funk, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hospers, Hotchkiss, Palmer, Penrose, Perrin, Ranck, Rowen, Sargent, Trewin, Waterman, Young—30.

The nays were:

Senators Cheshire, Ericson, Garst, Hipwell, Junkin, Kilburn, Lothrop, Mitchell, Pusey, Upton—10.

Absent or not voting:

Senators Allyn, Bell, Berry, Carpenter, Healy, Hobart, Hurst, Lehfeldt, Phelps, Riggen—10.

The amendment was adopted.

Senator Healy moved to amend section 5, chapter 9, by adding the following: "In the event that a stock of goods or merchandise shall be sold under a writ of execution, or attachment, or under the order of court in receivership proceedings, or by the assignee under a general assignment for benefit of creditors, the lien of the landlord for rents to become due, shall not be enforceable against said stock for a period exceeding six months from date of said sale."

Laid over.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the conference committee on Senate file No. 4, a bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction.

JAMES D. ROWEN,
Chief Clerk.

Passed on file.

REPORTS OF STANDING COMMITTEES.

Senator Carpenter, from the Committee on Code Revision, submitted the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 82, 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 have instructed me to report the same back to the Senate with the recommendation that the following amendments be adopted:

Amend section 5, chapter 1, page 798, line 2, by adding after the word "clerk" the words "or justice."

Amend section 7, chapter 1, page 798, by striking out all after the word "action" in line 2, and inserting the following: "the officer to whom the writ is issued may follow the same and execute the writ in any county of the State where the property is found. For the purpose of following the property duplicate writs may be issued, if necessary, and served as the original."

Amend section 8, chapter 1, page 798, line 4, by striking out the word "sheriff's" and inserting in lieu thereof the word "officer's"

Amend section 10, chapter 1, page 798, by striking out the word "sheriff" in the first, third and seventh lines and inserting in each place in lieu thereof the word "officer."

Also amend the same section, line 2, by striking out the words "the plaintiff" where it occurs the second time, and inserting in lieu thereof the word "him."

Also amend the same section, line 7, by adding after the word "shall" the following: "Return the property to the defendant."

Also amend the same section, line 7, by striking out the word "same" and inserting the word "bond," also strike out the word "and" after the word "writ" in the same line and insert a comma.

Amend section 11, chapter 1, page 799, by striking out the word "sheriff" in line 3, and inserting in lieu thereof the word "officer."

Amend section 16, chapter 2, page 799, line 2, by striking out the word "the" before the word "execution" at the end of the line and inserting in lieu thereof the word "an."

Amend section 7, chapter 3, page 803, by striking out the section and inserting in lieu thereof the following as section 7: "The time for appearance and pleading must not be less than two nor more than six days from the time of completed service of the notice."

Amend chapter 3, page 804, by striking out section 9 and inserting the following as a new section 9. "The question of title can only be investigated in the district court, and when put in issue in an action before a justice he shall without further proceedings, certify the cause and papers with a transcript of his docket, showing the reason of such transfer to the district court where the same shall be tried on the merits. No cause so transferred shall be dismissed because the justice erred in transferring the same. Nothing herein contained shall prevent a party from suing for trespass or from testing the right of property in any other manner."

Amend chapter 4, page 804, by striking out section 3, and renumbering the sections of the chapter.

Amend section 5, chapter 4, page 805, by inserting after the word "eighty" in line 9, the word "acres."

Amend chapter 5, page 806, by adding after section 4 the following as section 5 and renumbering the remainder of the sections in the chapter:

"Sec. 5. In actions for the recovery of real property where the corners or boundaries thereof are put in issue by the pleadings a like commission may be appointed."

Amend section 10, chapter 6, page 808, by striking out the word "which" at the end of line 2 and inserting in lieu thereof the words "and an adjudication thereon."

Amend section 12 chapter 6, page 808, by striking out all of section after the word "shares" in line 2, and inserting in lieu thereof these words: "not affected thereby."

Amend section 13, chapter 6, page 808, by striking out the word "judgment," in line 2, and inserting in lieu thereof the word "decree."

Also amend the same section, line 2, by inserting after the word "rendered" the following: "establishing the rights of the parties."

Also amend the same section, line 2, by striking out the word "those" and inserting in lieu thereof the word "the."

Also amend the same section, line 2, by adding after the word "interest" the words "of the owners of the lands."

Also amend the same section, line 3, by striking out all after the word "accordingly" and change semicolon to period after the words "accordingly."

Amend section 14, chapter 6, page 808, by striking out the words "it is apparent" and inserting in lieu thereof the words "where it is shown."

Amend section 14, chapter 6, page 808, by adding at the end of the section the following:

"Three referees shall be appointed to make partition unless the parties to the suit agree to a less number, but where it is shown that partition cannot be made and a sale is ordered the court may fix the number."

Also, amend the same section, line 1, by striking out the word "judgment" and inserting in lieu thereof the word "decree."

Amend section 15, chapter 6, line 2, by striking out the words "the necessary" before the word "assistant."

Amend section 16, chapter 6, line 1, by striking out after the word "by" the words "at least two of them."

Amend section 20, chapter 6, by striking out after the word "being" the remainder of the section and inserting in lieu thereof these words: "approved, a decree shall be rendered confirming the partition and apportioning the costs as herein provided, entering judgment therefor."

Amend chapter 6, by striking out section 22, and inserting in lieu thereof the following:

"Sec. 22. In actions for partition of real estate when a decree ordering partition or sale is rendered there shall be taxed in favor of plaintiff's attorney, as costs in the case an attorney's fee; but in no case shall the amount so taxed exceed the following, to-wit: for the first two hundred dollars or fraction thereof, ten per cent; for the next three hundred dollars, five per cent; for the next five hundred dollars, three per cent; and for all excess over above amounts, one per cent of the value of the property

partitioned. Such value to be determined by the court or the appraiser or by the sale when sale is ordered."

Amend section 24, chapter 6, page 809, by striking out all after the word "manner" in line 2.

Amend section 9, chapter 7, page 811, by striking out the word "officer's," in line 3, and adding after the word "return" these words: "of the officer or person making the sale."

Amend section 23, chapter 7, page 813, by adding thereto the following: "When any mortgage is satisfied on the margin of the record of the mortgage, as herein provided, the person satisfying the same shall be identified to and his signature shall be witnessed by the county recorder or his deputy."

Amend section 1, chapter 8, page 813, by inserting after the word "action," in line 3, the words "by ordinary proceedings."

Amend section 9, chapter 8, page 814, by striking out of line 2 the word "accruing" and inserting in lieu thereof the word "occurring"

Also, amend the same section, line 5, by striking out the word "much."

Amend section 21, chapter 9, page 816, by inserting in line 2, after the word "inventory" the words "sworn to by each of them," and in line 3, change comma after the word "knowledge" to a period and strike out all of the section after the word "knowledge."

Amend section 16, chapter 12, page 821, line 1, strike out the words "and may rest."

Amend section 13, chapter 12, page 821, by striking out the words "doubly sufficient to cover any" and inserting the words "twice the."

Amend section 23, chapter 12, page 822, by striking out all after the word "mode" in line 2.

Amend section 11, chapter 14, by inserting after the word "thereto" in the second line the words "as other contracts."

Also amend the same section by striking out all after the word "fraud" in the third line and adding "but such award can only be enforced by an action."

Amend section 15, chapter 14, line 1, by striking out the word "brought" and inserting in lieu thereof "taken."

Amend section 16, chapter 14, lines 1 and 2, by striking out the words "award them in their discretion" and inserting in lieu thereof the following: "apportion the same."

Amend chapter 14, page 824, by striking out section 18.

Amend section 1, chapter 15, page 824, by inserting after the word "boat" in line 1 the words "or raft."

Also amend the same section, line 3, by inserting after the word "boat" the words "or raft."

Also amend the same section, line 5, by inserting after the word "recover" the word "damages for."

Also, amend the same section, line 6, by inserting after the word "boat" the words "or raft."

Also, amend the same section, line 7, by striking out the words "such boat" and inserting in lieu thereof the words "the same."

Amend section 2, chapter 15, page 824, by inserting after the word "boat" in line 2, the words "or raft."

Amend section 3, chapter 15, page 825, line 2, by striking out the words "till Monday."

Amend section 4, chapter 15, page 825, by inserting after the word "boat" in line 2, the words "or raft."

Also, amend the same section, line 3, by striking out the word "up" after the word "posting."

Also, amend the same section, line 3, by striking out the word "boat" and inserting in lieu thereof the word "same" and striking out the remainder of the section.

Also, amend the same section, line 3, by inserting after the word "copy" the word "thereof."

Amend section 5, chapter 15, page 825, by striking out the words "serve and" before the word "execute," in line 1.

Amend section 6, chapter 15, page 825, by striking out the word "boat," in line 1, and inserting the words "property seized."

Also, amend the same section, line 1, by striking out the word "his" before the word "agent."

Also, amend the same section by striking out the words "conduct the defense of," in line 2, and inserting in lieu thereof the word "defend."

Also, amend the same section, line 3, by inserting after the word "boat" the words "or raft."

Amend section 7, chapter 15, page 825, by striking out the word "boat" in line 1, and inserting in lieu thereof the words "property seized."

Also, amend the same section, line 1, by striking out the word "the" before the word "giving."

Also, amend the same section by striking out the word "serving" in line 2, and inserting in lieu thereof the word "executing."

Amend section 8, chapter 15, page 825, line 1, by striking out the word "boat" and inserting the word "property."

Amend section 9, chapter 15, page 825, line 1, by striking out the word "may" before the word "sell" and inserting the words "must first."

Also, amend the same section, line 1, by striking out the words "any of."

Also, amend the same section, line 1, by inserting after the word "boat" the words "or raft."

Also, amend the same section, line 2, by striking out the word "itself" after the word "boat" and inserting in lieu thereof the words "or raft."

Also, amend the same section, line 4, by striking out the words "appearing for the boat" and inserting in lieu thereof the word "defending."

Also, amend the same section by adding another sentence at the end of the section, as follows: "The officer making the sale shall execute a bill of sale to the purchaser, for the interest sold."

Amend section 10, chapter 15, page 825, line 1, by inserting after the word "boat" the words "or raft."

Amend section 11, chapter 15, page 825, line 1, by striking out the word "boat" and inserting in lieu thereof the word "property."

Amend section 13, chapter 15, page 825, line 2, by inserting after the word "boat" the words "or raft."

Amend chapter 15, by striking out sections 14 to 16, both inclusive.

Amend section 27, chapter 16, page 829, line 1, by striking out the words "bring up" and inserting in lieu thereof the word "produce."

Amend section 29, chapter 16, page 829, line 2, by striking out the words "bring up" and inserting the word "produce."

Amend section 30, chapter 16, page 829, by striking out the words "plainly and unequivocally" in line 1 thereof.

Amend section 35, chapter 16, page 829, by adding at the end of line 2 the word "lawfully;" also, amend the same section by striking out the words "their legitimate province and in a lawful manner" and inserting in lieu thereof the words "the scope of their authority," in line 3, thereof.

Amend section 37, chapter 16, page 829, by striking out the word "still," in line 1; also, striking out the words "before them," in line 2.

Amend section 40, chapter 16, page 829, by inserting in line 1, the word "may" after the word "plaintiff," and in the same line striking out the word "his" before the word "attorney" and inserting in lieu thereof the word "by," and also, in same line, amend by striking out the word "may" before the word "waive."

Amend section 42, chapter 16, page 830, by striking out the word "brief," in line 3.

Amend section 1, chapter 17, page 830, by adding at the end of subsection 5 the following: "or knowingly assisting, aiding, or abetting any person in evading service of the process of such court."

Amend section 4, chapter 17, page 831, line 10, by inserting after the word "matter" these words, "in a manner "

Amend section 9, chapter 17, page 831, by striking out section 9, and inserting the following as a new section 9.

"Sec. 9. No appeal lies from an order to punish for a contempt, but the proceedings may in proper cases, be taken to a higher court for revision by certiorari."

Amend section 5, chapter 18, page 832, line 2, by striking out the words "filed for preservation" and insert the word "preserved" in lieu thereof.

Your committee further recommends that when so amended the bill do pass.

N. M. PUSEY,
Chairman, pro tem.

Senator Carney, from the Committee on Elections, submitted the following report:

MR. PRESIDENT—Your Committee on Elections, to whom was referred Senate file No. 10, a bill for an act to revise, amend and codify the statutes in relation to 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 the Senate concur in House amendment to section 2, chapter 2.

That the Senate amend the House substitute for section 8, chapter 2, by changing the word "registrars" to "registers" and that when so amended the Senate concur in the substitute:

That the Senate do not concur in House amendment to section 6, chapter 3.

That the Senate do not concur in House amendments to section 9, chapter 3.

That the Senate concur in House amendment to section 14, chapter 3.

That the Senate do not concur in House substitute for section 16, chapter 3.

That the Senate concur in House amendment to section 19, chapter 3, last line.

That the Senate concur in House amendment to section 19, line 12, chapter 3, printed bill.

That the Senate concur in House amendment to section 19, line 15, chapter 3, printed bill.

That the Senate do not concur in House amendment to section 19, line 16, chapter 3, printed bill.

That the Senate do not concur in House amendment to section 23, chapter 3.

That the Senate concur in House amendment to section 28, chapter 3.

That the Senate do not concur in House amendment striking out sections 32 and 33, of chapter 3.

That the Senate concur in House amendment to section 20, chapter 4.

That the Senate concur in House amendment to section 24, chapter 4.

That the Senate concur in House amendment to section 7, chapter 6.

That the Senate do not concur in House amendment to section 5, chapter 12.

J. L. CARNEY,
Chairman.

Ordered passed on file.

Senator Blanchard moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Thursday, April 1, 1897. }

Senate met in regular session at 9 o'clock A. M., Senator Funk, President *pro tem.*, presiding.

Prayer was offered by Rev. Elias Handy of Newton, Iowa.

PETITIONS AND MEMORIALS.

Senator Funk, for Senator Lehfeldt, presented petition of citizens of Crawford county, in favor of Temple amendment.

Referred to Committee on Railways.

Senator Pusey presented petition of C. M. Harl and other citizens of Pottawattamie county, in favor of Temple amendment.

Referred to Committee on Railways.

REPORTS OF STANDING COMMITTEES.

Senator Penrose, from the Committee on Railways, submitted the following report:

MR. PRESIDENT—Your Committee on Railways, to whom was referred House file No. 90, a bill for an act to revise, amend and codify the statutes in relation to express companies, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the bill do pass.

E. G. PENROSE,
Chairman.

Passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 40, a bill for an act to revise, amend and codify the statutes in relation to the Soldiers' Home.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 90, a

bill for an act to revise, amend and codify the statutes in relation to the School for the Deaf.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to the board of railroad commissioners.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF SPECIAL COMMITTEE.

Senator Mitchell, from the committee on investigation of passage of building and loan law, presented the following report:

To the President of the Senate, the Speaker of the House of Representatives, and the Members of the Twenty-sixth General Assembly of the State of Iowa:

Your committee, appointed by a concurrent resolution and adopted March 17, 1897, to investigate the reports regarding the enactment of the building and loan law of the Twenty sixth General Assembly, beg leave to report:

That they have caused Oce B. Jackman and George A. Quimby, the authors of the letter and "confidential" communication produced in the House by the Honorable Thomas Lambert, to appear before your committee, as well as all other persons who were in any way connected with the said report or had any knowledge of the said matters.

Your committee finds that the said Oce B. Jackman and George A. Quimby were members of the executive committee of an association known as the Iowa Federation of building and loan associations. As members of the executive committee of said Federation they received, from the various associations, the sum of twenty-three hundred and ninety-five dollars. That the said Jackman and Quimby have, as shown by their statements and evidence, disbursed the sum of fourteen hundred and fifty dollars and the balance is not accounted for, except under the head of "sundries," which they attempt to account for in small expenses. They refuse to make specific statements on the claim that they were not of record and had escaped their memory.

Your committee finds there is not the slightest evidence or intimation that any member of the General Assembly was offered or received any money or was improperly influenced in any manner by the said Jackman and Quimby or by the use of any of the funds in their hands. The evidence of all witnesses examined emphatically denies that any money or thing of value was given or offered directly or indirectly to any member of the General Assembly.

Your committee finds that the contributions made by the various building and loan associations were not given for the use of any illegal purposes and there is no evidence that this association asked for a law not in the interests of the people. It is clearly shown that the said Jackman and Quimby, in their statements, have endeavored to account for money expended and in so doing have sought to raise themselves in the estimation of their employers by claiming the credit of passing a law which the interests of the people demanded and which would have been passed had no funds been contributed whatever.

Upon a review of the whole testimony we find that beyond all question the letter and report of Oce B. Jackman, in so far as it may be construed to reflect on members of the General Assembly, is without foundation and such fact was well known to him. We find that the letter and report can only be accounted for on one of the two grounds. Either that the committee of the federation was filled with a reckless vain-glory and sought by false insinuations to exploit their own importance at the expense of innocent men, or that in a spirit of boasting they made a bombastic statement without weighing the language used. In either case, they have wronged the members of the General Assembly and have forfeited the privileges usually accorded to those who desire to confer with members as to proposed legislation.

Your committee unanimously endorses the report made by the House Investigation Committee, found in the Journal of the House of March 22, and all that is therein said with referenee to so called lobbyists and promoters of legislation.

A copy of this report together with the evidence taken in this investigation has been deposited with the Secretary of State.

Respectfully submitted,

W. O. MITCHELL,
 WM. B. PERRIN,
 T. G. HARPER,
Committee of the Senate.
 H. O. WEAVER,
 M. L. TEMPLE,
 O. A. BYINGTON,
Committee of the House.

Report adopted.

HOUSE MESSAGES.

Senate file No. 4, a bill for an act to revise, amend and codify the statutes in relation to per diem in courts of original jurisdiction, was read and passed on file.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in part and nonconcurred in part of Senate amendments to House file No. 10, a bill for an act to revise, amend and codify the statutes in relation to the medical department.

JAMES D. ROWEN,
Chief Clerk.

President Parrott presiding.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 66.

Senator Healy asked leave to withdraw the amendment offered yesterday to section 5, chapter 9, and moved to add to section 5, chapter 9, the following: "In the event that a stock of goods or merchandise or a part thereof, subject to a landlord's lien, shall be sold under judicial process, order of court or by an assignee under a general assignment for benefit of creditors, the lien of the landlord shall not be enforceable against said stock or portion thereof, except for rent due for the term already expired, and for rent to be paid for the use of demised premises for a period not exceeding six months after date of sale, any agreement of the parties to the contrary notwithstanding."

Senator Carpenter moved to strike out of the proposed amendment the words "and for rent to be paid for the use of demised premises for a period not exceeding six months after the date of sale" and insert in lieu thereof the words "and damages for the cancellation of the lease when terminated, in a sum not exceeding the rent of the demised premises for a period of six months."

Lost.

Senator Hobart moved to amend the amendment by striking out the words "six months" and insert the words "one year" in lieu thereof.

On this a division was called for and the amendment was lost.

The question recurring on the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Allyn, Berry, Blanchard, Byers, Carney, Carroll, Craig, Druet, Eaton, Ellison, Funk, Gilbertson, Harper, Healy, Henderson, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent, Upton, Waterman, Young—30.

The nays were:

Senators Alexander, Bell, Bonson, Carpenter, Cheshire, Downey, Ericson, Everall, Garst, Gorrell, Harriman, Hobart, Junkin, Riggen, Trewin—15.

Absent or not voting:

Senators Ellis, Hipwell, Hospers, Lehfeldt, Phelps—5.

The amendment was adopted.

Senator Blanchard moved to amend section 2, chapter 10, by adding the following: "Provided that the foregoing provision shall not apply to a wall heretofore or hereafter erected, the footing courses of which shall extend onto the lot of another when such courses shall be at least six feet below the surface; and provided further, that if the owner of the adjoining lot shall desire to use such footing courses as a part of an adjoining wall he shall not be required to pay for the same.

Laid over.

Senator Druet moved to amend section 2, chapter 10, line 3, by striking out the word "built" and insert the words "erected or maintained."

Adopted.

Senator Carpenter moved to amend section 2, chapter 4, by striking out of the House amendment the words "of taken at the time of purchase."

Adopted.

Senator Carpenter moved to amend section 4, chapter 5, by striking out all after the word "grantee" in line 3.

Adopted.

Senator Carpenter moved to amend section 33, chapter 6, by adding at the end of the section the words "but no one except the owner in possession of such real estate shall have the right to file the same."

Adopted.

Senator Gilbertson moved to amend section 19, chapter 6, line 4, by inserting after the word "judge" the words "notary public;" also, in line 7, after the word "judge" insert the words "notary public."

Adopted.

Senator Blanchard moved that the further consideration the bill be postponed until this afternoon.

Carried.

The Journal of Wednesday was taken up read, corrected and approved.

BILLS ON SECOND READING.

Senator Carney moved to take up, report of Committee on Elections on Senate file No. 10.

Carried.

Senator Carney moved that the Senate concur in House amendment to section 2, chapter 2.

Carried.

Senator Carney moved that the Senate amend the House substitute for section 8, chapter 2, by changing the word "registrars" to "registers" and that when so amended the Senate concur in the substitute.

Adopted.

Senator Carney moved that the Senate concur in and adopt the substitute.

Adopted.

Senator Carney moved that the Senate do not concur in House amendment to section 6, chapter 3.

Carried.

Senator Carney moved that the Senate do not concur in House amendments to section 9, chapter 3.

Carried.

Senator Carney moved that the Senate concur in House amendment to section 14, chapter 3.

Carried.

Senator Carney moved that the Senate do not concur in House substitute for section 16, chapter 3.

Carried.

Senator Carney moved that the Senate concur in House amendment to section 19, chapter 3, last line.

Carried.

Senator Carney moved that the Senate concur in House amendment to section 19, line 12, chapter 3, printed bill.

Carried.

Senator Carney moved that the Senate concur in House amendment to section 19, line 15, chapter 3, printed bill.

Carried.

Senator Carney moved that the Senate do not concur in House amendment to section 19, line 16, chapter 3, printed bill.

Carried.

Senator Carney moved that the Senate do not concur in House amendment to section 23, chapter 3.

Carried.

Senator Carney moved that the Senate concur in House amendment to section 28, chapter 3.

Carried.

Senator Carney moved that the Senate do not concur in House amendment striking out sections 32 and 33, of chapter 3.

Senator Trewin offered the following amendment: Substitute the following for that part of the committee report which relates to sections 32 and 33, of Senate file No. 10: That the House amendments to said section 32 and 33 be amended by striking therefrom all thereof after the word "insert" and putting in place thereof the following:

"Sec. 32. A voter desiring to vote for all the candidates upon any ticket may mark in the circle above that ticket, or in the square opposite the names of all candidates thereon, or by both such markings. To vote for candidates on two or more tickets, he may mark in the circle above one ticket and in the squares opposite the names of the candidates of his choice upon other tickets, or he may mark in the square opposite such candidates without marking the circle. In all cases where two or more officers are to be elected for the same kind of office, to vote for such candidates upon different tickets, whether the circle is marked or not, the voter shall mark in the square opposite the name of each candidate of his choice. The voter may also insert in writing, in the proper place, the name of any person for whom he desires to vote, making a cross opposite thereto. The unnecessary marking of a cross in a square below a marked circle shall not affect the validity of his vote.

"Sec. 33. Ballots thus marked shall be counted for the candidates designated by the marks in the squares and for the candidates, if any, upon a ticket beneath a marked circle excluding candidates for all offices for which he has marked opposite any candidates names on other tickets. When a circle is marked and no marks placed in any squares on another ticket, the ballot shall be counted for all the names upon the ticket beneath said circle. When more than one circle is marked, ballot shall be rejected. When only one candidate for any office is to be elected, if the voter marks in squares opposite the names of more than one candidate therefor, such vote shall not be counted for such office, whether the circle is marked or not. When two or more officers of the same kind are to be elected, if more squares opposite the names of candidates for such office are marked than there are officers to be elected to such office, the ballot shall not be counted for any such candidates. Any ballot marked by the voter in any other manner than as authorized in this chapter, and so that such mark may be

used for the purpose of identifying such ballot, shall be rejected.”

Laid over.

Senator Carney moved that the amendment be laid over and printed in the Journal.

Carried.

Senator Carney moved that the Senate concur in House amendment to section 20, chapter 4.

Carried.

Senator Carney moved that the Senate concur in House amendment to section 24, chapter 4.

Carried.

Senator Carney moved that the Senate concur in House amendment to section 7, chapter 6.

Carried.

Senator Carney moved that the Senate do not concur in House amendment to section 5, chapter 12.

On the question, “Shall the Senate concur in House amendment to section 5, chapter 12?” the yeas were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carroll, Craig, Druet, Eaton, Ellison, Ericson, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Lothrop, Palmer, Penrose, Perrin, Ranck, Rigger, Rowen, Sargent, Trewin—31.

The nays were:

Senators Blanchard, Bonson, Carney, Carpenter, Cheshire, Downey, Everall, Harper, Hipwell, Hurst, Kilburn, Mitchell, Upton, Waterman, Young—15.

Absent or not voting:

Senators Ellis, Lehfeldt, Phelps, Pusey—4.

The House amendment was concurred in.

Senator Gilbertson moved that the Senate do now adjourn.

Carried.

Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 66, on the amendment to section 2, chapter 10, by Senator Blanchard, pending.

The amendment was lost.

Senator Blanchard moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carroll, Cheshire, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Trewin, Upton, Waterman, Young—41.

The nays were:

None.

Absent or not voting:

Senators Carpenter, Craig, Ellis, Hurst, Junkin, Lohfeldt, Phelps, Riggen, Sargent—9.

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Blanchard moved to amend the title by adding the words "of Title XIV" to each chapter heading.

Adopted.

The title was agreed to.

On motion of Senator Garst, House file No. 18, a bill for an act to revise, amend and codify the statutes in relation to insurance, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

Senator Garst moved to amend chapter 4, section 16, line 7, by striking out the letter "s" at the end of the word "pledges."

Adopted.

Senator Carpenter moved to amend chapter 4, section 24, by striking out all after the word "shall," in line one, down to and including the word "made," in second line, and insert after the word "section" in third line the following: "for thirty days after demand has been made by registered letter or personal notice."

Adopted.

Senator Garst withdrew the committee amendment to subsection 2, of section 26, chapter 4, and offered the following: Amend section 26, subsection 2, by adding after the word "causes" in line 9, the words "none but stock companies shall engage in fidelity and surety business;" and strike out "and to," line 7, and insert "or."

Adopted.

Senator Garst moved to amend chapter 4, section 26, subsection 6, by striking out all of said subsection after the word "boilers" in the second line.

Adopted.

Senator Garst moved to strike out the numeral "1" in chapter 4, section 30, line 2, and insert the word "one."

Adopted.

Senator Garst moved to amend section 38, chapter 4, by adding at the end of said section the following: "but such companies organized to insure against personal injury, disablement or death, resulting from traveling or general accidents by land or water exclusively, having an actual paid up capital of one hundred thousand dollars and one hundred thousand dollars cash surplus safely invested exclusive of any assets deposited in other states and territories, for the special benefit or security of the insured therein, shall be deemed to be possessed of two hundred thousand dollars actual paid up capital within the meaning of this section."

Adopted.

Senator Harper moved to amend chapter 4, section 32, line 2, by striking out the word "such."

Adopted.

Senator Harper moved to amend chapter 4, section 40, by inserting the word "of" between the words "provisions" and "law" in line 6.

Adopted.

Senator Garst moved to amend chapter 4, section 46, line 1, by inserting before the word "preceding" the word "two," and add to the end of the word "section" in line 2, the letter "s."

Adopted.

Senator Garst asked that section 56 be passed over.

Senator Garst moved to amend chapter 4, section 58, line 2, by inserting after the word "of" the words "the conditions of." Line 8, same section, insert after the word "thereof" the words "not so attached or indorsed."

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Cheshire, Craig, Ellis, Garst, Harper, Hipwell, Hotchkiss, Hurst, Kilburn, Palmer, Pusey, Ranck, Rowen, Sargent—15.

The nays were:

Senators Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hospers, Junkin, Lothrop, Mitchell, Penrose, Perrin, Riggen, Trewin, Upton, Waterman, Young—33.

Absent or not voting:

Senators Lehfeldt and Phelps—2.

The amendment was lost.

Senator Healey moved to amend section 58, chapter 4, line 7, by striking out the words "condition of the" and insert in lieu thereof the word "such."

Senator Blanchard moved to extend the time of adjournment three minutes.

Carried.

INTRODUCTION OF BILLS.

By unanimous consent, by Senator Blanchard, Senate file No. 92, a bill for an act to authorize cities of the second class to fund their indebtedness.

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

REPORTS OF STANDING COMMITTEES.

Senator Blanchard, from the Committee on Educational Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred House file No. 59, a bill for an act to revise, amend and codify the statutes in relation to the School for the Deaf, 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 same be indefinitely postponed for the reason that Senate file No. 90, which was substituted therefor, has already passed both Houses and become a law.

L. C. BLANCHARD,
Chairman.

Ordered passed on file.

The time of adjournment having arrived, the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, April 2, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Arthur B. C. De Water, of Woodbine, Iowa.

HOUSE MESSAGES.

House file No. 10, a bill for an act to revise, amend and codify the statutes in relation to judicial department, was read and passed on file.

Senator Blanchard called up report on House file No. 59.

Report adopted and bill indefinitely postponed.

On request of Senator Cheshire, Senator Blanchard was granted leave of absence for an indefinite time on account of sickness in his family.

REPORTS OF STANDING COMMITTEES.

Senator Craig, from the Committee on Military, submitted the following report:

MR. PRESIDENT—Your Committee on Military, to whom was referred House substitute for Senate file No. 15 a bill for an act to revise, amend and codify the statutes relative 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 be amended as follows:

In section 9, strike out all of lines 11, 12, 13, and the first four words of line 14.

Strike out after the word "until," in the third line of section 10, "he shall resign or be dismissed by court martial," and insert in lieu thereof the words "his resignation shall have been accepted or he is dismissed by sentence of court martial."

Strike out all of section 11 after the word "until" in line 5, and insert the words "his resignation shall have been accepted or he is dismissed by sentence of court martial."

Strike out the last line in section 13 and insert in lieu thereof the words "his resignation shall have been accepted or he is dismissed by sentence of court martial."

Section 34, line 4, strike out the words "or drill or parade."

In last line of section 34 insert the word "civic," and after the word "wearing" in same line insert the words "uniforms and."

Strike out the first five words in first line on page 7 and insert the word "and."

In section 46, line 12, insert before the word "out" the words "to be paid."

In section 46, line 14, insert after the word "quarters" the words "to be paid."

Strike out the words and figures "January 1, 1898" in last line of section 49.

Amend by inserting after the title of the bill the words and figures following: "Chapter 1 of title 9. Of the militia."

And when so amended it do pass.

G. M. CRAIG,
Chairman.

Ordered passed on file.

Senator Carpenter, from the Committee on Code Revision, submitted the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments, 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 amendments be adopted:

Page 866, section 2, lines 5 and 6, strike out the words "but the court may empanel a jury for that purpose."

Page 866, section 5, line 4, strike out the words "or may empanel a jury to determine the question."

Page 869, section 31, amend by striking from section 31 the following: "No person shall be convicted under the provisions of this section unless the evidence of the prosecuting witness be corroborated by other evidence tending to connect the defendant with the commission of the crime."

Page 870, strike out sections 40 and 41, and re-number the sections to the end of the chapter.

Page 871, section 50, line 1, insert after the word "weapon" the following: "or shall wilfully draw and point a pistol, revolver, or gun at another."

Page 873, section 15, after the word "burglary" in the fifth line, insert the following: "and the possession of such tools or implements shall be presumptive evidence of his intent to commit burglary."

Page 873, amend by striking out section 18 and renumbering the remaining sections of the chapter.

Page 874, section 24, line 4, amend by adding at the end of the section the following: "or in the county jail not more than one year, or be fined not more than one thousand dollars."

Page 875, section 8, line 3, add at the end of the line the words "telephone or."

Page 876, strike out all of section 17 and renumber the sections to the end of the chapter.

Page 876, section 18, line 4, strike out the words "in the penitentiary not exceeding five years," and insert in lieu thereof the words "in the county jail not exceeding six months."

Page 876, after section 18 insert the following as an additional section:

"Sec. 19. If any person wilfully enters any building or enclosure where any public entertainment or exhibition is being held at which an admission fee is charged, and without paying such fee or without leave to so enter, he shall be fined not exceeding one hundred dollars or imprisoned in the county jail not more than thirty days."

Page 877, section 19, amend by adding after the word "imprisoned" the words "in the county jail not to exceed one year or be fined not to exceed three hundred dollars."

Page 877, section 20, amend by striking out the following: "In the penitentiary not more than five years or be fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding one year."

Page 879, section 1, line 8, amend by striking out the word "fifteen" and insert the word "five."

Page 880, section 10, line 12, strike out the word "fifteen" and insert the word "five."

Page 882, section 22, line 2, strike out the words "remove from the county."

Page 886, section 4, line 3, after the word "whatever" strike out the words "or in any manner threatens or intimidates."

Amend section 23, chapter 7, page 889, by striking out in the third line, after the word "custody," the words "with or without a warrant."

Page 894, section 1, amend by adding after the word "wife" in the fifth line the words "or if both are married, on the complaint of the husband or wife of either; and such complaint must be alleged in the indictment."

Page 895, section 5, line 6, strike out the words "if any man or woman marry within the fourth degree of consanguinity."

Page 897, section 20, line 6, amend by striking out the word "penitentiary" at the end of the line, and inserting in lieu thereof the words "county jail."

Also amend the same section by striking out of line 7 the words "one year" and inserting in lieu thereof the words "thirty days."

Also amend the same section, line 7, by striking out the word "thousand" and inserting in lieu thereof the word "hundred."

Page 898, section 27, amend by striking out all after the word "be," in line 3, and inserting in lieu thereof the words "deemed guilty of a misdemeanor."

Amend chapter 9, page 900, by striking out section 35 and renumbering the sections to correspond.

Amend chapter 11, section 6, page 906, by striking out the word "cigarette" in line 2.

Amend chapter 11, page 906, by striking out section 7 and inserting in lieu thereof the following sections:

"Sec. 7. Any person selling or giving away any cigarettes containing any injurious drug or other deleterious matter or substance foreign to tobacco except the pure paper wrapper, and pure gelatinous adhesive substance, required to enclose the same, shall be deemed guilty of a misde-

meanor, and shall, upon conviction thereof, be fined not less than fifty nor more than one hundred dollars for each offense, or be imprisoned in the county jail not exceeding thirty days, and any person who sells or gives away any cigarette or cigarettes of any kind whatsoever to a minor under the age of eighteen years, shall be deemed guilty of a misdemeanor."

"Sec. 8. In addition to the penalty in this act provided any person shall by himself or agent sell or give away any cigarette or cigarettes to a minor under the age of eighteen years shall forfeit and pay the sum of one hundred dollars for each sale so made, which sum may be recovered in a civil action prosecuted in the name of the parent or guardian of such person, or by his next friend, if he have no such parent or guardian, one-half of which sum so recovered shall go to the plaintiff, and the remainder to the treasury of the county wherein suit is brought for the use of the school fund."

"Sec. 9. Any minor under the age of eighteen years who shall smoke, use, or have in his possession any cigarette or cigarettes shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than five, nor more than twenty dollars, and may be committed to the county jail until such fine shall be paid, not exceeding, however, thirty days, but if such minor shall disclose to the magistrate before whom he may be arraigned or tried, at any time, before conviction, the name or identity of the person from whom he obtained such cigarette or cigarettes, such proceeding may thereupon be dismissed, but no evidence so taken shall be used against the minor in any prosecution for a violation of the provisions of this section."

"Sec. 10. It shall be unlawful for any dealer in cigarettes to sell any package of cigarettes containing any picture, photograph, button or other article than the cigarette with wrapper; or for any person, whomsoever, to sell or give to any minor under the age of eighteen years, any picture, photograph, button or other article designed to advertise cigarettes, or induce the purchase thereof. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor."

Also renumber the sections to the end of the chapter to correspond.

Amend chapter 11, pages 907 and 908 by striking out sections 12 to 20 inclusive, and renumbering the sections to the end of the chapter to correspond.

Page 911, section 43, amend by striking out after the word "order" in the second line the words "and a competent engineer to operate the same."

Page 912, chapter 12, amend by striking out section 6, and re-numbering the sections to correspond.

Page 915, section 10, line 11, amend by striking out the words "an unincorporated" and insert in lieu thereof the word "any."

Page 918, section 3, amend by striking out all after the word "states" in the second line down to and including the word "button."

Your committee further recommends that when so amended the bill do pass.

C. A. CARPENTER,
Chairman.

Ordered passed on file.

Senator Trewin, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House file No. 62, a bill for an act to revise, amend and codify the statutes in relation to the system of common schools, 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 a substitute therefor adopted by Joint Committees on Schools, and with the recommendation that the substitute do pass.

J. H. TREWIN,
Chairman.

Ordered passed on file.

Substitute read first and second time and 500 copies ordered printed.

Senator Perrin, from the Committee on Suppression of Intemperance, submitted the following report.

MR. PRESIDENT—Your Committee on Suppression of Intemperance to whom was referred House file No. 33, a bill for an act to revise, amend and codify the statutes in relation to intoxicating liquors, 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 same be amended.

Page 472, section 1, strike out all of section after the word "principal" in line 9.

Page 473, section 4, line 1, insert after the word "liquors," the words, "not including malt liquors."

Same section, line 4, insert after the word "pharmacists" a comma and the words "physicians holding certificates from the State board of medical examiners."

Page 476, section 12, insert the words "the length of time" after the the word "and," in line 4, and strike out the words "two years" after the word "force," in line 5.

Page 481, section 27, line 7, strike out the words "five hundred" and insert "two hundred" in lieu thereof.

Page 485, section 38, line 4, insert after the word "another" the words "contrary to the provisions of this chapter."

Page 486, section 42, line 5, after the word "giving" insert the words "contrary to the provisions of this chapter."

Page 487, section 43, line 13, strike out the words "good faith" and after the word "holders" strike out comma and insert the words "thereof in good faith."

Page 490, add to section 56 the following: "Whoever is assessed under the provisions of this chapter shall be liable at least for one quarterly installment of the tax herein provided for notwithstanding any such person may discontinue the business when so assessed, and notwithstanding the fact he may have been in the business for a less period than three months; and if he shall continue therein for a longer period than three months he shall be liable for an additional quarterly installment, subject to abatement on account of discontinuance of the business before the expiration of such second or subsequent quarter.

Page 494, section 69, line 10, after the word "thereafter" insert the words "upon filing a sufficient bond for the costs."

Add to the chapter as sections 75, 76, 77, 78, 79 and 80 the following:

Sec. 75. Whenever the council of any city containing a population of five thousand or more, shall, upon a written statement of consent of fifty per cent of the legal voters who voted at the preceding general election grant its consent to manufacture within the limits of such city, for sale, spirituous, malt and vinous liquors as hereinafter provided; or, whenever the board of supervisors of any county shall, upon a written statement of consent of sixty-five per cent of the legal voters who voted at the preceding general election residing in said county, and without the limits of any such city, grant consent to manufacture, within the limits of any city or town of less than five thousand population in such county, spirituous, malt or vinous liquors for sale as hereinafter provided, any person, partnership or corporation within such city, containing a population of five thousand or more, or any city or town containing a population of less than five thousand as the case may be, manufacturing or selling any spirituous, malt or vinous liquors at wholesale and to dealers only, or any carrier transporting the same shall be exempt from any and all penalties now provided by law for manufacturing, selling or transporting spirituous, malt or vinous liquors; but no spirituous or malt liquors shall be sold or shipped in quantities of less than four gallons or an eighth of a barrel, contained in a single case, vessel or package; and no such vinous liquors shall be sold or shipped in less quantities than two dozen pints or one dozen quarts in any one case or package.

Sec. 76. Manufacturing of liquors, mentioned in the preceding section, shall not be carried on in any city or town of less than five thousand inhabitants unless fifty per cent of the legal voters who voted at the preceding election have signed such statement of consent.

Sec. 77. Any city council or board of supervisors as the case may be, at any special or regular meeting, shall determine the legality and sufficiency as herein provided, of any such written statement of consent to manufacture such liquors, and from such determination such person, partnership or corporation, or county attorney, may appeal to the district court in which the matter shall be tried and disposed of as an equitable action.

Sec. 78. No establishment or building for manufacturing any of such liquors herein contemplated, shall be erected within three hundred feet of any schoolhouse or building commonly used for school purposes, or academy, or college, or of any church or usual place of worship of any religious organization, and all obligations incurred by reason of the manufacture, sale or transportation of any liquors named in this chapter shall be enforceable in the courts of this State.

Sec. 79. Any person, partnership, or corporation operating any brewery, distillery or place where wine is manufactured, permitting any drinking of such products or selling the same at retail upon the premises of any such manufacturing establishment, shall forfeit the exemption hereby contemplated to be granted.

Sec. 80. Such consent to manufacture shall be granted only in such cities or towns as shall have granted permit to sell spirituous, malt and vinous liquors under the provisions of this chapter.

And when so amended it do pass.

WM B. PERRIN,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS,

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 90, a bill for an act to revise, amend and codify the statutes in relation to the School for the Deaf.

G. S. GILBERTSON,
Chairman Senate Committee
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 19, a bill for an act to revise, amend and codify the statutes in relation to the Board of Railroad Commissioners.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 40, a bill for an act to revise, amend and codify the statutes in relation to the Soldiers' Home.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 28, a bill for an act to revise, amend and codify the statutes in relation to the settlement and support of the poor.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 65, a bill for an act to revise, amend and codify the statutes in relation to the State Historical Society.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 74, a bill for an act to revise, amend and codify the statutes in relation to mechanics' liens.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 93, a bill for an act to revise, amend and codify the statutes in relation to the Normal School, approved February 26, 1897.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

The Journal of Thursday was taken up, read, corrected and approved.

BILLS ON SECOND READING.

The Senate resumed consideration of House file No. 18.

Senator Healy called up the amendment to section 58, chapter 4, striking out the words "condition of the" and inserting the word "such" in lieu thereof.

Adopted.

Senator Healy moved to amend by striking out all of substitute for section 59, after the word "loss" and insert in lieu thereof the following: "Any condition in policy voiding same except conditions respecting other insurance, or the title and ownership of property, or as to incumbrances thereof, shall not prevent a recovery by insured, if he shows that the violation of said condition did not contribute to the loss."

Laid over.

Senator Garst moved to amend section 59, chapter 4, by striking out section 59 and inserting the following: "In an action brought on a policy of insurance for loss by fire to any building covered by such policy, the amount of insurance upon such building as stated in the policy shall be presumed to be the insurable value of such building at the date of the policy, but the insurer may show in diminution of the amount of recovery the actual value at the date of the policy and any depreciation in the value thereof before the loss occurred.

And in an action of such policy, it shall only be necessary for the insured to prove the loss of the building insured, and that the insured has given the insurer notice in writing of such loss accompanied by an affidavit stating the facts as to how the loss occurred so far as they are within his knowledge, and the extent of the loss."

Senator Ellison moved to amend the amendment as follows: Add to section 59 as proposed by the committee the following: "any condition in any policy of insurance voiding the same shall not prevent a recovery unless it is proved that the violation of such condition contributed to the loss."

Senator Healy offered the following substitute for the amendment to section 59: Substitute for committee amendment to section 59, of chapter 4: "In any action brought in any court in this State on any policy of insurance for the loss of any building so insured the amount stated in the policy shall be received as prima facie evidence of the insurable value of the property at the date of the policy; provided the insurance company or association issuing such policy may show the actual value of said property at date of policy and any depreciation in the value thereof before the loss occurred, but the said insurance company or association shall be liable for the actual value of the property insured at the date of the loss unless such value exceeds the amount stated in the policy. And in an action on such policy it shall only be necessary for the assured to prove the loss of the building insured and that he has given the company or association notice in writing of such loss, accompanied by an affidavit stating the facts as to how the loss occurred, so far as they are within his knowledge, and the extent of his loss. Any condition in said policy voiding the same shall not prevent a recovery unless it is shown that the violation of said condition contributed to the loss."

Laid over.

Senator Lothrop moved the suspension of the rule limiting the time of debate to ten minutes, during the discussion of section 59.

On this a division was called for and the motion was lost.

Senator Garst moved that the further consideration of this section be postponed until to-morrow.

On this a division was called for and the motion prevailed.

Senator Garst moved to amend chapter 4, section 60, line 1, by inserting after the word "loss" the words "and proof

thereof," and after the word "section" in same line the words "and the notice and proof of loss in case of insurance on personal property." In line 3, same section, strike out the word "has" and insert in lieu thereof the words "and proofs have." In line 4, same section, strike out the word "two" and insert in lieu thereof the word "one." In line 6, same section, strike out the first word "and" and insert the word "or" and strike out the word "two" in same line. Strike out in line 6, same section, the letter "s" at the end of the word "sections." Strike out all of section after the word "section" in line 6.

Senator Garst withdrew amendment to line 6 of section 60, except that part striking out all the section after the word "section."

Senator Trewin offered the following amendment for the committee amendments to line 1 of section 60: Strike out the first line to the word "shall" and insert the following: "The notice and proofs of loss required by the preceding section or other law, or by any policy or contract of insurance of any kind."

On this a roll call was demanded.

On the question, "Shall the substitute for the amendment be adopted?" the yeas were:

Senators Carney, Ellison, Gilbertson, Gorrell, Healy, Henderson, Hospers, Trewin, Upton—9.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Byers, Carpenter, Cheshire, Craig, Downey, Druet, Eaton, Ericson, Everall, Funk, Garst, Harper, Harriman, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Rigger, Rowen, Sargent, Young—32.

Absent or not voting:

Senators Blanchard, Carroll, Ellis, Hipwell, Hobart, Hotchkiss, Lehfeltdt, Phelps, Waterman—9.

The substitute for the amendment was lost.

Senator Funk, President *pro tem.*, presiding.

Senator Garst moved to amend the committee amendment to section 60 by inserting after the word "loss," in line 3, as printed in the Journal, the words "under oath."

Adopted.

The amendments as amended were adopted.

Senator Garst moved to amend chapter 4, section 66, line 5, by striking out the words "solicits insurance, procure" and

also the word "applications," in line 6. In section 66, line 8, strike out the word "all."

President Parrott presiding.

Senator Cheshire offered the following substitute for section 66, chapter 4, and the proposed amendment: "Any person who shall hereafter solicit insurance or procure applications therefor, shall be held to be the soliciting agent of the insurance company or association issuing a policy on such application, or on a renewal thereof, anything in the application or policy to the contrary notwithstanding."

The hour for adjournment having arrived the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

The Senate resumed consideration of House file No. 18, at time of adjournment, substitute for section 66 and amendments being under consideration.

Senator Healy moved that the rule limiting debate to 10 minutes be suspended during the discussion of the section.

On this a division was called for and the motion was lost.

Senator Funk, President *pro tem.*, presiding.

On the substitute for section 66 and amendments a roll call was demanded.

On the question, "Shall the substitute be adopted?" the yeas were:

Senators Bonson, Carney, Cheshire, Eaton, Ericson, Everall, Garst, Harper, Harriman, Hobart, Hotchkiss, Kilburn, Lothrop, Palmer, Pusey, Ranck, Riggen, Rowen, Waterman—19.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carpenter, Carroll, Craig, Downey, Druet, Ellison, Funk, Gilbertson, Gorrell, Healy, Henderson, Hospers, Hurst, Junkin, Mitchell, Perrin, Sargent, Trewin, Upton, Young—25.

Absent or not voting:

Senators Blanchard, Ellis, Hipwell, Lehfeldt, Penrose, Phelps—6.

The substitute was lost.

On the committee amendment by Senator Garst, a division of the question was called for and ordered.

On the question shall the words "solicit insurance, procure" be stricken out of line 5, and the word "application" in line 6, a division was called for and the amendment was lost.

The committee amendment to strike out the word "all" from line 8 of section 66, was withdrawn.

President Parrott presiding.

Senator Henderson moved that the vote by which amendments to section 66 failed to pass, be reconsidered.

Senator Junkin moved that the motion be laid on the table.

Carried.

Senator Garst moved to amend section 70, chapter —, as follows: Strike out section 70, and insert the following: "It shall be unlawful for two or more fire insurance companies doing business in this State, or for the officers, agents or employes of such companies, to make or enter into any combination or agreement relating to the rates to be charged for insurance, the amount of commissions to be allowed agents for procuring the same, or the manner of transacting the fire insurance business within this State, and any such company, officer, agent or employe violating this provision shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a penalty of not less than one hundred dollars nor more than five hundred dollars for each offense, to be recovered in the name of the State for the use of the permanent school fund."

Adopted.

Senator Garst moved to amend section 69, chapter 4, as follows: Add at end of section 69 the following: "But in no case shall any foreign insurance company be examined except by order of Executive Council."

Adopted.

Senator Garst moved to amend section 71, chapter 4, line 4, by striking out the word "so" and inserting the word "to" in lieu thereof.

Adopted.

Senator Healy offered the following as a substitute for section 74: "No defense shall be pleaded in any court of this State

against a suit on a policy or contract of fire insurance issued upon any property situated in this State by any company, association, partnership, individual or individuals that has not been authorized by the Auditor of State to transact business, unless it be shown that the said insurer within six months after the issuing of said policy, has paid into the State treasury two and one-half per cent of the gross premiums paid or agreed to be paid for such policy or contract of insurance.

Laid over.

Senator Garst offered the following amendment to the title: Amend by adding after the title the following: "Be it enacted be the General Assembly of the State of Iowa;" also, by inserting after "Chapter 4, Title IX" the following: "of insurance other than life;" strike out "Be it enacted by the General Assembly of the State of Iowa" where the words appear after "Chapter 4, Title IX."

Adopted.

REPORT OF SPECIAL COMMITTEE.

The committee appointed to investigate and report in regard to printing and annotating the new Code, submitted the following report:

MR. PRESIDENT—Your committee, to whom was referred the joint resolution to investigate and report in regard to printing and annotating the new Code, have had the matter under consideration and report as follows:

Your committee have obtained information and reached conclusions which can be expressed generally, so as to contain answers to the several questions propounded.

We conclude, for various reasons, that it is desirable to furnish an Annotated Code.

If a Code without annotations is published by the State it would be immediately superseded by an annotated Code published by private enterprise, and the unannotated Codes would be thrown aside and become valueless.

According to the practice hitherto obtaining in this State, it will require an edition of 7000 copies for gratuitous distribution to State, county and township officers, judges of federal courts and public institutions.

On the supposition that these could be furnished for \$2.00 a copy or \$14,000, that would be the extent of the immediate expenditure on the part of the State, but they would be of no utility except for that one purpose of supplying public officers with a book that would be unsatisfactory, and which would soon be thrown aside and the county supervisors and State officials importuned to supply such public officers with copies of an Annotated Code. This demand would hardly be resisted, and then would come the expense of Annotated Codes purchased by the State and county officers from private individuals at extravagant prices, the same experience that the State and the respective counties have had in the past

few years. This additional expense is difficult to estimate, but it might not be less than \$20,000 and might even exceed that sum, which added to the cost of the unannotated Code would make a cost to the State of \$34,000 without any return or revenue to the State.

The publication of an annotated Code by the State in the first instance, will enable the State to supply the market for codes to the legal profession and business men of the State, and elsewhere.

It is estimated by your committee that it would take 15,000 copies for free distribution and the *immediate* supply to purchasers. The immediate demand by purchasers would not probably exceed seven or eight thousand; but on the supposition that there will not be another revision within twenty-five years, another edition of 7,000 would in the near future be required; there would be some loss and destruction of the books, and additional lawyers would be constantly swelling the ranks of the profession as well as other business men, who would purchase the Codes. Your committee estimate that the Codes purchased from the State would ultimately yield a revenue of about \$80,000 of which \$50,000 will be profit.

Instead then of the States' sacrificing \$34,000 for these books, it would be the recipient of revenue therefrom making a difference of nearly \$44,000 to the advantage of the State by its publishing an annotated Code, and being the absolute proprietor of the same.

Your committee has been interviewed by private parties, publishers and editors, with reference to furnishing this Code to the State with or without annotations, and their propositions constitute the data upon which we arrive at the foregoing difference in results to the State depending upon its publishing an annotated Code or omitting so to do, and either publishing an unannotated Code, as a State enterprise, or buying of private publisher.

The foregoing estimates are made upon the hypothesis that the State can control the market and supply the Code to the purchasers at \$5.00 a volume. We believe the State can accomplish such results.

In accordance with the suggestions in the matters referred to us for investigation, we have obtained the opinion of the Attorney-General.

From this opinion and our independent examination of the cases decided by our supreme court, we are of the opinion that the State can copyright the Code as a book, or complete work, including annotations, indexing, arrangement, numbering in sections, references and notes, and catch-words, while at the same time the State might not be able to interdict the publication of the laws in some other form by private enterprise.

This, however, is a mooted question as will be seen in the citation of cases in the exhaustive opinion of the Attorney-General, which is submitted herewith.

The right of publication of the acts of parliament was held by the English courts to belong to the King. The colonists bringing the English law with them exercised the privilege of copyright in the same manner.

It has been suggested that the exercise of this right was among the powers granted to the general government by the colonies, and that the law of congress is the only law in force in the United States in respect to copyright. But we believe there is no decision of our courts of last resort denying the right to the State when the State has by statute authorized the *copyrighting of its laws or decisions of its courts of last resort.*

It has been contended that it is against public policy to in any manner restrict the publication of the laws but the premise does not exist and this contention is without force when the State provides for their general distribution.

As the State, or inhabitants thereof in their aggregate capacity, are subject to all the expense of making the laws, they may rightfully enjoy the advantage of such revenue as can be derived from their sale beyond what is necessary for free distribution.

To save further remarks upon this subject, we refer to the opinion of the Attorney-General.

Your committee further report that the inherent power which the State has is such that without a copyright by the enactment of a law, making the publication of the Code the official edition, no private publisher would find it to his advantage to enter into competition with the State.

It is necessarily the custodian of its work until published to the world by its own authority. If it is then published by the State with careful and reliable annotations it can regulate their market price so as to make the publication thereof by foreign houses or private persons, for private gain, undesirable.

The State can prevent any publication previous to its own, and because of the importance to the people of having accurate information of the laws that govern them can prohibit their unauthorized publication. It can enact that no other publication of the laws shall be used in the administration of public affairs either in the courts or elsewhere, and that no other shall be cited in the reports of decisions.

Your committee have no doubt of the ability of the State to supply the public with Annotated Codes superior to any former publication of like character and thereby control the market.

To accomplish this undertaking so as to have the Annotated Codes published and ready for distribution by the 1st of October, A. D. 1897, your committee believe it will be necessary to employ an editor and three competent members of the bar to annotate, dividing the different portions between them, so that each will be engaged on different titles and chapters.

To prevent any laches or failure or unsatisfactory work either in the mechanical execution or composition, we believe it is necessary for a supervising committee of two from the Senate and three from the House, to be appointed, who shall act without compensation, to make the contracts for the work herein contemplated, and see that they are promptly and properly performed by the first day of October, next, and to have general supervision of the work.

Your committee have received propositions to do the work of printing and binding this Code from the State printer and binder and other persons, and it is upon the basis of the lowest proposition that we have arrived at the conclusion of realizing such considerable revenue to the State.

From the price for the work of printing and binding as stated in the bill and careful estimates made of the expense of editing and annotating the Code, including all incidental expenses, we are satisfied that the entire cost of fifteen thousand copies of the Code published as provided for in the bill submitted, will not exceed \$2.25 per volume, and that future editions can be published at about \$1.25 per volume.

Unless regard be had to the lowest prices at which good work can be procured, the revenue and saving to the State would be greatly diminished.

We therefore recommend that the duty of employing persons to perform all these contracts should devolve upon the supervising committee, the legislature by statute limiting the aggregate of expenditure for the entire work, and making appropriations therefor.

Our further recommendation will be found in the bill for an act herewith submitted as a part of our report, which we offer as a substitute for Senate file No. 1, offered by Senator Trewin.

We are further of the opinion that a final adjournment of the special session can take place at the conclusion of the work of passing the bills on which we are now engaged, and that it will be unnecessary to reconvene for the purpose of fixing a time when the Code of 1897 shall go into effect, and all prior laws stand repealed; and in support of this conclusion we submit herewith the opinion of the Attorney General.

L. A. ELLIS,
J. H. TREWIN,
On part of the Senate.
H. K. EVANS,
C. C. DOWELL,
WALTER I. HAYES,
On part of the House.

Ordered passed on file.

The substitute was read first and second time by its title.

OPINION OF ATTORNEY GENERAL.

DES MOINES, Iowa, March 5, 1897.

Hon. H. K. Evans, Secretary Joint Committee, Des Moines, Iowa.

DEAR SIR—In compliance with the request of the Joint Committee of the Senate and the House of Representatives, of which you are Secretary, I submit to you herewith my opinion upon the following questions propounded:

“Has the State a right to copyright the proposed Code, with annotations of the same, and how far will such copyright protect from private competition in its sale; also as to the right of the State to pass a copyright law.”

It has been held a copyright cannot be sustained as a right existing at common law, but as it exists in the United States, it depends wholly upon the legislation of congress.

Wheaton v. Peter, 8 Peter, 591;

Banks v. Manchester, 128, U. S., 244.

There are a number of decisions of the federal courts holding that to secure a copyright one must bring himself strictly within the provisions of the act of congress, which is found in section 4952 of the revised statutes of the United States. Some of the decisions are justly subject to the criticism that too narrow and illiberal a view is taken in holding that to secure the benefit of a copyright, one must comply literally and technically with every provision of the statute.

A doubt has been suggested in *Banks v. Manchester*, 128 U. S., 244, as to whether the State can be the holder of a copyright, by the use of the following language: “The State cannot properly be called a citizen of the

United States or a resident therein, nor could it ever be in a condition to fall within the description in section 4952 or 4954. The copyright claimed to have been taken out by Mr. DeWit in the present case being a copyright 'for the State,' is to be regarded as if it had been a copyright taken out in the name of the State. Whether the State can take out a copyright for itself, or could enjoy the benefit of one taken out by an individual for it as the assignee of a citizen of the United States or a resident therein, who should be the author of a book, is a question not involved in the present case and we refrain from considering it."

The question raised, but not decided, in this manner has not been since passed upon by the supreme court. Technically speaking, the State is not a citizen of the United States. Neither is a county, nor any municipal or political corporation. A corporation organized under the laws of a state, technically speaking, is not a citizen of the State or the United States, yet all of these have been treated and considered as citizens of the State for the purpose of bringing an action against them, or maintaining an action in the federal courts.

The State, in its sovereign capacity, may own property, real, personal or incorporeal; it can be the assignee of a right; it may maintain an action in the courts of the State or the federal courts as a person, and before the law stands as an individual. I can conceive of no good argument why the State may not become the assignee of a copyright, and may not own the same, or why it may not be the proprietor of any book which has been copyrighted, nor why, for the purpose of obtaining a copyright, it should not be considered a citizen of the United States as readily as a corporation created by the authority of the State. The suggestion that it may not obtain a copyright because it lacks the element of citizenship, with all due deference to the high authority which raises the query, does not commend itself to my judgment, and I cannot rid myself of the feeling that such a construction of the statute would be too technical and too narrow to ever become the settled law of the land.

If it should be held that the State cannot, because of the lack of citizenship, obtain a copyright in the first instance, I have too much respect for the learning, ability and exalted character of the supreme court of the United States to imagine for one moment that it would hold that the State could not become the assignee of a copyright duly obtained by a citizen of the United States.

An annotated Code embraces the statutes enacted by the Legislature, also references to the decisions of the supreme court construing or affecting different sections, a table of cases, indexes, and notes prepared by the editor. A serious question has been raised whether the acts of the Legislature can be copyrighted. Drone on Law of Copyright, 164, says "Statutes are within the same principle that govern judicial decisions. They are the property of the government, which employs and pays those who make them. The government, if it chooses, may have them copyrighted, and only the government, or some person deriving title from it, has this right."

The court decisions to sustain the text are wholly English. I have found no American case holding in direct language that statutes may be copyrighted. Judge Brewer, in *Banks v. West Publishing Co.*, 27 Fed.

Rep., 50, concedes that the concensus of the English authorities are all in favor of the doctrine that the government may copyright its laws, but expresses his own view that it should not be done. The theory upon which it is contended that the statutes of a State and the decisions of the supreme court cannot be copyrighted is stated by Justice Blatchford in *Banks v. Manchester*, 128 U. S., 244-253: "Judges, as is well understood, receive their pay from the treasury,—a stated, annual salary fixed by the law, and cannot themselves have any pecuniary interest or proprietorship as against the public at large in the fruits of their judicial labor. This extends to whatever labor they perform in their capacity as judges, as well as to the statement of cases and head notes prepared by them as much as to the opinions and decisions themselves. The question is one of public policy, and there has always been a judicial concensus from the time of the decision in *Wheaton v. Peter*, 8 Peter, 591, that no copyright could, under the statute passed by congress, be secured on the products of the labor done by the judicial officers in the discharge of their judicial duties. The whole work done by the judges constitutes an authentic exposition and interpretation of the law, which, binding every citizen, is free for publication to all, whether it be a declaration of unwritten law, or the interpretation of a constitution or a statute."

This is in accord with the opinion of Justice Sage in the same case reported in 23 Fed. Rep., 143, in which he says: "It is in accordance with sound public policy in a commonwealth where every citizen is presumed to know the law, to regard the authentic expositions of the law by the regularly constituted judicial tribunals, as public property to be published freely by any one who may choose to publish them."

It is said in *Davidson, et al, v. Wheelock, et al*, 27 Fed. Rep., 61: "They (the complainants) obtained no exclusive right to print and publish and sell the laws of the State of Minnesota, or any part of the Legislative acts. The materials for such publication are open to the world. They are public records subject to inspection by everyone under such rules and restrictions as will secure their preservation. They may be digested or compiled by anyone, and it is true such compilation may be so original as to entitle the author to a copyright on account of the skill and judgment displayed in the compilation and analysis, but such compiler can obtain no copyright for the publication of the laws only; neither could the Legislature confer any such exclusive privilege upon him."

The learned Judge cites no authority for the last clause above quoted, and I find none that will sustain it, save and except that quoted above from *Banks v. Manchester*.

I have observed that the cases which seem to hold that the decisions of the supreme court cannot be copyrighted, are based upon the fact that the acts of the Legislature do not expressly authorize the statutes of the State to be copyrighted, or by statute indicate that the laws should not be free to any publisher.

The case of *Wheaton v. Peters* related to the reports of the supreme court of the United States. The right of the reporter to a copyright on his work was recognized, but it was held that the legislation of congress did not authorize the reporter to copyright the opinions filed by the court, and it was said that the members of the court, being in the employ of the

government, had no proprietary interest in their decisions, and could not authorize the reporter to copyright the same. All of the decisions which have used language from which it is implied that the decisions of the court or statutes could not be copyrighted, are based upon the fact that there was no statute authorizing the same to be copyrighted.

Judge Blatchford, in *Callaghan v. Myers*, 128 U. S., 617, says:

"But although there can be no copyright of the opinions of the judges or the work done by them in their official capacity as judges, yet there is no ground of public policy in which a reporter who prepares a volume of law reports of the character of those in this case, can, in the absence of a prohibitory statute, be debarred from obtaining a copyright for the volume which will cover the matter which is the result of his intellectual labor, * * * even though the reporter may be a sworn public officer, appointed by the authority of the court of which he is made the reporter, and even though he may be paid a fixed salary for his labors; yet in the absence of any inhibition forbidding him to take a copyright for that which is the lawful subject of copyright in him, or reserving a copyright to the government as the assignee of his work, he is not debarred of the privilege of taking out a copyright which would otherwise exist."

The sole reason, then, for making a distinction between copyrighting the fruits of the labor of a judge paid by the State, and of a reporter paid by the State, is an undefined public policy. Under the English authorities, the State has a proprietary interest in the fruits of the labors of its officers. I doubt very much whether this doctrine of public policy will stand the test of reason, and strange it is that it should be announced and asserted by the courts of the United States with reference to the publication of the decisions or laws of a State. Were not this doctrine announced by such high authority, I would have believed that the Legislature of a State, were the sole judge of what should be the policy of the State, or what should be for the best interest of its citizens.

Surely the right to determine the policy of the State in promulgating and publishing its own laws was not granted by the Federal constitution to congress, or to the courts created by the acts of congress, and were it not for the high character of the court, I would have said such rights were reserved to the State. I still think the better doctrine is that the State may determine for itself how and by whom its laws shall be published, whether statutory laws or the decisions of the courts.

In this connection, the language of the court in *Gould v. Banks*, 53 Conn., 415, is pertinent. "It is for the State to say when and in what manner it shall publish these reports, and the taking of a copyright in no sense offends the rule that judicial proceedings shall be public. The courts and their records are open to all."

Judge Story, in *Folsom v. Marsh*, 2 Story Reports, 100, 113, says, with reference to the letters of Washington: "But assuming the right of the government to publish such official letters and papers under its own sanction for public purposes, I am not prepared to admit that any private persons have the right to publish the same letters and papers without the sanction of the government for their own private profit and advantage. * * * Congress have indeed authorized the purchase of these manuscripts from the owner and possessor thereof and paid the liberal price of

\$25,000 therefor, and they have thus become national property. But it is an entirely inadmissible conclusion that therefore every private person has a right to use them and publish them."

This was a recognition of a right of the government, so fully recognized by the English authorities, to control the publication of any matter in which it has a proprietary interest, and this I believe to be the true principle.

Upon the question whether there may be a copyright of the annotations, indexes, notes, arrangement, etc., of the editor, I do not think there can be any difference of opinion. While there is doubt in regard to the right to copyright the statutes only, there can be none that that part of the Annotated Code which is the product of the labor, skill and research of the editor may be copyrighted. The copyrighting of the reports by the reporter has secured to him or his assignee the exclusive right to publish the reports in that form, and to whatever has been added by his research and labor to the opinions of the court. This doctrine is so well recognized that I do not think it necessary to cite the authorities.

I am of the opinion, therefore, that the Annotated Code, arranged and prepared by an editor in the employ of the State, can be copyrighted by him for the State, and such copyright would prohibit its reproduction by private parties in that form. The fruits of the labor, skill and learning of the editor would be certainly protected thereby. I doubt very much, because of the utterance of the supreme court, in *Banks v. Manchester*, whether the laws themselves can be copyrighted. The State must bring itself into a condition to be able to comply with the provision of the copyright law of Congress. This I have doubts as to its ability to do, because of the views of the supreme court as foreshadowed in *Banks v. Manchester*.

The question, however, has never to my knowledge been fairly presented to the supreme court of the United States. In *Banks v. Manchester*, the circuit court found that the laws of Ohio did not authorize the reporter to copyright the opinions of the judges. This was a sufficient ground upon which to base the final decision of the case. If the court intended to commend the policy of the State of Ohio in leaving the opinions of the court free for publication to any one, as sound policy, and to limit the language used to the facts of that case, then no insuperable barrier to copyrighting the laws and opinions of the court is presented, if the legislature, by statute, directs it to be done. In *Wheaton v. Peters*, 8 Peters, 591, it was said: "No reporter has or can have any copyright in the written opinions delivered by this court; and that the judges thereof cannot confer on any reporter any such right." Why? Because the fruits of the labor of the judges belong to the government, and no act of congress authorizes the judges to give to the reporter the property of the government.

This is very different from holding that the government, State or national, has no power to protect its proprietary interest in the laws or opinions of its judges against piracy.

I think on principle and authority a State has this power, and also that the copyright law of congress should be broad enough (if it is not now), to enable the State to obtain a national copyright of its laws, judicial opinions and documents; but I frankly say the trend of the United States courts

decisions seems to be against the right of the State to do so under existing laws.

But if the statutes themselves may be published by other parties with annotations thereof which are made by the independent labor of such other person, the publication for the State, however, would have the advantage, because it would be received as evidence of the law in all courts, and most likely be put upon the market at a lower price than one published by private parties for the profit of such publication.

In regard to your last question, has the State a right to pass a copyright law, I will say that prior to the adoption of the federal constitution, the states had such a right. Massachusetts and Connecticut enacted such laws. The inability, however, of the several states to secure to authors and inventors a natural right to the fruits of the mental labors was recognized, and a clause was inserted in the constitution giving power to congress "to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." This clause was not in the first draft of the constitution. Curtis, in his *History of the Constitution*, vol. 2, page 339, says the power to legislate on these subjects was surrendered by the states to the general government. Judge Story, however, (*Story on constitution*, sec. 1154), does not clearly express himself whether this power is exclusive or concurrent with that of the states. In *Livingston v. Van Ingham*, 9 Johnson, 507, the supreme court of New York inclined to the view that the power given to congress relates solely to authors and inventors, and not to those who introduce new inventions. The reasoning was based upon the idea that congress did not have exclusive powers, but the power of congress was concurrent with that of the states.

I do not think so, however. By the rules of interpretation of the powers of congress laid down in *1 Story on Constitution*, chap. 5 (See sec. 447 especially), which are abundantly sustained by the decisions of the Supreme court, I am of the opinion that the grant of the power to copyright and patent, confers upon congress the exclusive right to enact laws upon this subject. From the nature of the case, such laws must be national in their effect, and in my opinion, the State has no right to pass a copyright law. To refer to the authorities and the reasoning which leads me to this conclusion, would unduly extend this opinion, already too long.

The State, however, has a proprietary interest in its laws, and it may prescribe rules and regulations for the publication thereof. I am not prepared to say that it may not prohibit the sale, within the State, of any publication of laws unless the same bears the stamp and authentication of the properly constituted officer of the State. It could prohibit counties or townships buying any other than the publication of the State. It could refuse to make other publications receivable in courts as evidence of what the law is.

The inherent power which the State has is such that without a copyright law of its own, by the enactment of suitable laws with that end in view, no private publisher would find it to his advantage to enter into competition with the State.

Yours respectfully,

MILTON REMLEY,
Attorney General

DES MOINES, Iowa, March 31, 1897.

Hon. H. K. Evans, Secretary Joint Committee:

DEAR SIR—I received in due time your favor of the 26th inst., in which you, in behalf of your committee, ask my opinion upon the following question:

“Can the extra session of the Twenty-sixth General Assembly, by legislative act, fix the time of the taking effect of the laws enacted thereat, or must the laws go into effect ninety days after the final adjournment of the session?”

This involves the interpretation of section 26, article 3, of the constitution of this State, which is as follows:

“No law of the General Assembly, passed at a regular session, of a public nature, shall take effect until the fourth day of July next after the passage thereof. Laws passed at a special session shall take effect ninety days after the adjournment of the general assembly by which they were passed. If the general assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the state.”

A careful examination has failed to disclose any case wherein the exact question was determined. It is stated generally by the writers on constitutional law, that the power to enact laws includes the power, subject to constitutional restrictions, to provide when, in the future, and upon what conditions or event, they shall take effect. (Sutherland on statutory construction, section 107. Cooley on constitutional limitations, 188.) But no case stated as authority for the text is decisive of the question under consideration. We are, therefore, left almost entirely to the language of the constitution, and recognized rules of construing the same.

It has been repeatedly held that the constitution of a state is a limitation upon the power of the General Assembly, and not a grant; that the General Assembly, as representatives of the people of the State, has full and complete power to enact any law which its judgment dictates unless prohibited by the constitution of the State or the constitution of the United States. Unless, then, the language of the section above quoted, by a fair interpretation or necessary implication, prohibits the legislature from providing that the laws passed at this extra session shall take effect more than ninety days after the adjournment, it has such powers.

The rules for construing statutes are applicable to considering a constitution. The supreme court of Pennsylvania said it is not to be presumed that those who draft the laws have a perfect knowledge of the use of language or grammar. This is well recognized, and courts have considered “will” to mean “shall,” “shall” to mean “will,” “may” as “shall,” etc. The true object is to get at the real intention of the legislature, or those adopting the constitution.

A casual perusal of the second sentence of section 26 under consideration might lead to the idea that it was intended to make it obligatory that all laws passed at a special session shall take effect ninety days after the adjournment of the General Assembly, and at no other time, but I do not think a careful analysis of the language necessarily leads to that conclusion. There is no direct prohibition or limitation on the power of the General Assembly contained in the second sentence.

I will not enter into a discussion of the distinction between "shall" and "will," which has been taken up by philologists and grammarians, further than to say the grammars used about the time of the adoption of the constitution generally stated that shall or will was the sign of the future indicative. The use of the words "shall take" as they occur in the second sentence, does not necessarily mean more than the future form of the verb "take." In connection with what precedes and follows, it does not appear to be imperative. The supreme court of Illinois in *Wheeler v. Chicago*, 24 Ill., 105, says: "The word 'shall' may be held to be merely directory when no advantage is lost, when no right is destroyed, when no benefit is sacrificed, either to the public or to any individual, by giving it that construction; but if any right to any one depends upon giving the word an imperative construction, the presumption is that the word is used with reference to such right or benefit. But where no right or benefit to anyone depends upon the imperative use of the word, it may be held to be directory merely." No right is imperiled, no principle is involved which requires the giving of an imperative meaning to the words.

The last sentence of the section is: "If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the State." This does not explicitly say that by publication, the laws of a special session shall take effect before the expiration of ninety days after the adjournment, yet the evident intent is that it is left to the judgment of the Legislature to determine whether or not they shall take effect immediately upon publication. Such has been the construction placed upon it by the previous extra sessions.

If the second sentence of the said section is to be considered as inflexibly imperative, then there is nothing in the last sentence to construe the language strictly which abrogates that rule. Laws may take effect by publication ninety days after the adjournment, and thus comply with the terms of both sentences.

Applying certain rules of construction to the first sentence, a strong argument could be made to show that the naming of the 4th day of July as the time at which laws of a public nature shall take effect, would exclude any other day than the 4th of July. In fact, the Nebraska supreme court in an opinion paraphrases the following language of the Nebraska Constitution; "No act shall take effect until three callendar months after the adjournment of the session at which it is passed," into "All acts shall take effect upon the expiration of three callendar months after the adjournment of the Legislature." No doubt, however, has seemed to have arisen in the mind of any General Assembly as to its right and power to provide that laws passed at a regular session shall take effect any time in the future that it may designate.

There is suggested to my mind no reason, in the nature of things, why a special session should be limited in its power. No good reason can be given for a construction which would thus limit the power of a special session. The discussion in the constitutional convention upon the proposition to limit the power of an extra session to legislate on the subjects which are named in the Governor's proclamation, shows that it was the intention of the convention that an extra session should have the same powers in all respects to legislate that were given to the regular session.

The supreme court of this State in the recent case of *White v. Green*, 70 N. W. R., 182, says: "It is well settled that in construing statutes, courts should not only consider the mischief of the old law and the remedy intended to meet it, but all parts of a statute relating to cognate matters should be considered as well, and that construction adopted which will give effect to and harmonize the provisions." The rule thus stated has received the sanction of courts everywhere. Let us, then, examine into the mischief to be remedied by the adoption of section 26.

Under the common law, the acts of parliament took effect on the first day of the session at which they were enacted.

The accepted doctrine, however, in America, was that statutes took effect from and after their enactment by the Legislature, some courts holding that they took effect on the same day at the same instant they were signed and approved by the Governor; other courts excluded that day.

The constitution of this State of 1846 provided that "no law of the General Assembly of a public nature shall take effect until the same shall be published and circulated in the several counties of the State by authority. If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers of the State." This left the matter of the taking effect of the law too uncertain. Those subject to the law could not tell when the law would take effect. The discussion of this section in the constitutional convention of 1857 (see I Vol. Con. Debates, pp. 530 and 551), shows that the sole thought of the convention was to provide a general rule by which time was given for the publication of the law, and its circulation among the people. It was proposed to make the laws take effect ninety days after the adjournment of the General Assembly. Mr. James F. Wilson said: "I think judging from the past history of the State, that that time would not be sufficient. The General Assembly usually adjourns about the first of February, and yet we scarcely ever receive the laws in our county before May or June. It seems to me that ninety days would not be sufficient time, and we ought at least to say four months after the adjournment of the Legislature." With that in mind, the committee of the whole inserted the 4th of July, and on the final action, an amendment was made on the floor without discussion, inserting the second sentence of section 26, making the language as it appears in said section.

I think no one familiar with the history of the wrongs done by having retro-active laws enacted, or laws take effect before those subject to the law could possibly have knowledge thereof, and then read the constitutional debate, can doubt for a moment that the sole object of the convention was to fix a time for the taking effect of laws not deemed of immediate importance, so as to give the people of the State a knowledge of the law before it affected their interests. There is no suggestion anywhere that it was intended to limit the power of the Legislature to provide that a law should take effect at any time in the future beyond the date or period named.

There is in the constitution no suggestion that there shall be a difference between the power of a regular session and a special or extra session. As suggested above, the convention expressly refused to make a difference between the two in the matter of legislation. If this section is so construed as to make a distinction in the powers of a regular session and a special

session, it is the only instance, and is out of harmony with the entire constitution.

In determining a constitutional question, it is right to consider the construction placed upon it by the different departments of the government and the previous legislatures. I have no doubt that the Legislature which enacted the Code of 1873 would come under the term "special session." "A board or court, legislative body or tribunal may be said to hold a special session when it meets at an unusual time or between its appointed or ordinary times of convening." (Abbott's Law Dictionary, page 492.) A session is defined to be "a sitting; sometimes used for the time during which a body of persons or a tribunal is organized competent for the transaction of business. In another connection, the time during which it is convened and actually engaged in business.

It has been held that when a legislative body disperses, the members going to their ordinary private business, that the session is closed. An adjourned session is not a regular session. It is a special session. An extra session convened by the Governor is likewise a special session. The special session of 1873 adjourned February 20th. It provided that the Code adopted should take effect on the 1st day of September, 1873,—more than six months after the adjournment of the general assembly. The validity of the Code was never questioned on that account, and could not have been successfully assailed. It is no uncommon thing for a special session to enact laws which become operative more than ninety days after the adjournment. Some such have been pending before this session of this general Assembly. I have never heard of such laws being assailed on that account, and do not think they can be, as the evident purpose of the constitution is that laws not deemed of immediate importance shall not take effect until time has been given (at least ninety days,) for their publication and circulation.

If any differ from the conclusion expressed that an adjourned session is a special session, I would suggest that the present session [then, by the same reasoning, would not be embraced within the term "special session;" so, upon that theory, this extra session would not be affected or controlled by the constitutional provision made with reference to a special session.

Another consideration; a distinction is sometimes made by the courts between a law going into effect, and becoming operative. Laws which are duly enacted become the law of the land, but do not necessarily become operative upon the subjects until the happening of a future event. Our statute books are full of such laws. The case of *Hopkins v. Scott*, 38 Neb., 661, in discussing a similar constitutional question, says: "The act as an act did go into effect under the constitutional provision referred to. It became the law of the State from that time, but the class of persons to whom it applied only came into existence upon the expiration of the then current terms of office. Until three months after the adjournment of the legislature, the act could not have taken effect, even though terms of treasurers might have expired during the interval. After the constitutional period for the act to take effect had expired, it became the law, and as fast as the terms of treasurers expired, became operative. It was the law from that time, although it may have been without practical effect for want of subject matter to act upon."

So an act passed by this Legislature repealing all statutes of a general nature embraced within the new Code when the new Code shall take effect, and fixing the time by the happening of some event or the lapse of a stated time when the new Code shall become operative, becomes a completed statute when duly enacted and approved at the expiration of ninety days after the adjournment. It becomes the law and lacks nothing to put it in force upon the arrival of the time that it is to become operative. The provisions of the law must not necessarily be carried out the moment the law goes into effect or becomes the law, but the provisions of the law become operative at the time and in the manner that the law provides.

There is no doubt in my mind that the extra session of the Twenty-sixth General Assembly can, by legislative act, determine the time in which the Code now before the General Assembly shall become operative, and that such date may be fixed more than ninety days after the adjournment of the General Assembly. Yours respectfully,

MILTON REMLEY,
Attorney General.

Senator Ellis moved that 300 copies of the substitute be ordered printed, also 200 copies of the report.

Carried.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 76, a bill for an act to revise, amend and codify the statutes in relation to attachments, garnishment, executions and supplementary proceedings.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 76, a bill for an act to revise, amend and codify the statutes in relation to attachments, garnishment, executions and supplementary proceedings.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

The time of adjournment having arrived, the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, April 3, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by the Rev. Daniel McPherson, of Des Moines.

Senator Bell offered the following resolution:

Resolved, That the committee appointed on the progress of the Code work shall report the work of the different committees up to date and how many clerks are still employed, and whether the number of committee clerks can be reduced and not retard the work of the session.

Laid over.

On request of Senator Ranck leave of absence was granted Senator Everall until Tuesday.

On request of Senator Perrin leave of absence was granted Senator Riggen until Monday.

On request of Senator Hurst leave of absence was granted Senator Hipwell until Monday.

On request of Senator Sargent leave of absence was granted Senator Harriman until Monday.

REPORT OF COMMITTEE.

Senator Junkin, from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred House file No. 29, a bill for an act to revise, amend and codify the statutes in relation to the care of the insane, 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 insist upon its amendments to sections 4 and 5; that the Senate refuse to concur in House amendment to Senate amendment to section 6.

J. M. JUNKIN,
Chairman.

Senator Junkin moved that the report be taken up and considered now.

Carried.

Senator Junkin moved that the report of the committee on House file No. 29 be adopted.

Carried.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled, Senate file No. 72, a bill for an act to revise, amend, and codify the statutes in relation to estates of decedents.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 29, a bill for an act to revise, amend, and codify the statutes in relation to mines and mining.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 90, a bill for an act to revise, amend and codify the statutes in relation to the School for the Deaf.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval Senate file No. 19, a bill for an act to revise, amend, and codify the statutes in relation to the Board of Railroad Commissioners.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval Senate file No. 40, a bill for an act to revise, amend, and codify the statutes in relation to the Soldiers' Home.

G. S. GILBERTSON,
Chairman.

Passed on file

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 76, a bill for an act to revise, amend, and codify the statutes in relation to attachments, garnishment, executions and supplementary proceedings.

G. S. GILBERTSON,
Chairman

Passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 72, a bill for an act to revise, amend, and codify the statutes in relation to estates of decedents.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled, Senate file No. 29, a bill for an act to revise, amend and codify the statutes in relation to mines and mining.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

REPORT OF STANDING COMMITTEE.

Senator Cheshire, from the Committee on Cities and Towns, submitted the following report:

MR. PRESIDENT—Your Committee on Cities and Towns, on the request of the Joint Committee on Cities and Towns, report for passage a bill for an act to apply to cities of the first class the provisions of chapter 78, laws of the Twenty-first General Assembly, as amended by chapter 17, laws of the Twenty-second General Assembly, chapter 15, laws of the Twenty-fourth General Assembly, chapter 3, laws of the Twenty-fifth General Assembly, and chapter 3, laws of the Twenty-sixth General Assembly, regular session, relating to indebtedness of cities and towns.

THOS. A. CHESHIRE,
Chairman.

Ordered passed on file.

REPORT OF CONFERENCE COMMITTEE.

Senator Gorrell, from the Committee on Conference, submitted the following report:

MR. PRESIDENT—Your Committee on Conference, to whom was referred Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry, beg leave to report that they have had the same under consideration and unanimously recommend that the Senate concur in House amendments to section 1, lines 6 and 17, with the following amendment thereto: Insert in line 16, section 1, between the words "dollars" and "for" the words "together with actual traveling and other necessary expenses."

J. R. GORRELL,
J. A. RIGGEN,
C. S. RANCK,
S. DRUET,

Committee for the Senate.

E. L. PRENTIS,
M. J. DAVIS,
D. H. BOWEN,
J. J. LOWRY,

Committee for the House.

Senator Gorrell moved that the report of the committee on Senate file No. 36 be adopted.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Bell, Bonson, Byers, Carroll, Cheshire, Craig, Downey, Druet, Ellison, Ericson, Garst, Gilbertson, Gorrell, Harper, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Ranck, Rowen, Sargent, Trewin, Upton—31.

The nays were:

None.

Absent or not voting:

Senators Allyn, Berry, Blanchard, Carney, Carpenter, Eaton, Ellis, Everall, Funk, Harriman, Henderson, Hipwell, Hobart, Lehfeldt, Phelps, Pusey, Riggen, Waterman, Young—19.

The report of the conference committee was adopted.

BILLS ON SECOND READING.

The Senate resumed consideration of House file No. 18.

Senator Garst moved to amend chapter 5 as follows: Amend title by adding after "Title IX" the words "Of Mutual Fire, Tornado and Hail Storm Assessment Insurance Associations."

Adopted.

Senator Garst moved to amend chapter 5 as follows: In last line of section 8 strike out the word "and" and insert the word "or."

Adopted.

Senator Garst asked that chapter 4 be laid over until next week and that the Secretary be directed to proceed with reading of chapter 6.

Senator Garst moved to amend chapter 6, section 3, as follows: Section 3, line 1, insert after the word "organized" the words "under the laws of this State."

Adopted.

Senator Garst moved to amend chapter 6 as follows: Section 5, line 6, insert after the word "bonds" the words "when they are at or above par." In line 7, same section, strike out the words "where said deposits are made" and insert in lieu thereof the words "of some other state." In line 8, same section, after the word "within" insert the words "this or."

Adopted.

Senator Garst moved to amend section 5, chapter 6, by striking out the word "of" in line 5, between the words "or" and "interest" and insert the word "in" in lieu thereof.

Adopted.

Senator Garst moved to amend section 6, chapter 6, by striking out of fourth line figures and letters "31st" and inserting in lieu thereof the word "thirty-first."

Adopted.

Senator Garst moved to amend chapter 6 as follows: Section 7, line 10, printed bill, strike out the figures "8" "8" and substitute the words "eight" "eight."

Adopted.

Senator Garst moved to amend chapter 6 as follows: Section 9, line 11, printed bill, insert after the word "further" the word "new."

Adopted.

Senator Garst moved to amend chapter 7 as follows: In title strike out the word "flexible" and insert the word "stipulated."

Adopted.

Senator Garst moved to amend chapter 7 as follows: Section 1, strike out the word "flexible" wherever it appears in said section and insert in lieu thereof the word "stipulated;" strike out the figure "8" in the last line and insert the word

“eight:” also strike out the figure “9,” in same line, and insert the word “nine.”

Adopted.

Senator Garst moved to amend chapter 7 as follows: Section 8, line 3, strike out the figures “8” “8” and insert the words “eight” “eight” in lieu thereof.

Adopted.

Senator Garst moved to amend chapter 7 as follows: In section 11, line 4, strike out the word “flexible” and insert in lieu thereof the word “stipulated.” In line 19, same section, strike out the figure “10” and insert in lieu thereof the word “ten”; also, in same line, strike out the figure “8” and insert in lieu thereof the word “eight.”

Adopted.

Senator Craig moved to amend chapter 7 as follows: In section 12, line 13, insert after the word “assessment” the words “or life.”

Adopted.

Senator Garst moved to amend chapter 7 as follows: Section 13, line 1, strike out the words “or title;” line 7, section 13, strike out the word “title” and insert the word “chapter.”

Adopted.

Senator Craig offered the following amendment to chapter 7, section 14: At the end of line 2, printed bill, after the word “provide,” insert the following: “For the equitable distribution of any surplus accumulated in the course of its business, which may be paid in cash or applied in the reduction or payment of future premiums, or in such other equitable distribution or apportionment as its rules or contracts may provide, and ”

Laid over.

Senator Garst moved to amend chapter 7 as follows: Section 14, line 2, strike out the word “flexible” and insert in lieu thereof the word “stipulated.”

Adopted.

Senator Garst moved to amend chapter 8 of the bill as follows: Amend title by inserting after “Title IX” the words “Of provisions applying to life insurance companies and associations.”

Adopted.

Senator Garst moved to amend chapter 8 as follows: Section 3, line 1, insert the word “new” after the word “solicits.”

Adopted.

Senator Garst moved to amend chapter 8 as follows: Section 8, line 4, strike out the word "the" and insert the word "this."
Adopted.

Senator Waterman presiding.

Senator Craig offered the following amendment to section 10, chapter 8: Strike out all after the word "instrument" in line 15.

Adopted.

Senator Garst moved to amend chapter 8 as follows: Section 12, lines 9 and 11, strike out the words "assessment."

Adopted.

Senator Garst moved to amend chapter 8 as follows: In section 12, line 9, strike out the words "the laws of this State," and insert the words "chapter seven of this title;" also, in line 11, before the word "companies" insert the word "like."

Adopted.

Senator Garst moved to amend section 13 of chapter 8 as follows: After the word "business" in last line insert the words "and that such agent knew of the existence of such policy or certificate."

On this amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Berry, Bonson, Byers, Cheshire, Craig, Ericson Garst, Harper, Hotchkiss, Junkin, Kilburn, Palmer, Pusey, Ranck, Sargent, Waterman—16.

The nays were:

Senators Allen, Bell, Carroll, Downey, Druet, Eaton, Ellis, Ellison, Funk, Gilbertson, Gorrell, Healy, Henderson, Hobart, Hospers, Hurst, Lothrop, Mitchell, Penrose, Perrin, Trewin, Upton, Young—23.

Absent or not voting:

Senators Alexander, Blanchard, Carney, Carpenter, Everall, Harriman, Hipwell, Lehfeldt, Phelps, Rigger, Rowen—11.

The amendment was lost.

Senator Healy moved to amend section 13, chapter 8, as follows: In line 3 strike out the word "defense" and insert the word "reply" in lieu thereof.

Lost.

Senator Garst moved that the further consideration of this bill be postponed.

Carried.

Senator Funk moved that when the Senate adjourn it be until 1:30 P. M. to-day.

On this a division was called for and the motion prevailed.

The President announced as conference committee on part of Senate on House file No. 29, Senators Junkin, Hobart, Penrose, Sargent.

BILLS ON SECOND READING.

On motion of Senator Trewin, Senate file No. 94, being substitute for House file No. 62 and Senate file No. 45, a bill for an act to revise, amend and codify the statutes in relation to the system of common schools with report of committee recommending amendments was taken up, considered, and the report of the committee adopted.

The bill was read section by section.

Senator Trewin moved to amend section 7 as follows: In line 16 strike out the word "the" after the word "submitted" and insert the word "any" in lieu thereof.

Adopted.

President Parrott presiding.

Senator Trewin moved to amend section 17 as follows: In line 2 strike out the word "draw" and insert the word "drawn" in lieu thereof.

Adopted.

The hour of adjournment having arrived the Senate adjourned until 1:30 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met pursuant to adjournment, at 1:30 P. M., President Parrott presiding.

On request of Senator Sargent, leave of absence was granted Senator Alexander until Tuesday.

PETITIONS AND MEMORIALS.

Senator Lothrop presented petition of citizens of Woodbury county, in favor of Temple amendment.

Referred to Committee on Railways.

●

INTRODUCTION OF BILLS.

By unanimous consent, by Senator Cheshire, Senate file No. 93, a bill for an act to apply to cities of first class the provisions of chapter 78, laws of the Twenty-first General Assembly as amended by chapter 17, laws of the Twenty-second General Assembly, chapter 15, laws of the Twenty-fourth General Assembly, chapter 3, laws of the Twenty-fifth General Assembly, and chapter 3, laws of the Twenty-sixth General Assembly, regular sessions, relating to indebtedness of cities and towns.

Read first and second time and placed on the Calendar.

The Journal of Friday was taken up, read, corrected and approved.

BILLS ON SECOND READING.

Senate resumed consideration of substitute for House file No. 62.

Senator Trewin moved to amend section 62 by inserting in line 2 after the word "attend" the word "school."

Adopted.

Senator Trewin moved to amend section 70 by striking out the word "electors" in fifth line and inserting the word "voters" in lieu thereof; also insert comma (,) after the word houses in same line.

Adopted.

Senator Trewin moved to amend section 70 by inserting the word "than" in line 9, before the words "one thousand."

Adopted.

Senator Trewin moved to amend section 79 by inserting the word "not" between the words "shall" and "be" in ninth line.

Adopted.

Senator Trewin moved to amend section 12, line 16, by striking out the figure "1" and inserting the words "one o'clock."

Adopted.

Senator Trewin moved to amend section 14, line 13, by striking out the figure "9" and inserting the word "nine;" also, strike out the figure "6" and insert the word "seven."

Adopted.

Senator Trewin moved to amend section 9 in line 3 by striking out the figure "12" and insert the word "twelve."

Adopted.

Senator Trewin moved to strike out all marginal figures, section references and underscoring.

Adopted.

Senator Trewin moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading of the bill, which motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Bonson, Byers, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Ellison, Ericson, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent, Trewin, Upton, Young—37.

The nays were:

None.

Absent or not voting:

Senators Alexander, Berry, Blanchard, Carney, Carpenter, Druet, Everall, Harriman, Hipwell, Lehfeldt, Phelps, Riggen, Waterman—13.

The bill having received a constitutional majority was declared to have passed the Senate and title agreed to.

On motion of Senator Penrose, House file No. 90, a bill for an act to revise, amend and codify the statutes in relation to express companies, with report of committee, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Penrose moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Bonson, Byers, Carroll, Cheshire, Craig, Downey, Ellis, Ericson, Funk, Garst, Gilbertson, Gorrell, Healy, Henderson, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Pusey, Sargent, Trewin, Upton, Young—29.

The nays were:

None.

Absent or not voting:

Senators Alexander, Berry, Blanchard, Carney, Carpenter, Druet, Eaton, Ellison, Everall, Harper, Harriman, Hipwell,

Hobart, Lehfeldt, Mitchell, Perrin, Phelps, Ranck, Riggen, Rowen, Waterman—21.

The bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Penrose moved that Senate file No. 20 be made a special order for Wednesday, April 7th, at 10 o'clock A. M.

Carried.

Senator Hobart presented a substitute for the minority report on Senate file No. 20.

Substitute for the minority report on House amendment to section 38 of Senate file No. 20: "Nor shall any contract of insurance, relief, benefit or indemnity in case of injury or death, entered into prior to the injury, between the person so injured and such corporation, or any other person or association acting for such corporation, nor shall the acceptance of any such insurance, relief, benefit or indemnity by the person injured, his widow, heirs or legal representatives after the injury, from such corporation, person or association, constitute any bar or defense to any cause of action brought under the provisions of this section, but nothing herein contained shall be construed to prevent or invalidate any settlement for damages between the parties subsequent to injuries received."

Senator Trewin filed the following motion:

MR. PRESIDENT—I move to reconsider the vote by which the committee amendments to section 38 of chapter 4 of House file No. 18 were adopted.

J. H. TREWIN.

Senator Cheshire asked that Senate file No. 93 be referred to the Committee on Judiciary.

So referred.

Senator Bonson moved that the Senate do now adjourn.

Carried.

The Senate adjourned until 9 o'clock A. M. Monday.

SENATE CHAMBER,
DES MOINES, Iowa, Monday, April 5, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. T. L. Johnston, Valley Junction, Iowa.

On request of Senator Craig, leave of absence was granted Senator Lothrop.

On request of Senator Rowen, leave of absence was granted Senator Rikken.

On request of Senator Penrose, leave of absence was granted Senator Ellis until Thursday.

REPORTS OF STANDING COMMITTEES.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 77, 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 have instructed me to report the same back to the Senate with the recommendation that the House amendments recommended in an accompanying detailed report for the Senate's concurrence be adopted, and those recommended for nonconcurrence be not concurred in.

The committee recommend that the Senate concur in the following House amendments to the bill:

Page 929, section 4, line 2, insert between the words "morning" and "and" the words "unless bail be given."

Also on page 931, amend chapter 5, by substituting for section 19, the following: "The board of supervisors shall at any regular or special session fix the compensation to be allowed the officers in each case under this chapter; to the trial magistrate not exceeding one dollar; to the peace officer for all services not more than one dollar and mileage as now allowed by law."

The committee recommend that the Senate do not concur in the House amendment restoring section 25, page 931, as reported by the Code commission and amending it by inserting in line 1 of said section, between the words "or" and "bodies" the words "join with" and strike out of the same line "twenty" and insert "ten;" also in the fifth line between "into" and "such" the words "or join with," and in line 7 of the same section, insert between "into" and "such" the words "or induce them to join with "

The committee also recommend non-concurrence in House amendment on page 946, adding to chapter 12 as section 24, the following: "The defendant may waive the examination provided in this chapter, but such waiver shall not preclude the county attorney in examinations of which he has personal charge, from examining the witnesses for the State, and having their evidence taken in writing and certified by the magistrate and returned with the other papers in the case."

Also non-concurrence in House amendment on page 954, section 15, striking out of line 2, the words "by its title and the day of its approval" and inserting "so as to plainly designate it."

Also non-concurrence in House amendment on page 957, "restoring section 8."

The committee recommend concurrence in the House amendment, page 957, chapter 18, section 3, line 4, inserting between "for" and "arrest" the word "his."

The committee recommend non-concurrence in House amendment, page 958, striking out section 5 of the report of Code commission and inserting the following: "An attorney appointed by the court to defend a person indicted for any offense shall discharge the duties imposed upon him by the court to the best of his ability without compensation. Such attorney need not follow the case into another county or into the supreme court."

The committee recommend concurrence in House amendment on page 961, chapter 20, section 12, line 2, striking out the words "replication or"

The committee recommend non-concurrence in amendment, on same page, adding to section 15 the following: "If a resubmission has been ordered."

The committee recommend concurrence in the amendment on page 963, chapter 22, striking out sections 1, 2, 3, 4, 5 and inserting in lieu thereof as section 1 the following: "The rules for drawing the jury shall be the same as those provided in civil procedure." Also number section 6 section 2.

The committee recommend nonconcurrence in amendment on page 971, section 5, chapter 26, striking out the last four words of line 3.

Same page, section 10, chapter 26, line 2, the committee recommend concurrence in the amendment striking out the word "severally."

Page 978, the committee make the same recommendation, restoring section 14 as stricken out by the Senate; also renumber succeeding sections.

Page 980, the committee makes the same recommendation, striking out the words "reporters and" in line 5, section 10, chapter 33.

On page 983 the committee recommend nonconcurrence in the amendment to section 2, line 8, chapter 35, striking out the word "he" and inserting "bail." Also same recommendation as to striking out the words "duly admitted to bail" and inserting "duly fixed."

They recommend concurrence in the amendment in line 10, of same section, striking out the words "submit to" and inserting "abide."

Page 984 the committee recommend non-concurrence in the amendment of the House striking out of section 3, line 2, the words "if requested."

On same page the same recommendation is made as to amendment to section 6, line 8, striking out the words "he having been duly admitted to bail" and inserting "bail having been duly fixed."

In the same section, line 10, the committee recommend concurrence in the amendment substituting the word "abide" for the words "submit to."

On page 991 the committee recommend non-concurrence in the amendment to section 5, line 4, inserting after the first word "insane" the words "at Anamosa."

And when this action is taken that the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

BILLS ON SECOND READING.

On motion of Senator Trewin, House file No. 82, a bill for an act to revise, amend and codify the statutes in relation to procedure in particular cases, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for the purpose of amendment.

Senator Carpenter moved to amend section 5, chapter 1, line 2, by adding after the word "clerk" the words "or justice."

Adopted.

Senator Carpenter moved to amend section 7, chapter 1, by striking out all after the word "action" in line 2, and insert the following: "the officer to whom the writ is issued may follow the same and execute the writ in any county of the State where the property is found. For the purpose of following the property duplicate writs may be issued if necessary, and served as the original."

Adopted.

Senator Carpenter moved to amend section 8, chapter 1, line 4, by striking out the word "sheriff's" and inserting in lieu thereof the word "officer's."

Adopted.

Senator Carpenter moved to amend section 10, chapter 1, by striking out the word "sheriff" in the first, third and seventh lines and inserting in each place in lieu thereof the word "officer." Also amend the same section, line 2, by striking out the words "the plaintiff" where it occurs the second time, and inserting in lieu thereof the word "him." Also amend the same section, line 7, by adding after the word "shall" the following: "Return the property to the defendant." Also amend the same section, line 7, by striking out the word "same" and inserting the word "bond;" also strike out the word "and" after the word "writ" in the same line and insert a comma.

Adopted.

Senator Carpenter moved to amend section 11, chapter 1, by striking out the word "sheriff" in line 3, and inserting in lieu thereof the word "officer."

Adopted.

Senator Carpenter moved to amend section 15, chapter 1, lines 1 and 2, by striking out the word "sheriff" and inserting in lieu thereof the word "officer."

Adopted.

Senator Carpenter moved to amend section 16, chapter 1, line 2, by striking out the word "the" before the word "execution" at the end of the line and inserting in lieu thereof the word "an."

Adopted.

Senator Pusey moved to amend section 14, line 5, chapter 1, by inserting a period after the word "thereof," strike out the word "and," commence the word "if" with a capital letter, after the word "if" insert the words "the judgment be," after the word "property" insert "it" and after the word "shall" insert the word "also."

Adopted.

Senator Carpenter moved to amend section 7, chapter 3, by striking out the section and inserting in lieu thereof the following as section 7: "The time for appearance and pleading must not be less than two nor more than six days from the time of completed service of the notice."

Adopted.

Senator Carpenter moved to amend chapter 3, by striking out section 9 and inserting the following as a new section 9: "The question of title can only be investigated in the district court, and when put in issue in an action before a justice he shall without further proceedings, certify the cause and papers with a transcript of his docket, showing the reason of such transfer to the district court where the same shall be tried on the merits. No cause so transferred shall be dismissed because the justice erred in transferring the same. Nothing herein contained shall prevent a party from suing for trespass or from testing the right of property in any other manner."

Adopted.

Senator Carpenter moved to amend chapter 4, by striking out section 3, and renumbering the sections of the chapter.

Adopted.

Senator Carpenter moved to amend section 5, chapter 4, by inserting after the word "eighty" in line 9, the word "acres."
Adopted.

Senator Carpenter moved to amend chapter 5, page 806, by adding after section 4 the following as section 5 and renumbering the remainder of the sections in the chapter. "Sec. 5. In actions for the recovery of real property where the corners or boundaries thereof are put in issue by the pleadings a like commission may be appointed."

On this the "yeas" and "nays" were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bell, Berry, Bonson, Carpenter, Carroll, Craig, Funk, Gilbertson, Henderson, Hospers, Hotchkiss, Mitchell, Palmer, Perrin, Phelps, Pusey, Ranck, Rowen, Sargent—19.

The nays were:

Senators Allyn, Downey, Eaton, Harper, Hurst, Junkin, Kilburn, Trewin—8.

Absent or not voting:

Senators Alexander, Blanchard, Byers, Carney, Cheshire, Druet, Ellis, Ellison, Ericson, Everall, Garst, Gorrell, Harri- man, Healy, Hipwell, Hobart, Lehfeldt, Lothrop, Penrose, Rigger, Upton, Waterman, Young—23.

The amendment was lost.

Senator Carpenter moved to amend section 10, chapter 6, by striking out the word "which" at the end of line 2 and inserting in lieu thereof the words "and an adjudication thereon."

Adopted.

Senator Carpenter moved to amend section 12, chapter 6, by striking out all of section after the word "shares," in line 2, and inserting in lieu thereof the words "not affected thereby."

Adopted.

Senator Carpenter moved to amend section 13, chapter 6, by striking out the word "judgment," in line 2, and inserting in lieu thereof the word "decree;" also amend the same section, line 2, by inserting after the word "rendered" the following: "establishing the rights of the parties;" also amend the same section, line 2, by striking out the word "those" and inserting in lieu thereof the word "the;" also amend the same section, line 2, by adding after the word "interest" the words "of the owners of the lands;" also amend the same section, line 3, by

striking out all after the word "accordingly" and change semicolon to period after the word "accordingly."

Adopted.

Senator Ranck filed the following motion:

MR. PRESIDENT—I move to reconsider the vote by which section 5, to chapter 5, was adopted.

C. S. RANCK.

Senator Carpenter moved to amend section 14, chapter 6, page 808, by striking out the words "it is apparent" and inserting in lieu thereof the words "where it is shown." Also, amend section 14, chapter 6, page 808, by adding at the end of the section the following: "Three referees shall be appointed to make partition unless the parties to the suit agree to a less number, but where it is shown that partition cannot be made and a sale is ordered the court may fix the number." Also, amend the same section, line 1, by striking out the word "judgment" and inserting in lieu thereof the word "decree."

Adopted.

Senator Carpenter moved to amend section 15, chapter 6, line 2, by striking out the words "the necessary" before the word "assistant."

Adopted.

Senator Carpenter moved to amend section 14, chapter 6, by striking out of line 3, the words "in which case."

Adopted.

Senator Carpenter moved to amend section 16, chapter 6, line 1, by striking out after the word "by" the words "at least two of."

Adopted.

Senator Carpenter moved to amend section 20, chapter 6, by striking out after the word "being" the remainder of the section and inserting in lieu thereof these words: "approved, a decree shall be rendered confirming the partition and appportioning the costs as herein provided, entering judgment therefor."

Adopted.

Senator Carpenter moved to amend chapter 6, by striking out section 22, and inserting in lieu thereof the following: "Sec. 22. In actions for partition of real estate when a decree ordering partition or sale is rendered there shall be taxed in favor of plaintiff's attorney, as costs in the case an attorney's fee; but in no case shall the amount so taxed exceed

the following, to-wit: for the first two hundred dollars or fraction thereof, ten per cent; for the next three hundred dollars, five per cent; for the next five hundred dollars, three per cent; and for all excess over above amounts, one per cent of the value of the property partitioned. Such value to be determined by the court or the appraisement or by the sale when sale is ordered."

Adopted.

Senator Carpenter moved to amend section 24, chapter 6, by striking out all after the word "manner" in line 2.

Adopted.

Senator Carpenter moved to amend section 9, chapter 7, by striking out the word "officers," in line 3, and adding after the word "return" these words: "of the officer or person making the sale."

Adopted.

Senator Carpenter moved to amend section 23, chapter 7, by adding thereto the following: "When any mortgage is satisfied on the margin of the record of the mortgage, as herein provided, the person satisfying the same shall be identified to and his signature shall be witnessed by the county recorder or his deputy."

Adopted.

Senator Carpenter moved to amend section 1, chapter 8, by inserting after the word "action," line 3, the words "by ordinary proceedings."

Adopted.

Senator Carpenter moved to amend section 9, chapter 8, by striking out of line 2 the word "accruing" and inserting in lieu thereof the word "occurring." Also, amend the same section, line 5, by striking out the word "much."

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Carpenter moved to amend section 21, chapter 9, page 816, by inserting in line 2, after the word "inventory," the words, "sworn to by each of them," and in line 3, change comma after the word "knowledge" to a period and strike out all of the section after the word "knowledge."

Adopted.

Senator Carpenter moved to transpose the words "in" and "or" in line 2, section 4, chapter 10.

Adopted.

Senator Carpenter moved to amend section 13, chapter 12, by striking out the words "doubly sufficient to cover any" and inserting the words "twice the."

Adopted.

Senator Carpenter moved to amend section 16, chapter 12, line 1, strike out the words "and may rest."

Adopted.

Senator Carpenter moved to amend section 23, chapter 12, by striking out all after the word "mode" in line 2.

Adopted.

Senator Carpenter moved to amend the title to chapter 13 by inserting after the word "controversies" the words "with or;" also, strike out the words "or in action."

Adopted.

Senator Carpenter moved to amend section 11, chapter 14, by inserting after the word "thereto" in the second line the words "as other contracts." Also amend the same section by striking out all after the word "fraud" in the third line and adding "but such award can only be enforced by an action."

Adopted.

Senator Carpenter moved to amend section 11, chapter 14, by inserting after the word "fraud" and before the word "but" the words "or mistake."

Adopted

Senator Carpenter moved to amend section 15, chapter 14, line 1, by striking out the word "brought" and inserting in lieu thereof "taken from."

Adopted.

Senator Carpenter moved to amend section 15, chapter 14, by striking out the words "returned to" and insert the words "filed in."

Adopted.

Senator Carpenter moved to reconsider the vote by which the amendment to section 15 was adopted.

Carried.

Senator Carpenter withdrew the amendment.

Senator Carpenter moved to amend section 15, chapter 14, by striking out the words "returned to" and inserting the words "filed with the clerk of."

Adopted.

Senator Carpenter moved to amend section 16, chapter 14, lines 1 and 2, by striking out the words "award them in their

discretion" and inserting in lieu thereof the following: "apportion the same."

Adopted.

Senator Carpenter moved to amend chapter 14, by striking out section 18.

Adopted.

Senator Carpenter moved to amend section 1, chapter 15, page 824, by inserting after the word "boat" in line 1, the words "or raft;" also, amend the same section, line 3, by inserting after the word "boat" the words "or raft;" also, amend the same section, line 5, by inserting after the word "recover" the words "damages for;" also, amend the same section, line 6, by inserting after the word "boat" the words "or raft;" also, amend the same section, line 7, by striking out the words "such boat" and inserting in lieu thereof the words "the same."

Senator Carpenter moved to amend section 2, chapter 15, by inserting after the word "boat" in line 2, the words "or raft."

Adopted.

Senator Carpenter moved to amend section 3, chapter 15, line 2, by striking out the words "till Monday."

Adopted.

Senator Carpenter moved to amend section 4, chapter 15, page 825, by inserting after the word "boat" in line 2, the words "or raft;" also, amend the same section, line 3, by striking out the word "up" after the word "posting;" also, amend the same section, line 3, by striking out the word "boat" and inserting in lieu thereof the word "same" and striking out the remainder of the section; also, amend the same section, line 3, by inserting after the word "copy" the word "thereof."

Adopted.

Senator Carpenter moved to amend section 5, chapter 15, by striking out the words "serve and" before the word "execute," in line 1.

Adopted.

Senator Carpenter moved to amend section 6, chapter 15, by striking out the word "boat," in line 1, and inserting the words "property seized;" also amend the same section, line 1, by striking out the word "his" before the word "agent;" also amend the same section by striking out the words "conduct the defense of," in line 2, and inserting in lieu thereof the word "defend;" also amend the same section, line 3, by inserting after the word "boat" the words "or raft."

Senator Carpenter moved to amend the amendment by striking out the words "boat or raft," in line 3, and inserting the word "property."

The amendment as amended was adopted.

Senator Carpenter moved to amend section 7, chapter 15, by striking out the word "boat," in line 1, and inserting in lieu thereof the words "property seized;" also amend the same section, line 1, by striking out the word "the" before the word "giving;" also amend the same section by striking out the word "serving," in line 2, and inserting in lieu thereof the word "executing."

Adopted.

President Parrott presiding.

Senator Carpenter moved to amend section 8, chapter 15, line 1, by striking out the word "boat" and inserting the word "property."

Adopted.

Senator Carpenter moved to amend section 9, chapter 15, line 1, by striking out the word "may" before the word "sell" and inserting the words "must first." Also, amend the same section, line 1, by striking out the words "any of." Also, amend the same section, line 1, by inserting after the word "boat" the words "or raft." Also, amend the same section, line 2, by striking out the word "itself" after the word "boat" and inserting in lieu thereof the words "or raft." Also, amend the same section, line 4, by striking out the words "appearing for the boat" and inserting in lieu thereof the word "defending." Also, amend the same section by adding another sentence at the end of the section, as follows: "The officer making the sale shall execute a bill of sale to the purchaser, for the interest sold."

Adopted.

Senator Carpenter moved to amend section 10, chapter 15, line 1, by inserting after the word "boat" the words "or raft."

Adopted.

Senator Carpenter moved to amend section 11, chapter 15, line 1, by striking out the word "boat" and inserting in lieu thereof the word "property."

Adopted.

Senator Carpenter moved to amend section 13, chapter 15, line 2, by inserting after the word "boat" the words "or raft"

Adopted.

Senator Carpenter moved to amend chapter 15, by striking out sections 14 to 16, both inclusive.

Adopted.

Senator Carpenter moved that section 17 be numbered section 14.

Adopted.

Senator Carpenter moved that the further consideration of House file No. 82 be postponed until this afternoon.

Carried.

The time of adjournment having arrived, the Senate adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

The Journal of Saturday was taken up, read, corrected and approved.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 82.

Senator Carpenter moved to reconsider the vote by which sections 14, 15 and 16 were stricken from chapter 15.

Carried.

The amendment was withdrawn.

Senator Carpenter moved that sections 14 and 16, chapter 15, be stricken from the bill.

Carried.

Senator Carpenter moved to amend chapter 15, section 15, by inserting the words "boat or" between the words "the" and "raft," in line 1.

Adopted.

Senator Carpenter moved to amend section 27, chapter 16, line 1, by striking out the words "bring up" and inserting in lieu thereof the word "produce."

Adopted.

Senator Carpenter moved to amend section 29, chapter 16, line 2, by striking out the words "bring up" and inserting the word "produce."

Adopted.

Senator Carpenter moved to amend section 30, chapter 16, by striking out the words "plainly and unequivocally," in line 1, thereof.

Adopted.

Senator Carpenter moved to amend section 35, chapter 16, page 829, by adding at the end of line 2 the word "lawfully;" also, amend the same section by striking out the words "their legitimate province and in a lawful manner" and inserting in lieu thereof the words "the scope of their authority," in line 3, thereof.

Adopted.

Senator Carpenter moved to amend section 37, chapter 16, by striking out the word "still," in line 1; also, striking out the words "before them" in line 2.

Adopted.

Senator Carpenter moved to amend section 40, chapter 16, by inserting in line 1 the word "may" after the word "plaintiff," and in the same line striking out the word "his" before the word "attorney" and inserting in lieu thereof the word "by;" and also, in same line, amend by striking out the word "may" before the word "waive."

Adopted.

Senator Carpenter moved to amend section 42, chapter 16, by striking out the word "brief" in line 3.

Adopted.

Senator Carpenter moved to amend section 1, chapter 17, by adding at the end of subsection 5 the following: "or knowingly assisting, aiding or abetting any person in evading service of the process of such court."

Adopted.

Senator Carpenter moved to amend subsection 4, section 2, chapter 17, line 10, by inserting after the word "matter" the words, "in a manner."

Adopted.

Senator Carpenter moved to amend section 9, chapter 17, by striking out section 9, and inserting the following as a new section 9: "Sec. 9. No appeal lies from an order to punish for a contempt, but the proceedings may in proper cases, be taken to a higher court for revision by certiorari."

Adopted.

Senator Carpenter moved to amend section 5, chapter 18, line 2, by striking out the words "filed for preservation" and insert the word "preserved" in lieu thereof.

Adopted.

Senator Carpenter moved that the further consideration of House file No. 82 be postponed until 9:30 A. M. to-morrow.

Carried.

Senate resumed consideration of House file No. 18.

Senator Garst moved to strike out all of section 15, chapter 8, after the word "assured," in line 6, and insert the following in lieu thereof: "pay upon the policy or certificate the amount that the premium received actually paid for according to its rates for the actual age of the assured and no other defense or deduction shall be permitted after the death of the person assured on account thereof."

Senator Healy moved as a substitute for the amendment the following as section 15: "Section 15. In all cases where it shall appear that the age of the person insured has been misstated in the proposal, declaration or other instrument upon which any policy of life insurance has been founded or issued, then and in such case, the person or company issuing such policy, shall upon the discovery of such misstatement be permitted to demand and collect the difference of premium, if any, which would be due, with interest not to exceed six per cent per annum, and payable on account of the true age of the assured, from year to year, according to the rates of premium of such person or company, upon which such policy was issued; or such person or company so issuing the policy may after the decease of the assured deduct from the amount payable by such policy the difference of premium, if any, with interest, which would so have been payable from year to year, by reason of any difference of age at time of issuance of such policy; and no other defense or deduction by such person or company issuing such policy, shall be permitted after the death of the person assured, on account of such misstatement of age of (the) assured, notwithstanding any warranty of such statement of age by terms of policy or otherwise, except when it be shown by the person or company insuring that the policy was procured by fraud in fact."

On this a roll call was demanded.

On the question, "Shall the substitute be adopted?" the yeas were:

Senators Allyn, Bell, Carney, Carroll, Downey, Druet, Eaton, Gilbertson, Gorrell, Healy, Henderson, Hospers, Junkin, Mitchell, Penrose, Perrin, Phelps, Ranck, Rowen, Sargent, Trewin—21.

The nays were:

Senators Bonson, Carpenter, Cheshire, Craig, Funk, Garst, Harper, Hotchkiss, Hurst, Kilburn, Palmer, Pusey, Waterman—13.

Absent or not voting:

Senators Alexander, Berry, Blanchard, Byers, Ellis, Ellison, Ericson, Everall, Harriman, Hipwell, Hobart, Lehfeldt, Lothrop, Rigger, Upton, Young—16.

The substitute was adopted as section 15, of chapter 8, of the bill.

Senator Garst moved to strike out all of section 16, chapter 8, and insert the following: "No answer to any interrogatory made by any applicant, unless made a warranty, shall bar the right to recover upon any policy or certificate issued thereon, or be used in evidence upon any trial to recover upon the same, unless it is clearly proved that such answer is wilfully false and was fraudulently made, that it is material and induced the company or association to issue such policy or certificate, and that but for such answer the policy or certificate would not have been issued; and, moreover, that the agent or company or association had no knowledge of the falsity or fraud of such answer."

Senator Berry moved as a substitute to the amendment by striking out section 16 of the bill.

Adopted.

Senator Garst withdrew the committee amendment to section 17, chapter 8.

Senator Berry moved to strike out section 17, chapter 8.

Carried.

Section 19 passed over.

Senator Garst moved to add to section 22, chapter 8, the following: "For filing and examination of the first application and the issuing of certificate thereon, ten dollars. For filing each annual statement and issuance of renewal certificate, three dollars. For each agent's certificate, fifty cents. The provisions of the chapter on insurance other than life shall apply as to fees under this and the two preceding chapters, except as modified by this section."

Adopted.

Senator Garst moved to amend subsection 1, section 22, chapter 8, line 4, by inserting the word "the" after the words "copy of."

Adopted.

Senator Garst moved to amend chapter 8, section 23, line 11, printed bill, by inserting after the word "representations" the words "made by the assured."

Adopted.

Senator Trewin moved to amend chapter 6, section 6, line 45, printed bill, by striking out the words "the amount paid to each officer as salary in excess of twenty-five hundred dollars."

Adopted.

Senator Berry moved to amend chapter 8½, section 1, line 9, by striking out the words "providing that this act" and insert in lieu thereof the words "but the provisions of this chapter."

Adopted.

Senator Garst moved that the time of adjournment be extended until 5 o'clock.

On this a division was called for and the motion was lost.

Senator Carroll moved to amend chapter 8½, section 3, line 1, by striking out the word "act" and insert the word "chapter."

Adopted.

Senator Carroll moved to amend chapter 8½, section 4, line 1, by striking out the word "act" and insert the word "chapter."

Adopted.

Section 8 of chapter 8½ was passed over.

Senator Garst moved to amend chapter 8½, section 9, line 1, by striking out all after the word "State" down to and including the word "State," in line 2, and insert the words "shall be permitted to do business in the State."

Adopted.

Senator Trewin moved to amend by adding the following to chapter 8 as section 23: "Sec. 23. No stipulation or condition in any policy or contract of insurance or beneficiary certificate issued by any company or association mentioned or referred to in this chapter limiting the time to a period of less than two years within which notice or proofs of death or the occurrence of other contingency insured against, must be given, shall be valid."

Laid over.

Senator Healy moved that the following be added after section 59 and incorporated as section 60, chapter 4, and that all

the sections thereafter be renumbered: "Any condition or stipulation in application, policy or contract of insurance making the policy void or voidable, before the loss occurs, shall not prevent a recovery by insured or his assignee if it be shown by plaintiff that the failure to observe such provision or a violation thereof did not contribute to the loss, provided, however, that such condition or stipulation does not refer to other valid insurance, vacancy of insured premises, or the title or ownership of property insured, or incumbrances thereon created by voluntary act of insured and within his control, or to the forfeiture of policy during default for failure to pay a written obligation made to insurance company for premium, or to the fraud of insured in the procurement of contract of insurance. No recovery on a policy or contract of insurance shall be defeated for failure of insured to comply, after a loss occurs, with any arbitration or appraisal stipulation as to fixing value of property unless it be plead and proven that the insurance company gave written notice to insured or his assignee of its election to determine the amount of loss by appraisal or arbitration as provided in policy, and thereafter insured failed to comply with such requirements. Nothing herein shall be construed to change the limitations or restrictions respecting the pleading or proving of any defense by any insurance company to which it is now subject. The provisions of this section shall apply to all contracts of insurance on real and personal property."

Laid over.

Senator Healy moved to amend section 65, chapter 4, by adding to the end thereof the following: "Any person who shall hereafter solicit insurance or procure application therefor shall be held to be the soliciting agent of the insurance company or association issuing a policy on such application or on a renewal thereof, anything in the application, policy or contract to the contrary notwithstanding."

Laid over.

Senator Healy moved to amend section 62, chapter 4, by striking out the word "fire" in the second line.

Laid over.

Senator Healy moved to amend section 19, chapter 8, line 1, by striking out the words "fifty-seven" and "sixty-five" and inserting in lieu thereof the words "sixty-five" and "sixty-six."

Laid over.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to adopt the report of the conference committee on Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry, and the House requests further conference, and the Speaker has appointed as a conference committee on the part of the House, Representatives Bell, Byington, Early and Funk.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Substitute for House file No. 19, a bill for an act to revise, amend and codify the statutes in relation to banks and banking institutions.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill, in which the concurrence of the House was asked:

Substitute for Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish.

JAS. D. ROWEN,
Chief Clerk.

The time of adjournment having arrived, the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, April 6, 1897. }

Senate met in regular session at 9 o'clock A. M.

Senator Funk, President *pro tem.*, presiding.

Prayer was offered by Rev. F. E. Butterfield, Bayard, Iowa.

PETITIONS AND MEMORIALS.

Senator Everall presented remonstrance of A. E. Waugh and nine other employes of the C., M. & St. P. Ry. against Temple amendment.

Referred to Committee on Railways.

Senator Everall presented petition of J. M. Morse and thirty-seven other employes of C., M. & St. P. Ry., in favor of Temple amendment.

Referred to Committee on Railways.

Senator Harriman presented remonstrance of A. C. McElhiney and seventeen other railway men, against Temple amendment.

Referred to Committee on Railways.

Senator Young presented petition of B. J. Wellman and others, in favor of Temple amendment.

Referred to Committee on Railways.

HOUSE MESSAGES.

Substitute for House file No. 19, a bill for an act to revise, amend and codify the statutes in relation to banks and banking institutions was read first and second time and referred to Committee on Banks and Banking.

Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry was passed on file for conference committee.

Substitute for Senate file No. 35 and House file No. 42, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish, and the protection of birds and game was read first and second time and referred to Committee on Fish and Game.

REPORT OF STANDING COMMITTEE.

Senator Harriman, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred House file No. 15, a bill for an act to revise, amend and codify the statutes in relation to roads, bridges and ferries, 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 recede from its amendment to section 26 of chapter 2.

That it recede from its amendment to section 35.

That the Senate insist upon its first amendment to section 45, page 300.

That the Senate insist upon its second amendment to section 45, page 300.

That the Senate recede from its amendment to section 2, chapter 3, line 2.

W. F. HARRIMAN,
Chairman.

Senator Harriman moved that the report be taken up for consideration now.

Carried.

Senator Harriman moved that the Senate recede from its amendment to section 26, chapter 2.

Carried.

Senator Harriman moved that the Senate recede from its amendment to section 35, chapter 2.

Carried.

Senator Harriman moved that the Senate insist on its first amendment to section 45, chapter 3.

Carried.

Senator Harriman moved that the Senate insist on its second amendment to section 45, chapter 3.

Carried.

Senator Harriman moved that the Senate recede from its amendment to section 2, chapter 3, line 2.

Carried.

The report of the committee was adopted.

The Journal of Monday was taken up, read, corrected and approved.

The President announced as conference committee on House file No. 15, Senators Harriman, Kilburn, Palmer and Sargent.

Senator Carney called up the report of the committee on House amendments to Senate file No. 10.

Senator Trewin withdrew the amendment to sections 32 and 33 of chapter 3, printed in the Journal of April 1st.

Senator Carney moved that the Senate do not concur in the House amendments to sections 32 and 33 of chapter 3.

Carried.

On the question, "Shall the Senate concur in House amendments to section 8, chapter 2; sections 14, 19 and 28, chapter 3; sections 20 and 24, chapter 4, and section 7, chapter 6, to Senate file No. 10?" the yeas were:

Senators Allyn, Bell, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Funk, Garst, Gilbertson, Harri-man, Henderson, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer. Penrose, Perrin, Phelps, Riggen, Rowen, Sargent, Trewin, Upton, Waterman—32.

The nays were:

Senators Berry, Bonson, Downey, Everall, Gorrell, Harper, Healy, Pusey, Ranck—9.

Absent or not voting:

Senators Alexander, Blanchard, Byers, Ellis, Ellison, Hipwell, Hobart, Lehfeldt, Young—9.

The House amendments were concurred in.

The President announced as conference committee on the part of the Senate, on Senate file No. 36, Senators Waterman, Trewin, Allyn and Ranck.

BILLS ON SECOND READING.

The Senate resumed consideration of House file No. 82, laid over from yesterday.

Senator Carpenter moved to reconsider the vote by which amendment to section 9, chapter 3, was adopted.

Senator Carpenter offered the following substitute for section 9, chapter 3, of the bill: "Sec. 9. The question of title can only be investigated in the district court, and can be pleaded in a justice court only as provided in subsection three of section one of this chapter. When so put in issue in a justice court the justice shall forthwith without further proceedings certify the cause and papers with a transcript of his docket, showing the reason of such transfer to the district court where the same shall be tried on the merits. Such cause shall not be dismissed because of error in transferring the same. When title is put in issue the cause shall be tried by equitable proceedings. The appearance term shall be the trial term and no continuance shall be granted for the purpose of taking the testimony in writing. Nothing herein contained shall prevent

a party from suing for trespass or from testing the right of property in any other manner.”

Adopted.

Senator Carpenter moved to amend chapter 17, section 2, by adding as a subsection after subsection three: “4. Bribing, attempting to bribe, or in any other manner improperly influencing or attempting to influence a juror to render a verdict, or suborning or attempting to suborn a witness.” Also renumber subsections to correspond.

Adopted.

Senator Carpenter moved to reconsider the vote by which the amendment to title of chapter 13 was adopted.

Carried.

Senator Carpenter withdrew the amendment.

Senator Ranck moved to reconsider the vote by which the amendment to section 5, chapter 5, was adopted.

Senator Carpenter withdrew the amendment.

Senator Carpenter moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, “Shall the bill pass?” the yeas were:

Senators Allyn, Bell, Bonson, Jarney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Harriman, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Rowen, Sargent, Trewin, Upton, Waterman—37.

The nays were:

None.

Absent or not voting:

Senators Alexander, Berry, Blanchard, Byers, Ellis, Ellison, Garst, Henderson, Hipwell, Hobart, Lehfeldt, Mitchell, Young—13.

The bill having received a constitutional majority, was declared to have passed the Senate, and its title agreed to.

The Senate resumed consideration of House file No. 18.

Senator Berry moved to amend section 8, chapter 8½ as follows: Strike out section 8.

Adopted.

Senator Garst moved to amend section 9, chapter 8½, by striking out the figure and sign “\$5” and inserting in lieu thereof the words “five dollars.”

Adopted.

Senator Trewin presiding.

Senator Carroll moved to amend section 16, chapter 8½, by striking out the word "act," in lines 2, 5 and 14, and insert in lieu thereof the word "chapter."

Adopted.

Senator Carroll moved to amend section 17, chapter 8½, by striking out the word "act," in lines 3 and 4, and insert the word "chapter" in lieu thereof.

Adopted.

Senator Garst moved to amend section 9, chapter 8½, as follows: Strike out semicolon after "provide," in line 5, and insert comma; also, strike out the words "and provide that," in lines 5 and 6, and insert the word "if."

Adopted.

Senator Garst moved to amend section 28, chapter 4, as follows: Strike out all after the word "loan," in line 3, down to "respondentia," in line 4, and insert before the word "loan," line 3, the word "such."

Adopted.

Senator Garst moved to amend section 56, chapter 4, as follows: Add to end of section the following: "No such company shall write, place or cause to be written or placed, any policy or contract for insurance upon property situated or located in this state except through its resident agent or agents."

Senator Healy moved to amend the amendment by adding thereto "unless the contract therefor is made outside this state."

On the amendment to the amendment a roll call was demanded.

On the question, "Shall the amendment to the amendment be adopted?" the yeas were:

Senators Berry, Druet, Gorrell, Healy, Henderson, Kilburn, Phelps, Waterman—8.

The nays were:

Senators Allyn, Bell, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Harper, Harriman, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Upton—34.

Absent or not voting:

Senators Alexander, Byers, Ellis, Ellison, Hipwell, Hobart, Lehfeldt, Young—8.

The amendment to the amendment was lost.

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Allyn, Bell, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Harper, Harriman, Hospers, Hotchkiss, Junkin, Lothrop, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent, Trewin, Upton—29.

The nays were:

Senators Berry, Downey, Druet, Gorrell, Healy, Henderson, Hurst, Kilburn, Phelps—9.

Absent or not voting:

Senators Alexander, Blanchard, Byers, Ellis, Ellison, Hipwell, Hobart, Lehfeldt, Mitchell, Riggen, Waterman, Young—12.

The amendment was adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Junkin moved to amend section 62, chapter 4, by adding to the end thereof the following: "No condition in a policy of insurance fixing the amount of liability or recovery under such policy with reference to pro-rating with other insurance on property insured shall be valid unless the said condition as to other insurance refers to valid and collectible insurance, any agreement to the contrary notwithstanding."

Laid over.

Senator Healy called up the substitute for section 59, chapter 4, printed in the Journal of April 2d, as follows: "In any action brought in any court in this State on any policy of insurance for the loss of any building so insured the amount stated in the policy shall be received as prima facie evidence of the insurable value of the property at the date of the policy; provided the insurance company or association issuing such policy may show the actual value of said property at date of policy and any depreciation in the value thereof before the loss occurred, but the said insurance company or association shall be liable for the actual value of the property insured at the date of the loss unless such value exceeds the amount stated in the policy. And in an action on such policy it shall only be necessary for

the assured to prove the loss of the building insured and that he has given the company or association notice in writing of such loss, accompanied by an affidavit stating the facts as to how the loss occurred, so far as they are within his knowledge, and the extent of his loss. Any condition in said policy voiding the same shall not prevent a recovery unless it is shown that the violation of said condition contributed to the loss."

Senator Healy moved to amend the substitute by inserting after the first "59" the words "which shall be section 59 of chapter 4; also, strike out all after the word "loss," in the third line from the bottom.

Adopted.

The substitute as amended was adopted.

Senator Healey called up his amendment to section 60, chapter 4, which was as follows: I move that the following be added after section 59 and incorporated as section 60, chapter 4, and that all the sections thereafter be renumbered: "Any condition or stipulation in application, policy or contract of insurance making the policy void or voidable, before the loss occurs, shall not prevent a recovery by insured or his assignee if it be shown by plaintiff that the failure to observe such provision or a violation thereof did not contribute to the loss, provided, however, that such condition or stipulation does not refer to other valid insurance, vacancy of insured premises, or the title or ownership of property insured, or incumbrances thereon created by voluntary act of insured and within his control, or to the forfeiture of policy during default for failure to pay a written obligation made to insurance company for premium, or to the fraud of insured in the procurement of contract of insurance. No recovery on a policy or contract of insurance shall be defeated for failure of insured to comply, after a loss occurs, with any arbitration or appraisal stipulation as to fixing value of property unless it be plead and proven that the insurance company gave written notice to insured or his assignee of its election to determine the amount of loss by appraisal or arbitration as provided in policy, and thereafter insured failed to comply with such requirements. No appraisal or arbitration shall take place except where the property was situated at the time of the fire. Nothing herein shall be construed to change the limitations or restrictions respecting the pleading or proving of any defense by any insurance company to which it is now subject. The provisions

of this section shall apply to all contracts of insurance on real and personal property.”

Senator Cheshire moved to amend the substitute by striking out the word “valid,” in line 7, and insert after the word “insurance,” same line, the words “valid or invalid.”

Adopted.

The substitute as amended was adopted.

The time of adjournment having arrived, the Senate adjourned until 2 P. M., today.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., Senator Funk, president *pro tem.*, presiding.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 18.

Senator Junkin called up his amendment to section 62, chapter 4, adding thereto the words, “No condition in a policy of insurance fixing the amount of liability or recovery under such policy with reference to prorating with other insurance on property insured shall be valid unless the said condition as to other insurance refers to valid and collectible insurance only, any agreement to the contrary notwithstanding,” and moved its adoption.

Senator Blanchard moved as a substitute for the amendment the following: Amend the amendment so it will read as follows: “No condition or stipulation in a policy of insurance fixing the amount of liability or recovery under such policy with reference to prorating with other insurance on property insured shall be valid except as to other valid and collectible insurance, any agreement to the contrary notwithstanding.”

The substitute was adopted.

Senator Harriman moved to amend section 60, chapter 4, as follows: Add to the section the words “the court upon ordering judgment against an insurance company upon any such policy of insurance shall allow the plaintiff a reasonable sum as attorney fee, to be taxed as a part of the costs; and the following shall be made a part of each and every such policy issued in this State, to-wit: ‘If judgment shall be rendered

upon this policy, we hereby agree to pay a reasonable attorney's fee, to be taxed as a part of the costs for the benefit of the assured or his assigns.' ”

On the amendment a division was called for and the amendment was lost.

Senator Trewin called up the amendment, adding the following to chapter 8 as section 24: “Sec. 24. No stipulation or condition in any policy or contract of insurance or beneficiary certificate issued by any company or association mentioned or referred to in this chapter limiting the time to a period of less than two years after knowledge by the beneficiary, within which notice or proofs of death or the occurrence of other contingency insured against, must be given, shall be valid.”

Senator Harper moved to amend the amendment by striking out the word “two” in line 4 and insert the word “one,” also, strike the “s” from the word “years.”

Adopted.

The amendment as amended was adopted.

Senator Healy called up his amendment to section 65, chapter 4, as follows: Amend section 65, chapter 4, by adding to the end thereof the following: “Any person who shall hereafter solicit insurance or procure application therefor shall be held to be the soliciting agent of the insurance company or association issuing a policy on such application or on a renewal thereof, anything in the application, policy or contract to the contrary notwithstanding.”

The point of order being raised by Senator Cheshire that the Senate had passed upon the amendment, the President took the question under advisement.

Senator Healy called up his amendment to section 62, chapter 4, striking out the word “fire” in the second line, and moved its adoption.

Adopted.

Senator Healy moved to amend section 60, which is section 61 as renumbered, chapter 4, line 6, by striking out the word “two” and inserting the word “three.”

Adopted.

Senator Healy withdrew his amendment and substitute to section 74, chapter 4.

Senator Mitchell presiding.

Senator Trewin called up the motion filed to reconsider the vote by which the amendment to section 38, chapter 4, of House file No. 18, was adopted.

Senator Trewin moved to reconsider the vote by which the amendment to section 38, chapter 4, was adopted.

On this a roll call was demanded.

On the question, "Shall the vote by which the amendment to section 38, chapter 4, of House file No. 18, was adopted be reconsidered?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carney, Carroll, Druet, Ericson, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Kilburn, Lothrop, Palmer, Phelps, Rikken, Sargent, Trewin, Upton—23.

The nays were:

Senators Bonson, Carpenter, Cheshire, Craig, Downey, Eaton, Garst, Harper, Hotchkiss, Hurst, Mitchell, Perrin, Pusey, Ranck, Rowen, Waterman—16.

Absent or not voting:

Senators Byers, Ellis, Ellison, Everall, Funk, Hipwell, Hospers, Junkin, Lehfeldt, Penrose, Young—11.

The motion prevailed.

Senator Funk, President *pro tem.*, presiding.

Senator Cheshire offered the following substitute for the committee amendment to section 38, chapter 4: Insert after the word "capital" in line 5 the words "or with one hundred thousand dollars of actual paid up capital and one hundred thousand dollars cash surplus safely invested."

On this a roll call was demanded.

On the question, "Shall the substitute be adopted?" the yeas were.

Senators Bonson, Carpenter, Cheshire, Eaton, Garst, Gilbertson, Harper, Hipwell, Hurst, Junkin, Lothrop, Mitchell, Perrin, Phelps, Pusey, Ranck, Rowen, Waterman—18.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carney, Carroll, Craig, Downey, Druet, Ellison, Ericson, Funk, Harriman, Healy, Henderson, Hospers, Hotchkiss, Kilburn, Palmer, Sargent, Trewin, Upton—23.

Absent or not voting:

Senators Byers, Ellis, Everall, Gorrell, Hobart, Lehfeldt, Penrose, Rikken, Young—9.

The substitute was lost.

The question recurring on the committee amendment to section 38, chapter 4, a roll call was demanded.

On the question, "Shall the committee amendment be adopted?" the yeas were:

Senators Allyn, Bonson, Carpenter, Cheshire, Craig, Downey, Eaton, Ericson, Garst, Harper, Hipwell, Hotchkiss, Junkin, Lothrop, Mitchell, Palmer, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Waterman—23.

The nays were:

Senators Alexander, Bell, Berry, Blanchard, Carney, Carroll, Druet, Ellison, Gilbertson, Harriman, Healy, Henderson, Hospers, Hurst, Kilburn, Sargent, Trewin, Upton—18.

Absent or not voting:

Senators Byers, Ellis, Everall, Funk, Gorrell, Hobart, Lehfeldt, Penrose, Young—9.

The committee amendment was adopted.

Senator Pusey moved to amend section 8, chapter 5, by striking out all after the word "office," line 7, down to and including the word "same," line 9, printed bill, and insert: "If the Auditor appoints some one not receiving a regular salary in his office, to make the examination provided for in this section, he shall be entitled to receive five dollars per day for his services, in addition to his actual traveling and hotel expenses, but if a regular employe of his office, he shall be paid only his actual traveling and hotel expenses, to be paid by the association examined, or by the State upon the approval of the Executive Council, if the association fails to pay the same."

Laid over.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate file No. 37, a bill for an act to revise, amend and codify the statutes in relation to the practice of medicine.

JAMES D. ROWEN,
Chief Clerk.

The hour of adjournment having arrived the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, April 7, 1897. }

Senate met in regular session at 9 o'clock A. M., Senator Funk, President *pro tem.*, presiding.

Prayer was offered by Rev. W. W. McGuire, of Cherokee, Iowa.

PETITIONS AND MEMORIALS.

Senator Rikken presented remonstrance of H. H. Brownell and other citizens of Keokuk county, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Waterman presented petition of citizens of Wapello county, in favor of the Temple amendment.

Referred to Committee on Railways.

Senator Everall presented two remonstrances of citizens of Clayton county, against Temple amendment.

Referred to Committee on Railways.

Senator Harriman presented petition of H. H. Bush and other citizens of Franklin county, in favor of the Berry substitute for the Temple amendment.

Referred to Committee on Railways.

Senator Downey presented remonstrance of citizens of Keokuk, against the Cheshire amendment.

Referred to Committee on Ways and Means.

Senator Harper presented petition of Burlington Typographical union, in favor of the Temple amendment.

Referred to Committee on Railways.

Senator Berry presented remonstrance of citizens of Warren county, against the Temple amendment.

Referred to Committee on Railways.

Senator Junkin presented petition of B. W. Fitzpatrick and others, in favor of the Berry substitute for Temple amendment.

Referred to Committee on Railways.

Senator Downey presented petition of citizens of Keokuk, in favor of the Temple amendment and asked that it be read.

Referred to Committee on Railways.

Senator Sargent presented remonstrance of railway men of Black Hawk county, against the Temple amendment.

Referred to Committee on Railways.

Senator Bonson presented remonstrance of citizens of Dubuque, against the Temple amendment.

Referred to Committee on Railways.

Senator Allyn presented petition of railway employes and business men of Union county, Iowa, in favor of Berry substitute for Temple amendment and asked for its reading.

Referred to Committee on Railways.

Senator Junkin presented petition of citizens of Montgomery county, in favor of Berry substitute for Temple amendment and asked for its reading.

Referred to Committee on Railways.

Senator Byers presented petition of citizens Lucas county, and asked that it be read.

Senator Carroll presented remonstrance of citizens of Bloomfield, Davis county, against Temple amendment and asked leave to withdraw the same.

REPORT OF STANDING COMMITTEE.

Senator Eaton, from the Committee on Building and Loan Associations, submitted the following report:

MR. PRESIDENT—Your Committee on Building and Loan Associations, to whom was referred substitute for House file No. 20, 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:

Section 1, strike out word "act" and insert "chapter."

Section 2, strike out word "act" and insert "chapter."

Section 3, strike out word "act" and insert "chapter."

Section 5, strike out word "act" and insert "chapter." Strike out "\$500" and insert "five hundred dollars." Strike out all after the word "court" in thirty-seventh line to the end of the section.

Section 20, sub-section 2, strike out the word "act" and insert "chapter."

Strike out sections 30, 31 and 34.

Section 32, strike out the word "act" and insert "chapter." Strike out the word "act" and insert "chapter."

Strike out the number of the section "32" and insert "30."

Section 33, strike out number of section "33" and insert "31."

And when so amended that the bill do pass.

WILLIAM EATON,
Chairman.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 29, a bill for an act to revise, amend and codify the statutes in relation to mines and mining.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 72, a bill for an act to revise, amend and codify the statutes in relation to estates of decedents.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF CONFERENCE COMMITTEE.

The conference committee appointed by the House and Senate to confer upon the disagreement in relation to the amendments to Senate file No. 78, submitted the following report:

MR. PRESIDENT AND MR. SPEAKER—Your conference committee of the House and Senate, appointed to confer upon the disagreement in relation to the amendments to Senate file No. 78, beg leave to report that they have had the same under consideration and report the same back with the recommendation that the Senate concur in the House amendment to section 8, chapter 2, page 787, inserting in line 5, between "the" and "or," the words "shorthand reporter."

Also, that the Senate concur in the House amendment to section 11, of chapter 2, page 787, striking out all after the word "shall" in the fourth line, up to and including the word "court" in the sixth line, and inserting in lieu thereof the following: "during the term in which judgment is entered, certify that the cause is one in which the appeal should be allowed, and upon such certificate being filed the same shall be appealable regardless of the amount in controversy."

Also, add to said section the following: "Nor shall the right of appeal be affected by the remission of any part of the verdict or judgment returned or rendered."

Also, that the House recede from its amendment to section 37, chapter 2, page 791, striking out after the word "form" in line 2, up to and including the word "stated" in the fourth line.

C. A. CARPENTER,
J. H. TREWIN,
N. M. PUSEY,
W. H. BERRY,
Conferees for the Senate.

H. K. EVANS,
C. F. JOHNSTON,
J. T. P. POWER,
WALTER I. HAYES,
Conferees for the House.

HOUSE MESSAGES.

Senate file No. 37, a bill for an act to revise, amend and codify the statutes in relation to the practice of medicine, was read and referred to Committee on Public Health.

Senator Bell called up his resolution relative to Code work and reduction of force of committee clerks, and moved its adoption.

Senator Henderson moved that the resolution be laid on the table.

On this a roll call was demanded.

On the question, "Shall the motion be laid on the table?" the yeas were:

Senators Blanchard, Bonson, Carpenter, Cheshire, Craig, Downey, Druet, Eaton, Ellison, Funk, Garst, Gorrell, Harper, Healy, Henderson, Hipwell, Hurst, Junkin, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Upton—27.

The nays were:

Senators Alexander, Allyn, Bell, Carney, Carroll, Ericson, Everall, Gilbertson, Harriman, Hobart, Hospers, Hotchkiss, Kilburn, Lothrop, Mitchell, Sargent, Waterman—17.

Absent or not voting:

Senators Berry, Byers, Ellis, Lehfeldt, Trewin, Young—6.

The motion was laid on the table.

The Journal of Tuesday was taken up, read, corrected and approved.

Senator Trewin moved that Senate file No. 36 be recalled from the House.

Carried.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 18.

Senator Cheshire withdrew his point of order against amendment by Senator Healy to section 65, chapter 4.

Senator Healy renewed his motion to amend section 65, chapter 4, by adding to the end thereof the following: "Any person who shall hereafter solicit insurance or procure application therefor shall be held to be the soliciting agent of the insurance company or association issuing a policy on such application or on a renewal thereof, anything in the application, policy or contract to the contrary notwithstanding."

Senator Healy moved to amend the amendment by striking out the figures "65" and "4" and inserting the words "sixty-five" and "four;" also, insert after the words "sixty-five" the words "section sixty-six as renumbered."

Adopted.

The amendment as amended was adopted.

Senator Healy called up amendment to section 19, chapter 8, and moved to amend section 19, chapter 8, line 1, by striking out the words "fifty-seven" and "sixty-five" and inserting in lieu thereof the words "sixty-five" and "sixty-six."

Senator Healy moved to amend the amendment in the last line by striking out the words "sixty-five" and "sixty-six" and inserting the words "sixty-six" and "sixty-seven" as renumbered; also, strike out the figure "4," in line 1, and insert the word "four."

Adopted.

The amendment as amended was adopted.

President Parrott presiding.

Senator Pusey called up the motion to amend section 8, chapter 5, by striking out all after the word "office," line 7, down to and including the word "same," line 9, printed bill, and insert: "If the Auditor appoints some one not receiving a regular salary in his office, to make the examination provided for in this section, he shall be entitled to receive five dollars per day for his services, in addition to his actual traveling and hotel expenses, but if a regular employe of his office he shall be paid only his actual traveling and hotel expenses, to be paid by the association examined, or by the State upon the approval of the Executive Council, if the association fails to pay the same," laid over from yesterday and moved its adoption.

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Berry, Carpenter, Carroll, Craig, Druet, Garst, Gilbertson, Healy, Palmer, Pusey, Waterman—11.

The nays were:

Senators Alexander, Allyn, Bell, Blanchard, Byers, Carney, Cheshire, Downey, Eaton, Ellison, Ericson, Everall, Funk, Gorrell, Harper, Harriman, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Phelps, Ranck, Rigger, Rowen, Sargent, Trewin—30.

Absent or not voting:

Senators Bonson, Ellis, Hipwell, Junkin, Lehfeldt, Penrose, Perrin, Upton, Young—9.

The amendment was lost.

The hour for the special order, Senate file No. 20, having arrived, Senator Lothrop moved that the special order be postponed until House file No. 18 is disposed of.

Carried.

Senator Berry moved to amend section 9, chapter 8½, as follows: Strike out of line 9, beginning with the word "which" down to and including the word "bill," in line 12, and insert the following: "For the purpose of making the examination the auditor shall appoint a regular employe of his office who shall be paid only his actual traveling expenses, to be paid by the association examined, or by the State on the approval of the Executive Council if the association fails to pay the same."

Withdrawn.

Senator Lothrop moved that the vote be reconsidered by which the amendment by Senator Pusey to section 8 of chapter 5, was lost.

Senator Kilburn moved that the motion to reconsider lie on the table.

On this a roll call was demanded.

On the question, "Shall the motion be laid on the table?" the yeas were:

Senators Carney, Downey, Funk, Gorrell, Harper, Harriman, Henderson, Hospers, Kilburn, Phelps, Ranck, Sargent, Trewin—13.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carroll, Cheshire, Craig, Druet, Ericson, Garst, Gilbertson, Healy, Hobart, Hotchkiss, Hurst, Junkin, Lothrop,

Mitchell, Palmer, Perrin, Pusey, Rigger, Rowen, Upton, Waterman—28.

Absent or not voting:

Senators Carpenter, Eaton, Ellis, Ellison, Everall, Hipwell, Lehfeldt, Penrose, Young—9.

The motion to lay on the table was lost.

The motion to reconsider prevailed.

Senator Pusey renewed the amendment to section 8, chapter 5.

Senator Harriman offered the following amendment to the amendment: Insert after the word "section," line 6, as printed in the Journal of April 6th, the words "other than county mutual associations."

Lost.

Senator Kilburn offered the following amendment to the amendment: Add to the amendment the words "but no company shall be charged more than twenty-five dollars for each examination."

Senator Upton moved the previous question on the pending amendment.

On the question, "Shall the main question be now put?" the motion prevailed.

On the amendment to the amendment a division was called for and the amendment to the amendment was adopted.

On the amendment as amended a division was called for and the amendment was adopted.

Senator Craig called up his amendment to section 14, chapter 7, printed in the Journal of April 3, and offered the following substitute: At the end of line 2, after the word "provide," insert the following: "for the equitable distribution of any surplus or advance insurance fund accumulated in the course of its business, which may be paid in cash or applied in the reduction or payment of future premiums, paid up or extended insurance, as its rules or contract may provide, and."

Adopted.

Senator Rowen moved to reconsider the vote by which the substitute was adopted.

On this a division was called for and the motion prevailed.

On reconsideration the substitute was adopted.

Senator Craig moved to amend chapter 8 by renumbering the sections.

Adopted.

Senator Craig moved to amend chapter 8½ by renumbering the sections.

Adopted.

Senator Carpenter withdrew his amendment to the bill printed in the Journal of April 5th.

Senator Garst moved that the further consideration of the bill be postponed.

Carried.

MESSAGES FROM THE HOUSE.

The following message was received from the House.

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns as requested Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate file No. 94 (substitute for Senate file No. 45 and House file No. 62), a bill for an act to revise, amend and codify the statutes in relation to the system of common schools.

JAS. D. ROWEN,
Chief Clerk.

Senator Trewin moved to take up House messages.

Carried.

HOUSE MESSAGES.

Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry, was passed on file.

Senate file No. 94 (substitute for Senate file No. 45 and House file No. 62), a bill for an act to revise, amend and codify the statutes in relation to the system of common schools, was taken up.

Senator Trewin moved to take up House amendments to the bill for consideration.

Carried.

Senator Trewin moved that the Senate concur in the House amendments to section 52 of the bill.

On the question, "Shall the Senate concur in House amendments to section 52, of Senate file No. 94?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey,

Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Upton, Waterman—47.

The nays were:

None.

Absent or not voting:

Senators Ellis, Lehfeldt, Young—3.

The House amendments were concurred in.

Senator Penrose called up report of committee on Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of railways.

Senator Penrose moved that the Senate concur in House amendments to section 22.

Carried.

Senator Penrose moved that the Senate concur in the House amendments to section 36.

Carried.

Senator Hobart moved to withdraw the minority report as printed on page 9, of the Journal of March 26 and that the following substitute: "Nor shall any contract of insurance, relief, benefit or indemnity in case of injury or death, entered into prior to the injury, between the person so injured and such corporation, or any other person or association acting for such corporation, nor shall the acceptance of any such insurance, relief, benefit or indemnity by the person injured, his widow, heirs or legal representatives after the injury, from such corporation, person, or association, constitute any bar or defense to any cause of action brought under the provisions of this section, but nothing herein contained shall be construed to prevent or invalidate any settlement for damages between the parties subsequent to injuries received," be substituted for the minority report.

Carried.

Senator Hobart moved that the substitute minority report be substituted for the majority report of committee on section 38 of the bill.

Senator Cheshire moved that the rule limiting speeches in debate to ten minutes, be suspended during the consideration of this section.

On this a roll call was demanded.

On the question, "Shall the rules be suspended?" the yeas were:

Senators Alexander, Bonson, Cheshire, Downey, Druet, Ellison, Funk, Gilbertson, Gorrell, Healy, Henderson, Hipwell, Hobart, Hurst, Lothrop, Penrose, Ranck, Sargent, Trewin—19.

The nays were:

Senators Allyn, Bell, Berry, Blanchard, Byers, Carney, Carroll, Craig, Eaton, Ericson, Everall, Harper, Harriman, Hotchkiss, Junkin, Kilburn, Mitchell, Palmer, Perrin, Phelps, Pusey, Rigger, Rowen, Upton, Waterman—25.

Absent or not voting:

Senators Carpenter, Ellis, Garst, Hospers, Lehfeldt, Young—6.

The motion to suspend the rules was lost.

Senator Berry moved that the Senate do now adjourn.

Carried.

Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

The Senate resumed consideration of Senator Hobart's motion to substitute the substituted minority report for the majority on section 38 of Senate file No. 20.

Senator Trewin moved that the time of adjournment be extended until 5 o'clock.

Carried.

On the question a roll call was demanded.

On the question, "Shall the substituted minority report be substituted for the majority report?" the yeas were:

Senators Alexander, Cheshire, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hobart, Hospers, Hotchkiss, Junkin, Penrose, Perrin, Rowen, Sargent, —19.

The nays were:

Senators Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Craig, Downey, Druet, Eaton,

Harper, Henderson, Hipwell, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Phelps, Pusey, Ranck, Riggen, Trewin, Upton, Waterman—28.

Absent or not voting:

Senators Ellis, Lehfeldt, Young—3.

The motion was lost.

REPORTS OF CONFERENCE COMMITTEES.

Senator Waterman, from committee on conference, submitted the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry, beg leave to report that they have had the same under consideration and recommend that the Senate concur in the House amendment to section 1, line 6 of the bill, by inserting the words "and treasurer" after the word "secretary."

Also, that the Senate concur in the House amendment to section 1, line 17, striking out all of said section after the word "source" and inserting in lieu thereof the following: "Any sum remaining after the payment of such compensation and expenses shall be paid into the State treasury on or before the first day of August of each year, by the treasurer, who shall, on assuming his office, file with the Secretary of State a good and sufficient bond in the penal sum of one thousand dollars. The board shall make report biennially to the Governor of its proceedings, with an account of all money received or disbursed."

H. L. WATERMAN,
J. H. TREWIN,
C. S. RANCK,
GEO. S. ALLYN,
Committee for the Senate.
W. B. BELL,
J. H. FUNK,
CHAS. L. EARLY,
O. A. BYINGTON,
Committee for the House.

Ordered passed on file.

Senator Mitchell, from the Committee on Conference, submitted the following report:

MR. PRESIDENT—Your Committee on Conference, to whom was referred House file No. 31, a bill for an act to revise, amend and codify the statutes in relation to fences, beg leave to report that they have had the same

under consideration and unanimously recommend that the House concur in the Senate amendments.

W. O. MITCHELL,
D. J. PALMER,
GEO. W. HENDERSON,
JOHN EVERALL,
Senate Committee.

R. T. ST. JOHN,
E. C. SPAULDING,
JOHN FRAZEE,
J. P. McDOWELL,
House Committee.

Ordered passed on file.

Senator Pusey moved that the vote by which the Senate adopted the report of the Conference Committee on House file No. 84 be reconsidered and set aside.

Carried.

Senator Pusey moved to recall House file No. 84 from the House.

Carried.

Senator Healy moved that the Senate do now adjourn.

Carried.

The Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Thursday, April 8, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Father Charles F. Waldron, of Chariton, Iowa.

PETITIONS AND MEMORIALS.

President Parrott presented remonstrance of Des Moines Conference of the United Evangelical church, against manufacturing bill and asked for its reading.

Referred to Committee on Suppression of Intemperance.

Senator Junkin presented a resolution unanimously passed by a largely attended mass meeting, held in Malvern, Iowa, against the manufacturing bill and asked for its reading.

Referred to Committee on Suppression of Intemperance.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns as requested House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the conference committee on House file No. 31, a bill for an act to revise, amend and codify the statutes in relation to fences.

JAS. D. ROWEN,
Chief Clerk.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file

No. 17, a bill for an act to revise, amend and codify the statutes in relation to Agricultural and Horticultural Societies, Stock Breeder's associations and State Dairy association.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 34, a bill for an act to revise, amend and codify the statutes in relation to fire companies.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 90, a bill for an act to revise, amend and codify the statutes in relation to express companies.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

REPORT OF STANDING COMMITTEE.

Senator Cheshire, from the Committee on Cities and Towns, submitted the following report:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate file No. 2, a bill for an act to revise, amend and codify the laws in relation to city and town 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 the joint committee substitute for Senate file No. 2 and House file No. 12, be adopted in lieu of Senate file No. 2, and that said substitute do pass.

THOS. A. CHESHIRE,
Chairman.

Senator Cheshire moved that the bill be numbered Senate file No. 95, substitute for Senate file No. 2 and House file No. 12.

Carried.

Substitute read first and second time.

The Journal of Wednesday was taken up, read, corrected and approved.

Senator Waterman called up report of conference committee on Senate file No. 36.

Senator Waterman moved that the Senate concur in House amendment to line 6 of section 1 and line 17 of section 1.

On the question, "Shall the conference committee report be adopted and House amendments concurred in?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Hobart, Hospers, Hotchkiss, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Rowen, Sargent, Trewin, Upton, Waterman—40.

The nays were:

None.

Absent or not voting:

Senators Carney, Eaton, Ellis, Healy, Henderson, Hipwell, Hurst, Kilburn, Lehfeldt, Young—10.

The report of conference committee was adopted and House amendments concurred in.

Senator Carpenter called up report of conference committee on Senate file No. 78.

Senator Carpenter moved that the Senate concur in House amendment to section 8, chapter 2, and House amendment to section 11, chapter 2, and that the report of the conference committee be adopted.

A division of the report was demanded and ordered.

On the question shall the following be added to the section: "Nor shall the right of appeal be affected by the remission of any part of the verdict or judgment returned or rendered," the amendment was adopted.

On the question, "Shall the report of the conference committee be adopted and House amendments concurred in?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ericson, Funk, Garst, Gilbertson, Gorrell, Harper, Henderson, Hobart, Hospers, Hotchkiss, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Upton, Waterman—38.

The nays were:

Senators Ellison, Everall, Healy, Hipwell—4.

Absent or not voting:

Senators Ellis, Harriman, Hurst, Junkin, Lehfeldt, Ranck, Trewin, Young—8.

The report of the conference committee was adopted and House amendments concurred in.

The Senate resumed consideration of the report of committee on House amendments to Senate file No. 20.

Senator Berry moved to amend the substitute for the House amendment to section 38 as follows: Insert between the words "have" and "thirty" in line 10 as printed in the Journal of March 26th, the words "not less than."

Adopted.

Senator Healy moved to amend the substitute by striking out the words "thirty days" in lieu thereof as printed in the Journal and insert the words "six months."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Cheshire, Ellison, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hotchkiss, Hurst, Penrose, Perrin, Rowen, Sargent—16.

The nays were:

Senators Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Craig, Downey, Druet, Eaton, Ericson, Harper, Henderson, Hipwell, Hobart, Hospers, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Phelps, Pusey, Ranck, Rigen, Trewin, Upton, Waterman—31.

Absent or not voting:

Senators Ellis, Lehfeldt, Young—3.

The amendment was lost.

Senator Carney moved to amend the substitute, line 2, by striking out the words "thirty days" and inserting in lieu thereof the words "three months."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Carney, Cheshire, Everall, Funk, Garst, Gilbertson, Gorrell, Healy, Hipwell, Hotchkiss, Hurst, Penrose, Perrin, Rowen, Sargent—16.

The nays were:

Senators Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carpenter, Carroll, Craig, Downey, Druet, Ericson, Harper,

Henderson, Hobart, Hospers, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Phelps, Pusey, Ranck, Rigger, Trewin, Upton, Waterman—28.

Absent or not voting:

Senators Eaton, Ellis, Ellison, Harriman, Lehfeldt, Young—6.

So the amendment was lost.

Senator Healy moved to amend the substitute as follows: Insert in line 1, after the word "corporation," the words "with authority to transact a voluntary insurance or indemnity business under the insurance laws of the State of Iowa."

Senator Waterman moved the previous question on the amendment and the substitute.

On the question, "Shall the main question be now put?" a roll call was demanded.

On the question, "Shall the main question be now put?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Craig, Downey, Druet, Ericson, Harper, Healy, Henderson, Hospers, Hotchkiss, Lothrop, Mitchell, Palmer, Perrin, Phelps, Pusey, Ranck, Rigger, Sargent, Trewin, Upton, Waterman—31.

The nays were:

Senators Cheshire, Eaton, Ellison, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Hipwell, Hobart, Hurst, Junkin, Kilburn, Penrose, Rowen—16.

Absent or not voting:

Senators Ellis, Lehfeldt, Young—3.

The previous question was ordered.

Senator Healy moved that the vote by which the previous question was ordered be reconsidered.

Senator Cheshire moved that the motion to reconsider be laid upon the table.

On this a division was called for and the motion prevailed.

On the amendment to the substitute by Senator Healy, a roll call was demanded.

On the question, "Shall the amendment to the substitute be adopted?" the yeas were:

Senators Cheshire, Ellison, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hobart, Junkin, Penrose, Rowen—13.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Craig, Downey, Druet, Eaton, Ericson, Harper, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Perrin, Phelps, Pusey, Ranck, Rigger, Sargent, Trewin, Upton, Waterman—34.

Absent or not voting:

Senators Ellis, Lehfeldt, Young—3.

The amendment to the substitute was lost.

The motion recurring on the substitute a roll call was demanded.

“On the question, “Shall the substitute as amended be adopted?” the yeas were:

Senators Allyn, Bell, Berry, Blanchard, Byers, Carpenter, Carroll, Craig, Downey, Druet, Eaton, Harper, Hipwell, Hospers, Kilburn, Lothrop, Mitchell, Palmer, Phelps, Pusey, Ranck, Rigger, Trewin, Upton, Waterman—25.

The nays were:

Senators Alexander, Bonson, Carney, Cheshire, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hotchkiss, Junkin, Penrose, Perrin, Rowen, Sargent—21.

Absent or not voting:

Senators Ellis, Hurst, Lehfeldt, Young—4.

The substitute as amended was adopted.

Senator Penrose moved that the Senate amendment to the House amendment to line 1, section 42, be adopted.

Carried.

Senator Penrose moved that the Senate concur in the House amendment to line 1, section 42, as amended.

Carried.

Senator Penrose moved that the Senate do not concur in the House amendment to line 3, section 42.

Carried.

Senator Penrose moved that the Senate concur in the House amendment adding certain words to the end of section 42.

Carried.

Senator Penrose moved that the Senate do not concur in the House amendment to line 3, section 45.

Carried.

Senator Penrose moved that the Senate concur in the House amendment to section 72.

Carried.

Senator Penrose moved that the yeas and nays be called on the House amendments just concurred in.

Carried.

On the question, "Shall all the amendments recommended by the committee to Senate file No. 20 be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Craig, Downey, Druet, Eaton, Ericson, Funk, Harper, Hospers, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Sargent, Trewin, Upton, Waterman—33.

The nays were:

Senators Cheshire, Ellison, Everall, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hotchkiss, Hurst Rowen—13.

Absent or not voting:

Senators Ellis, Hipwell, Lehfeldt, Young—4.

The House amendments were concurred in.

BILLS ON THIRD READING.

Senator Garst called up House file No. 18.

Senator Garst moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Craig, Downey, Druet, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rigger, Rowen, Sargent Trewin, Upton, Waterman—42.

The nays were:

Senators Cheshire and Ranck—2.

Absent or not voting:

Senators Ellis, Ellison, Hipwell, Hurst, Lehfeldt, Young—6.

The bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Garst moved that Senate file No. 5, No. 1 on the calendar, be indefinitely postponed.

Carried.

On motion of Senator Eaton, substitute for House file No. 20, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read section by section for the purpose of amendments.

Senator Eaton moved to amend section 1 by striking out the word "act" and insert the word "chapter."

Adopted.

Senator Trewin presiding.

Senator Eaton moved to amend section 2 by striking out the word "act" and inserting the word "chapter."

Adopted.

Senator Eaton moved to amend section 3 by striking out the word "act" and inserting the word "chapter" in lieu thereof.

Adopted.

Senator Eaton moved to amend section 5 as follows: Strike out the word "act" in line 3, and insert the word "chapter."

Adopted.

Senator Eaton moved to amend section 5 as follows: Strike out "\$500" and insert the words "five hundred dollars."

Adopted.

Senator Eaton moved to amend section 5 as follows: Strike out all after the word "court" in thirty-seventh line to the end of the section.

Senator Healy moved to amend section 5 as follows: Strike out section 5 as amended and insert the following in lieu thereof: "Section 5. Such articles of incorporation with the by laws of the association shall be presented to the Executive Council, and if it finds they are in conformity with the law and based upon a plan equitable in all respects to its members it shall attach thereto its certificate of approval, and thereupon such articles and by-laws shall be filed in the office of the Auditor of State, who shall issue a certificate authorizing the association to transact business. Amendments to such articles may be made from time to time at any regular or special meeting of the stockholders, and shall in like manner be submitted to the Executive Council and approved by it. The Council shall keep a record of its proceedings with reference to such associations."

Laid over.

President Parrott presiding.

Senator Garst moved to amend section 9 as follows: Insert after the word "usurious," in line 15, the following: "but in no event shall the borrower pay a rate of interest in excess of 8 per cent. per annum on principal of debt."

Senator Junkin moved that the Senate do now adjourn.

Carried.

Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

On request of Senator Hipwell, leave of absence was granted Senator Allyn until Monday.

BILLS ON SECOND READING.

Senate resumed consideration of substitute for House file No. 20, having under consideration at the time of adjournment the amendment by Senator Garst to section 9.

Senator Funk, President *pro tem.*, presiding.

Senator Blanchard moved to amend the amendment by adding thereto the following words: "except to domestic local associations doing business only within one county."

Senator Garst accepted the amendment to the amendment by Senator Blanchard.

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Blanchard, Carpenter, Druet, Garst, Gilbertson, Gorrell, Harper, Healy, Kilburn, Lothrop, Mitchell, Ranck
—12.

The nays were:

Senators Alexander, Bell, Berry, Bonson, Byers, Carney, Carroll, Cheshire, Craig, Downey, Eaton, Ellison, Ericson, Everall, Funk, Harriman, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Palmer, Penrose, Perrin, Phelps, Rigger, Rowen, Sargent, Trewin, Upton, Waterman—33.

Absent or not voting:

Senators Allyn, Ellis, Lehfeldt, Pusey, Young—5.

The amendment was lost.

Senator Eaton moved to amend section 11, by striking out the figures and sign "\$100" and insert the words "one hundred dollars" in lieu thereof.

Adopted.

Senator Eaton moved to amend sections 13 and 15, by striking out the figures and dollar signs wherever they appear and insert the words expressing the same amounts in lieu thereof.

Adopted.

Senator Eaton moved to amend section 20, subsection 2, by striking out the word "act" and inserting the word "chapter."

Adopted.

Senator Eaton moved to amend section 20, by striking out the figures and sign "\$100" and insert the words "one hundred dollars" in lieu thereof.

Adopted.

Senator Eaton moved that the Secretary be instructed to strike out the figures and dollar signs wherever they occur in the bill and insert the equivalent in words.

Carried.

Senator Ranck moved to amend section 9 as follows: Add after the word "usurious" the following: "But no building and loan association shall charge, collect or receive as interest, including premiums, fees, fines or forfeitures, to exceed fifteen per cent per annum on money loaned."

Laid over.

Senator Eaton moved to amend the bill by striking out sections 30, 31 and 34.

Adopted.

Senator Blanchard moved to amend section 25, subsection 7, by inserting after the words "paid to" the words "each of."

Adopted.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the conference committee on the following bills:

Senate file No. 78, a bill for an act to revise, amend and codify the statutes in relation to procedure to reverse, vacate or modify judgments.

Also:

Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry.

Also:

House file No 15, a bill for an act to revise, amend and codify the statutes in relation to roads, bridges and ferries.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House asks the return of Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of birds and game.

JAS. D. ROWEN,
Chief Clerk.

Senator Henderson moved that Senate file No. 35 be returned to the House for correction.

Carried.

The time of adjournment having arrived, the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, April 9, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Edward Newton Barrett of Iowa City, Iowa.

PETITIONS AND MEMORIALS.

President Parrott presented petition of Henry Nolte of Davenport, asking that notaries who are crippled United States pensioners be exempt from increased fee for their commissions.

Referred to Committee on Ways and Means.

HOUSE MESSAGES.

House file No. 15, a bill for an act to revise, amend and codify the statutes in relation to roads, bridges and ferries, was passed on file.

Senate file No. 78, a bill for an act to revise, amend and codify the statutes in relation to procedure to reverse, vacate or modify judgments, was passed on file.

Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to practice of dentistry, was passed on file.

Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to fish and game, was returned to the House.

House file No. 31, a bill for an act to revise, amend and codify the statutes in relation to fences, was passed on file.

House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence, was taken up and on motion of Senator Pusey, was referred to Committee on Code Revision.

REPORTS OF STANDING COMMITTEES.

Senator Rowen, from the Committee on Penitentiaries and Pardons, submitted the following report:

MR. PRESIDENT—Your Committee on Penitentiaries and Pardons, to whom was referred Senate file No. 73, a bill for an act to revise, amend and codify the statutes in relation to the discipline and government of jails and penitentiaries, 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 House file No. 87 be substituted therefor, and that Senate file No. 73 be indefinitely postponed. They further recommend House file No. 87 be amended as follows, and when so amended the same do pass:

Strike out of line 2, section 9, page 1010, the words "for a like amount."

Insert in line 4, section 9, page 1010, after the word "applicable" the following: "but the amount of the bond shall be \$5,000."

Add to section 16, chapter 2: "and it shall be unlawful for the warden of either penitentiary to receive convicts from outside of the districts named by the executive council except upon their order or that of the Governor."

Amend section 44, chapter 2, by striking out of line 3, "if he has made so much."

Add to section 47, chapter 2, page 1017, "but the warden may in his discretion make such disposition of any surplus refuse stone at the quarries as may be for the best interest of the State."

Strike out of section 56, chapter 2, the words "ten dollars" and insert "nine dollars and fifty cents."

Strike out the words "seventy-five" in line 5, section 57, page 1019, and to insert in lieu thereof the words "one hundred."

J. E. ROWEN,
Chairman.

Ordered passed on file.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 92, a bill for an act to authorize cities of the second class to issue bonds for extending the time of payment of its indebtedness, 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 do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 93, a bill for an act to apply to cities of the first class the provisions of chapter 78, laws of the Twenty-first General Assembly, as amended by chapter 17, laws of the Twenty-second General Assembly; chapter 15, laws of the Twenty-fourth General Assembly; chapter 3, laws of the Twenty-fifth General Assembly, and chapter 3, laws of the Twenty-sixth General Assembly, regular session, relating to indebtedness of cities and towns, beg leave to report that they have had the same under consid-

eration and have instructed me to report the same back to the Senate with the recommendation that the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Senator Harriman moved to take up Conference Committee report on House file No. 15.

Carried.

Senator Harriman asked the reading of second amendment by committee, adding certain words to end of section 45.

Senator Harriman moved that the report of the Conference Committee be adopted.

On the question, "Shall the report of the Conference Committee be adopted?" the yeas were:

Senators Alexander, Bell, Bonson, Byers, Carney, Carpenter, Carroll, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Kilburn, Palmer, Penrose, Perrin, Phelps, Ranck, Rigger, Rowen, Sargent, Trewin, Waterman—36.

The nays were:

Senators Everall and Harper—2.

Absent or not voting:

Senators Allyn, Berry, Blanchard, Cheshire, Hobart, Junkin, Lehfeldt, Lothrop, Mitchell, Pusey, Upton, Young—12.

The report of the Conference Committee was adopted.

The Journal of Thursday was taken up.

Senator Trewin asked that the correction of the Journal be deferred until the arrival of Senator Berry.

Senator Mitchell called up the report of the conference committee on House file No. 31.

Senator Mitchell moved that the report of the conference committee on House file No. 31 be adopted.

On the question, "Shall the report of the conference committee on House file No. 31 be adopted?" the yeas were:

Senators Alexander, Bell, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rigger, Rowen, Sargent, Trewin, Upton, Waterman—41.

The nays were:

None.

Absent or not voting:

Senators Ailyn, Berry, Eaton, Harper, Hobart, Lehfeldt, Lothrop, Ranck, Young—9.

The report of the conference committee was adopted.

Senator Carney filed the following motion:

MR. PRESIDENT—I move to reconsider the vote by which all the amendments recommended by the committee, to Senate file No. 20, passed the Senate.

J. L. CARNEY.

BILLS ON SECOND READING.

Senate resumed consideration of substitute for House file No. 20.

Senator Eaton moved to amend section 32 by striking out the words in line 4, "act within the time herein prescribed" and insert the word "chapter;" also, strike out the word "act" in last line and insert the word "chapter."

Adopted.

Senator Eaton moved to amend the bill by renumbering sections 32 and 33, sections 30 and 31.

Adopted.

Senator Healy called up his substitute for section 5 as follows: Strike out section 5 as amended, and insert the following in lieu thereof: "Section 5. Such articles of incorporation with the by-laws of the association shall be presented to the Executive Council, and if it finds they are in conformity with the law and based upon a plan equitable in all respects to its members, it shall attach thereto its certificate of approval, and thereupon such articles and by-laws shall be filed in the office of the Auditor of State, who shall issue a certificate authorizing the association to transact business. Amendments to such articles may be made from time to time at any regular or special meeting of the stockholders, and shall in like manner be submitted to the Executive Council and approved by it. The Council shall keep a record of its proceedings with reference to such associations."

On the substitute a roll call was demanded.

On the question, "Shall the substitute be adopted?" the yeas were:

Senators Alexander, Berry, Blanchard, Bonson, Carpenter, Cheshire, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Everall,

Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Kilburn, Palmer, Phelps, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Upton—33.

The nays were:

Senators Bell, Byers, Carney, Carroll, Downey, Funk, Hipwell, Hurst, Junkin, Lothrop, Mitchell, Penrose, Perrin, Waterman—14.

Absent or not voting:

Senators Allyn, Lehfeldt, Young—3.

The substitute was adopted.

Senator Ranck called up his amendment to section 9 and asked leave to withdraw 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 has amended and passed the following bill, in which the concurrence of the House was asked:

Substitute for Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and protection of birds and game.

JAS. D. ROWEN,
Chief Clerk.

Senator Berry being present, Senator Trewin asked leave to call up and finish the correction of the Journal of Tuesday.

Senator Carney called up his motion filed to reconsider the vote by which all the amendments to Senate file No. 20 were adopted.

Senator Carney moved to recconsider the vote by which all the amendments to Senate file No. 20 were adopted.

On this a roll call was demanded.

On the question, "Shall the vote by which the amendment to Senate file No. 20 be reconsidered?" the yeas were:

Senators Alexander, Bonson, Carney, Cheshire, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Penrose, Perrin, Rowen—24.

The nays were:

Senators Bell, Berry, Blanchard, Byers, Carpenter, Carroll, Craig, Downey, Druet, Harper, Hipwell, Kilburn, Mitchell, Palmer, Phelps, Pusey, Ranck, Rigger, Sargent, Trewin, Upton, Waterman—22.

Absent or not voting:

Senators Allyn, Lehfeldt, Lothrop, Young—4.

The motion to reconsider prevailed.

Senator Berry moved that the further consideration of this question be postponed until Wednesday at 10 o'clock.

On this a roll call was demanded.

On the question, "Shall the reconsideration be postponed?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Craig, Downey, Druet, Eaton, Ellison, Funk, Garst, Harper, Harriman, Healy, Hipwell, Hoppers, Hotchkiss, Hurst, Kilburn, Mitchell, Palmer, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Upton, Waterman—36.

The nays were:

Senators Cheshire, Ericson, Everall, Gilbertson, Gorrell, Henderson, Hobart, Junkin, Penrose—9.

Absent or not voting:

Senators Allyn, Ellis, Lehfeldt, Lothrop, Young—5.

The motion to postpone prevailed.

The Journal as corrected was approved.

The Senate resumed consideration of substitute for House file No. 20.

Senator Healy offered the following amendment to section 9: Add to the end thereof the words: "In event that judgment is obtained against a borrower from a building and loan association no greater recovery shall be had than the net amount of principal actually received with interest thereon at a rate not greater than twelve per centum per annum on the net amount of loan actually received by and paid to borrower, with statutory attorney fees. No evasion of this provision shall be had by means of any dues, membership fees, premiums, fines, forfeitures, or other charges, any agreement to the contrary notwithstanding."

Senator Druet moved that the Senate do now adjourn.

Carried.

The Senate adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott, presiding.

Senator Trewin moved to take up House messages.

Carried.

HOUSE MESSAGES.

Substitute for Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to care and propagation of fish and protection of birds and game.

Read and referred to Committee on Fish and Game.

REPORT OF STANDING COMMITTEE.

Senator Henderson, from the Committee on Fish and Game, submitted the following report:

MR. PRESIDENT—Your Committee on Fish and Game, to whom was referred substitute for Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of birds and game, 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 concur in the following amendments adopted by the House: Those to section 2, line 3; section 13, lines 7, 8 and 9; section 13, line 18; section 18, lines 7 and 8; section 25.

And that the Senate do not concur in the following amendments adopted by the House: Those to section 2, line 10; section 4, line 1; section 10, lines 4 and 5; section 13, line 7, after the word "June;" section 14, lines 4 and 6; section 23, lines 5 and 6.

GEO. W. HENDERSON,
Chairman.

Ordered passed on file.

BILLS ON SECOND READING.

The Senate resumed consideration of substitute for House file No. 20, the amendment by Senator Healy being under consideration at the time of adjournment.

Senator Druet moved to amend the amendment by striking out the word "twelve" before the words "per centum" and insert the word "ten" in lieu thereof.

Lost.

Senator Hospers moved the previous question.

On the question, "Shall the previous question be now put?" the motion was lost.

On the amendment to section 9 a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hospers, Hotchkiss, Hurst, Kilburn,

Lothrop, Mitchell, Penrose, Phelps, Ranck, Rowen, Trewin, Upton—34.

The nays were:

Senators Byers, Carney, Eaton, Hobart, Junkin, Palmer, Sargent, Waterman—8.

Absent or not voting:

Senators Allyn, Harper, Hipwell, Lehfeldt, Perrin, Pusey, Riggen, Young—8.

The amendment was adopted.

Senator Blanchard moved to amend section 9, line 29, by inserting after the word "thereof" the words "It shall be the duty of the secretary of every such association doing business in the State to prepare and mail to every shareholder a verified statement, on the first day of January of each year, showing the book value and the surrender value of shares of stock held by such shareholders."

On this a division was called for and the amendment adopted.

Senator Carpenter moved to amend section 19, subsection 8, as follows: Insert after the word "plan" in line 5 the words "and one equitable to its members."

Adopted.

Senator Carpenter moved to amend section 13 as follows: Strike out the last sentence and insert the following: "The dividend or interest upon prepaid or investment stock shall in no case exceed eight per cent per annum."

On this a division was called for and the amendment was adopted.

Senator Eaton moved that the rule be suspended and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Ranck, Riggen, Rowen, Sargent, Trewin, Upton—41.

The nays were.

Senators Garst and Waterman—2.

Absent or not voting:

Senators Allyn, Harper, Hipwell, Lehfeldt, Mitchell, Pusey, Young—7.

The bill having received a constitutional majority, was declared to have passed the Senate.

Senator Eaton moved to amend the title by adding the words "Chapter 12 of title IX."

Adopted.

The title as amended was agreed to.

Senator Healy moved that the Senate do now adjourn.

Carried.

The Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, April 10, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott, presiding.

Prayer was offered by the Rev. W. B. Cash, of Des Moines.

On request of Senator Garst, leave of absence was granted Senator Ranck until Monday.

On request of Senator Ellison, leave of absence was granted Senator Trewin until Wednesday.

On request of Senator Everall, leave of absence was granted Senator Pusey until Monday.

On request of Senator Bell, leave of absence was granted Senator Hurst.

On request of Senator Rowen, leave of absence was granted Senator Rikken.

PETITIONS AND MEMORIALS.

Senator Sargent presented remonstrance of J. M. Groat and other citizens of Black Hawk county, against the Temple amendment.

Referred to Committee on Railways.

REPORT OF CONFERENCE COMMITTEE.

Senator Junkin, from the Committee on Conference, on House file No. 29, submitted the following report:

MR. PRESIDENT—Your Committee on Conference, to whom was referred House file No. 29, a bill for an act to revise, amend and codify the statutes in relation to the care of the insane, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that the House concur with the Senate in Senate amendments to sections 4 and 5, and that the

Senate concur with the House in the House amendment to the Senate amendment to section 6.

J. M. JUNKIN,
 E. G. PENROSE,
 E. M. SARGENT,
 A. C. HOBART,
Committee from Senate.
 CHAS. L. EARLY,
 J. J. LOWRY,
 A. L. WOOD,
 W. S. ALLEN,
Committee from House.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 3, a bill for an act to revise, amend and codify the statutes in relation to county and township government.

G. S. GILBERTSON,
Chairman Senate Committee.
 W. E. HAUGER,
Chairman House Committee.

Passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled, Senate file No. 3, a bill for an act to revise, amend and codify the statutes in relation to county and township government.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

The Journal of Friday was taken up, read, corrected and approved.

Senator Kilburn offered the following resolution:

Resolved, That the afternoon sessions of the Senate extend to 5 o'clock.

Laid over.

Senator Harriman filed the following motion:

MR. PRESIDENT—I move to reconsider the vote by which substitute for House file No. 20 passed the Senate April 9th,

W. F. HARRIMAN,

BILLS ON SECOND READING.

On motion of Senator Craig House substitute for Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to the militia, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Ball moved to amend section 8 by striking out the word "four" in line 4, printed bill, and insert the word "ten" in lieu thereof.

Lost.

Senator Craig moved to amend section 8 by adding the letters "es" to the word "aid" in the last line, printed bill.

Adopted.

Senator Craig moved to amend section 9 by striking out all of lines 11, 12, 13 and the first four words of line 14.

Adopted.

Senator Craig moved to amend section 10 as follows: Strike out after the word "until" in the third line in section 10, "he shall resign or be dismissed by court-martial" and insert in lieu thereof the words "his resignation shall have been accepted or he is dismissed by sentence of court-martial."

Adopted.

Senator Craig moved to amend section 11 as follows: Strike out all of section 11 after the word "until," in line 5, and insert the words "his resignation shall have been accepted or he is dismissed by sentence of court-martial."

Adopted.

Senator Craig moved to amend section 13 as follows: Strike out the last line of section 13 and insert in lieu thereof the words "his resignation shall have been accepted or he is dismissed by sentence of court-martial."

Senator Craig moved to amend the amendment by striking out the word "his" and inserting the word "their;" also, strike out the words "he is" and insert the words "they are."

Adopted.

The amendment as amended was adopted.

Senator Craig moved to amend section 34 as follows: In line 4, strike out the words "or drill or parade." In last line of section 34 insert the word "civic," and after the word "wearing" in same line, insert the words "uniforms and."

Adopted.

Senator Craig moved to amend section 15, line 16, by striking out the word "for" and inserting the word "and" in lieu thereof.

Adopted.

Senator Craig moved to amend the bill by inserting the word "section" before the numerals "38."

Adopted.

Senator Craig moved to insert in section 46, line 12, before the word "out" the words "to be paid;" also, in section 46, line 14, insert after the word "quarters" the words "to be paid."

Adopted.

Senator Craig moved to strike out the words and figures "January 1, 1898" in last line of section 49.

Adopted.

Senator Craig moved to amend by inserting after the title of the bill the words and figures following: "Chapter 1 of title 9. Of the militia."

Adopted.

Senator Everall moved to reconsider the vote by which the amendment to line 4, section 8, was lost.

On this a division was called for and the motion prevailed.

The question recurring on the amendment to strike out the word "four" and insert the word "ten," in line 4, section 8.

The amendment was adopted.

Senator Craig moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hospers, Hotchkiss, Junkin, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Rowen, Sargent, Upton, Waterman—36.

Absent or not voting:

Senators Allyn, Blanchard, Harper, Hipwell, Hobart, Hurst, Lehfeldt, Lothrop, Pusey, Ranck, Rigger, Trewin, Young—13.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Alexander moved that when the Senate adjourn it be until 2 o'clock to-day.

Carried.

On motion of Senator Carpenter, House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments, with report of committee, was taken up, considered and the report of the committee recommending amendments was adopted.

The bill was read section by section for amendments.

Senator Carpenter moved to amend section 2, chapter 2, as follows: In lines 5 and 6, strike out the words "but the court may empanel a jury for that purpose."

Adopted.

Senator Berry moved to amend section 2, chapter 2, as follows: Strike out of line 4 the words "with death or" and insert the word "by" and strike out all of the section after the word "penitentiary," in line 4.

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Berry, Byers, Carroll, Ellis, Kilburn, Penrose, Rowen—8.

The nays were:

Senators Bell, Bonson, Carney, Carpenter, Cheshire, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harriman, Hospers, Hotchkiss, Junkin, Mitchell, Palmer, Perrin, Phelps, Sargent, Waterman—24.

Absent or not voting:

Senators Allyn, Blanchard, Craig, Garst, Harper, Healy, Henderson, Hipwell, Hobart, Hurst, Lehfeldt, Lothrop, Pusey, Ranck, Rigger, Trewin, Upton, Young—18.

The amendment was lost.

Senator Funk, President *pro tem.*, presiding.

Senator Carpenter moved to amend section 5, chapter 2, as follows: In line 4, strike out the words "or may empanel a jury to determine the question."

Adopted.

Senator Carpenter moved to amend section 31, chapter 2, by striking from section 31 the following: "No person shall be convicted under the provisions of this section unless the evidence of the prosecuting witness be corroborated by other evidence tending to connect the defendant with the commission of the crime."

Adopted.

Senator Carpenter moved to amend chapter 2 as follows: Strike out sections 40 and 41, and renumber the sections to the end of the chapter.

Passed over.

Senator Perrin asked that the following House amendments to sections 40 and 41 be printed in the Journal:

HOUSE AMENDMENTS.

Sec. 40. Every husband shall be deemed guilty of a misdemeanor who shall, without good cause, abandon his wife and wilfully neglect or refuse to maintain and provide for her, or who shall abandon his child or children under the age of twelve years, and wilfully neglect or refuse to maintain and provide for such child or children.

Sec. 41. No other evidence shall be required to prove that such husband was married to such wife, or that he is the lawful father of such child or children, than is or shall be required to prove such fact or facts in a civil action.

Senator Carpenter moved to amend chapter 2, section 50, line 1, by inserting after the word "weapon" the following: "or shall wilfully draw and point a pistol, revolver, or gun at another."

Adopted.

Senator Carpenter moved to amend chapter 3, section 15, after the word "burglary" in the fifth line, by inserting the following: "and the possession of such tools or implements shall be presumptive evidence of his intent to commit burglary."

Laid over.

Senator Carpenter moved to amend chapter 3 by striking out section 18 and renumbering the remaining sections of the chapter.

Adopted.

Senator Harriman moved to amend section 20, chapter 3, by striking out the words "nor less than five."

Adopted.

Senator Upton moved to amend section 20, chapter 3, by striking out the words "nor less than three" in sixth line.

Adopted.

Senator Carpenter moved to amend chapter 3, section 24, line 4, by adding at the end of the section the following: "or in

the county jail not more than one year, or be fined not more than one thousand dollars."

Adopted.

Senator Carpenter moved to amend chapter 3, section 8, line 3, by adding at the end of the line the words "telephone or."

Adopted.

Senator Carpenter moved to postpone the further consideration of the bill until the afternoon session.

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 has adopted the following concurrent resolution, in which the concurrence of the Senate is asked:

Concurrent resolution to recall House file No. 17, a bill for an act to revise, amend and codify the statutes in relation to agricultural and horticultural societies, stock breeders' associations and State Dairy association.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House recedes from its amendments to sections 6 and 9 of chapter 3. That the House insists on its amendments to sections 16, 19, 23 and 33 of chapter 3 of Senate file No. 10, a bill for an act to revise, amend and codify the statutes in relation to elections and officers.

The Speaker has announced the following conference committee on part of the House: Representatives Johnston, Tibbitts, Nolan and Edwards.

JAS. D. ROWEN,
Chief Clerk.

Senator Carney moved to take up House messages.

Carried.

President Parrott presiding.

HOUSE MESSAGES.

Concurrent resolution relative to the recall of House file No. 17, a bill for an act to revise, amend and codify the statutes in relation to agricultural and horticultural societies, stock breeders' associations and State Dairy association, was taken up.

Senator Carney moved that the concurrent resolution be adopted.

Carried.

Senate file No. 10, a bill for an act to revise, amend and codify the statutes in relation to elections, was taken up.

Senator Carney moved that a conference committee be appointed on the part of the Senate.

Carried.

Senator Bonson filed the following motion:

MR. PRESIDENT—I hereby file a motion to reconsider the vote by which amendments to section 5, of House file No. 20, were adopted.

ROBERT BONSON.

Senator Ellis filed the following motion:

MR. PRESIDENT—I move that the vote by which the following amendment, to-wit: "amend section 13 as follows: Strike out the last sentence and insert the following: 'The dividend or interest upon prepaid or investment stock shall in no case exceed eight per cent per annum,'" was adopted, be reconsidered.

WM. EATON,
L. A. ELLIS,

The President announced as a conference committee on the part of the Senate, on Senate file No. 10, Senators Carney, Trewin, Harriman and Carroll.

Senator Carney moved that the Senate do now adjourn.

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

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

Senator Carroll filed the following motion:

MR. PRESIDENT—I move that the enrolling clerk, under the direction of the chairman of the Committee on Enrolled Bills, be instructed to compare all Senate bills with the records of the two Houses, following the same through all of their different stages in order to determine whether or not the records and the bills or amendments agree. For the purpose of carrying out this work the enrolling clerk and chairman of the Committee on Enrolled Bills are authorized to call to their assistance any of the various committee clerks.

B. F. CARROLL.

Adopted.

On request of Senator Druet, leave of absence was granted Senator Lothrop.

On request of Senator Garst, leave of absence was granted Senator Waterman.

On request of Senator Byers, leave of absence was granted Senator Harper.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House concurs in Senate amendments to section 2, chapter 4; sections 17, 19, 33 and 35, chapter 6; section 2, chapter 10, and that the House refuses to concur in Senate amendments to section 4, chapter 5; section 5, chapter 9, House file No. 66, a bill for an act to revise, amend and codify the statutes in relation to the rights of property.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted report of conference committee on House file No. 29, a bill for an act to revise, amend and codify the statutes in relation to the care of the insane.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Report of conference committee on House file No. 29, a bill for an act to revise, amend and codify the statutes in relation to care of the insane, was taken up.

Senator Junkin moved that the report of the conference committee be adopted.

On the question, "Shall the report of the Conference Committee be adopted?" the yeas were:

Senators Alexander, Bell, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Palmer, Penrose, Perrin, Sargent, Upton—30.

The nays were:

None.

Absent or not voting:

Senators Allyn, Berry, Blanchard, Bonson, Downey, Garst, Harper, Hipwell, Hurst, Lehfeldt, Lothrop, Mitchell, Phelps, Pusey, Ranck, Rigger, Rowen, Trewin, Waterman, Young—20.

The report of the conference committee was adopted.

House file No. 66, a bill for an act to revise, amend and codify the statutes in relation to rights of property was taken up and referred to Committee on Judiciary.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 85, having under consideration section 8 of chapter 4, at the time of adjournment.

Senator Carpenter moved to strike out all of section 17, chapter 4, and renumber the sections to the end of the chapter.

Adopted.

Senator Carpenter moved to amend section 18, chapter 4, line 4, as follows: Strike out the words "in the penitentiary not exceeding five years," and insert in lieu thereof the words "in the county jail not exceeding six months."

Adopted.

Senator Carpenter moved to amend chapter 4 as follows: After section 18 insert the following as an additional section: "Section 19. If any person wilfully enters any building or enclosure where any public entertainment or exhibition is being held at which an admission fee is charged, and without paying such fee or without leave to so enter, he shall be fined not exceeding one hundred dollars or imprisoned in the county jail not more than thirty days."

Adopted.

Senator Carpenter moved that the sections be renumbered to the end of the chapter.

Adopted.

Senator Carpenter moved to amend chapter 4, section 19, by adding after the word "imprisoned" the words "in the county jail not to exceed one year or be fined not to exceed three hundred dollars."

Amendment withdrawn.

Senator Carpenter moved to amend section 19, chapter 4, by striking out the following: "In the penitentiary not more than five years or be fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding one year."

Adopted.

Senator Cheshire offered the following amendment to section 26, chapter 4: Strike out all after the word "mischievously," in line 1, down to and including the word "maliciously" in line 3.

Laid over.

Senator Cheshire offered the following amendment to section 27, chapter 4.

Insert the following as section 27 thereof: "Section 27. If any person maliciously bruise, break, pull up, carry away, cut

down, injure or destroy any fruit or ornamental tree, vine or shrub, standing or growing on the land of another for ornament or use, and of the value of twenty dollars or over, he shall be imprisoned in the penitentiary not exceeding five years; if the value thereof be less than twenty dollars he shall be imprisoned in the county jail not more than one year or be fined not exceeding five hundred dollars."

Laid over.

Senator Carpenter moved to amend chapter 5, section 1, line 8, by striking out the word "fifteen" and insert the word "five." Adopted.

Senator Funk, president *pro tem.*, presiding.

Senator Carpenter moved to amend chapter 5, section 10, line 12, by striking out the word "fifteen" and insert the word "five."

Adopted.

Senator Carpenter moved to amend chapter 5, as follows: Section 22, line 2, strike out the words "remove from the county."

Adopted.

Senator Carpenter moved to amend chapter 2, section 4 as follows: Strike out of lines 3 and 4 the words "or may empanel a jury for that purpose."

Adopted.

Senator Carpenter moved to amend section 19, chapter 4, which was passed over, as follows: Add after the word "imprisoned" the words "in the penitentiary not exceeding five years or imprisonment in the county jail not exceeding one year, or be fined not exceeding three hundred dollars."

Adopted.

Senator Henderson moved to amend chapter 7 as follows: "No public officer or person elected or appointed to a public office under the laws of this State shall, directly or indirectly, ask, demand, accept, receive, or consent to receive, for his own use or benefit, or for the use or benefit of another, any free pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates from any person, joint stock association or corporation, or make use of the same himself or in connection with another. A person who violates any provision of this section shall be deemed guilty of a misdemeanor and shall be punished as by statute provided and in addition thereto he may be impeached for such offense. If such officer

is not liable to impeachment he shall forfeit his office at the suit of the Attorney General brought in the county of the defendant's residence. Any corporation, joint stock association, or officer or agent thereof who shall offer or promise to a public officer, or person elected or appointed to a public office, or who shall offer to give to another upon the solicitation of such person any such free pass, free transportation, franking privilege or discrimination shall also be deemed guilty of a misdemeanor and liable to punishment, provided that this shall not affect the right of the railway commissioners to travel on railways of this State as provided in the statute relating to such officers, or interfere with the right of any person, joint stock association or corporation from extending to their servants, employes, officers or representatives such privileges as the laws of the State now permit, or to contract for transportation for a valuable and legal consideration paid therefor. No person, officer or agent of a joint stock association or corporation giving any such free pass, free transportation, franking privilege or discrimination hereby prohibited shall be privileged from testifying in reference thereto and he shall not be liable to civil or criminal prosecution for such offense or for any violation of this section."

Laid over.

Senator Carpenter moved that the Senate do now adjourn until 10.30 A. M. Monday.

Carried.

Senate adjourned

SENATE CHAMBER,
DES MOINES, Iowa, Monday, April 12, 1897. }

Senate met in regular session at 10:30 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. J. D. Forsythe of Des Moines, Iowa.

On request of Senator Everall, leave of absence was granted Senator Craig until Tuesday.

On request of Senator Garst, leave of absence was granted Senator Ericson.

Senator Kilburn called up his resolution relative to extending the afternoon session until 5 o'clock after Wednesday, April 14.

The resolution was adopted.

The Journal of Saturday was taken up, read, corrected and approved.

PETITIONS AND MEMORIALS.

Senator Eaton presented petition of D. W. Phillips and 235 citizens of Fremont county, asking modification of laws in relation to landlords and tenants.

Referred to Committee on Judiciary.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 85.

Senator Carroll moved to amend section 1, chapter 7, by striking out the words "nor less than two," in line 7.

Adopted.

Senator Carroll moved to amend section 18, chapter 8, as follows: In line 2, strike out the word "township" and insert the word "precinct" in lieu thereof.

Adopted.

Senator Carpenter moved to amend chapter 7 as follows: In section 4, line 3, after the word "whatever" strike out the words "or in any manner threatens or intimidates."

Adopted.

Senator Carpenter moved to amend section 23, chapter 7, by striking out in the third line, after the word "custody," the words "with or without a warrant."

Adopted.

Senator Carpenter moved to amend chapter 9, section 1, by adding after the word "wife" in the fifth line, the words "or if both are married, on the complaint of the husband or wife of either; and such complaint must be alleged in the indictment."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Berry, Blanchard, Carpenter, Carroll, Cheshire, Funk, Gilbertson, Harriman, Hospers, Hotchkiss, Junkin, Kilburn, Perrin, Phelps, Waterman—16.

The nays were:

Senators Bell, Bonson, Downey, Ellis, Ellison, Everall, Garst, Henderson, Lothrop, Palmer, Penrose, Pusey, Ranck, Upton—14.

Absent or not voting:

Senators Allyn, Byers, Carney, Craig, Druet, Eaton, Ericson, Gorrell, Harper, Healy, Hipwell, Hobart, Hurst, Lehfeldt, Mitchell, Rigger, Rowen, Sargent, Trewin, Young—20.

So the amendment was adopted.

Senator Carpenter moved to amend chapter 9, section 5, line 6, by striking out the words "if any man or woman marry within the fourth degree of consanguinity."

On this a division was called for and the amendment was adopted.

Senator Carpenter moved to amend chapter 9, section 20, line 6, by striking out the word "penitentiary" at the end of the line and inserting in lieu thereof the words "county jail;" also, amend the same section by striking out of line 7 the words "one year" and inserting in lieu thereof the words "thirty days;" also, amend the same section, line 7, by striking out the word "thousand" and inserting in lieu thereof the word "hundred."

On this a division was called for and the amendments were adopted.

Senator Carpenter moved to amend chapter 9, section 28, by striking out all of lines 5 and 6 and inserting after the word "assembly" in line 3, the words "or if any person wilfully disturb or interrupt any school, school meeting, teachers

institute, lyceum, literary society, or other lawful assembly of persons."

Senator Perrin moved that the time of adjournment be extended five minutes.

Carried.

Senator Perrin called for the report of the special committee on air ship.

Senator Perrin moved that the resolution offered by him on Saturday be stricken from the Journal and that the report of the committee under the resolution be expunged.

Carried.

The hour of adjournment having arrived, the Senate adjourned until 2 P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

On request of Senator Druet, leave of absence was granted Senator Rowen.

INTRODUCTION OF BILLS.

By unanimous consent, by Senator Pusey, Senate file No. 96, a bill for an act to legalize the levy and collection of a poor tax by counties in the State of Iowa.

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

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate file No. 41, a bill for an act to revise, amend and codify the statutes in relation to regents and trustees of State institutions.

JAS. D. ROWEN,
Chief Clerk.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 85, the substitute by Senator Carpenter for committee amendment to section 28 of chapter 9, being under consideration at the time of adjournment.

The substitute was adopted.

Senator Carpenter moved to amend chapter 9 by striking out section 35 and renumbering the section to correspond.

Laid over.

Senator Blanchard moved to amend chapter 9 by adding immediately after section 40 the following:

Sec. 41. It shall be unlawful for any person, persons, or corporation to exhibit in this State, by means of the photograph, kinetograph, or any kindred device or machine, any picture of any prize fight, glove contest, or other match between men or animals that is prohibited by the laws of this State.

Sec. 42. Any person, persons, or corporation who shall grant, lease, let or hire any theater, hall, room, building, roof garden or park, for the exhibition of pictures such as are prohibited by the preceding section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or imprisonment in the county jail not less than thirty days nor more than one year, or by both fine and imprisonment in the discretion of the court.

Sec. 43. Whoever shall assist or aid in any manner any person, persons, or corporation in making exhibits of such pictures as are prohibited in section forty-one shall be punishable by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment in the county jail not more than thirty days for each offense in the discretion of the court.

Sec. 44. Whoever shall attend an exhibition of such pictures as are prohibited in section forty-one of this chapter shall be punishable by a fine of not less than five dollars nor more than twenty-five dollars for each offense.

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carroll, Cheshire, Druet, Eaton, Ellis, Harriman, Hospers, Hotchkiss, Kilburn, Penrose, Perrin, Phelps—18.

The nays were:

Senators Carpenter, Downey, Funk, Garst, Gilbertson, Gorrell, Junkin, Lothrop, Ranck—9.

Absent or not voting:

Senators Allyn, Carney, Craig, Ellison, Ericson, Everall, Harper, Healy, Henderson, Hipwell, Hobart, Hurst, Leheldt,

Mitchell, Palmer, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—23.

The amendment was adopted.

Senator Ranck moved to amend chapter 9, section 29, as follows: Strike out of third line the words "or any" and the words "or other articles of traffic" and insert after the word "merchandise" in the third line the word "excepting."

Adopted.

Senator Carpenter moved to amend chapter 10 as follows:

Section 14, by inserting after the word "domestic," in line 2, the words "or potable."

Line 6, insert after the word "parturition" the following: "or if any person having cows for the purpose of producing milk or cream for sale, shall stable them in an unhealthy or crowded condition, or shall feed them on feed which produces impure, unwholesome milk, or shall feed them distilled, glucose, or brewery waste, in any state of fermentation, or upon any substance in a state of putrefaction, or rottenness, or of an unhealthy nature, or shall sell or offer for sale, cream which has been taken from milk the sale of which has been prohibited, or who shall sell or offer for sale, as cream, an article which shall contain less than the amount of butter fat as prescribed in this chapter."

Line 8, after the word "branded," strike out the words "as skimmed milk cheese" and insert the following: "stamped or marked on the side or top of both cheese and package, in a durable manner, in the English language, the words "skimmed milk cheese," the letters of the words to be not less than one inch in height and one-half inch in width."

Line 10, after the word "such" insert the following: "and in the manner and subject to the regulations prescribed in this chapter."

Amend chapter 10 by adding after section 14, as a new section, the following: "Any person who shall sell, exchange, or expose for sale or exchange, or deliver or bring to another for domestic or potable use, or who shall transport or have in possession with intent to sell or exchange, or offer for sale or transport any milk from which the cream or any part thereof has been removed, shall distinctly, durably and permanently, solder a label or tag of metal in a conspicuous place upon the outside of every can, vessel or package containing such milk, and such metal or tag shall have the words, 'skimmed milk,' stamped, indented or engraved thereon in plain English letters not less than two inches in height and one-half inch in width, and every can, vessel, or package containing such milk and on which is placed such label or tag shall be painted a distinct blue color, and such milk shall only be sold or shipped in or retailed out of a can, vessel or package so marked and painted, and whole milk or milk from which the cream has not been removed, shall not be shipped, kept in possession in, sold or retailed out of any such can, vessel, or package, and any person failing to comply with the requirements of the provisions of this section shall upon conviction thereof be fined not less than ten dollars nor more than twenty-five dollars."

Laid over.

Senator Carpenter moved to amend chapter 10 as follows: Section 15, after the word "of" in line 1 strike out the words "the preceding section" and insert the following: "of this chapter, the addition of water or any other substance or thing to whole milk or skimmed milk or partially skimmed milk, is hereby declared an adulteration, and milk which is obtained from animals fed upon waste as defined in this chapter, or upon any substance of an unhealthy nature, is hereby declared to be impure and unwholesome, and." Line 2, after the word "less" insert the following: "than twelve and one-half per cent of milk solids to the one hundred pounds of milk, or." Insert after the word "milk" in line 3 the following: "and every article not containing fifteen pounds or more of butter fat to the one hundred pounds shall not be regarded as cream."

Laid over.

Senator Carpenter moved to amend chapter 10, section 16, line 2, by striking out the word "two" and insert the word "three."

Laid over.

Senator Carpenter asked that sections 5, 6 and 7, of chapter 11, be passed for the present.

Senator Carpenter moved to amend chapter 11, by striking out sections 12 to 20 inclusive, and renumbering the sections to the end of the chapter to correspond.

Adopted.

Sections 35, 39, 40 and 41 of chapter 11 passed for future consideration.

Senator Carpenter moved to amend section 43, chapter 11, by striking out after the word "order," in the second line, the words "and a competent engineer to operate the same."

Adopted.

Senator Carpenter moved to amend chapter 12 by striking out section 6 and renumbering the sections to correspond.

Adopted.

Senator Bonson moved to amend section 11, chapter 12, by striking out the word "horses" after the word "racing" and inserting the word "horses" after the word "driving," in line 1.

Adopted.

Senator Bell moved to amend section 12, chapter 12, line 3, by inserting after the word "dancing" the words "or playing games of base ball or foot ball."

Senator Carpenter offered the following substitute for the amendment: "or playing games of any kind, or carriage driving or riding bicycles.

Lost.

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Byers, Carroll, Cheshire, Druet, Eaton, Ellison, Funk, Gorrell, Harriman, Henderson, Hospers, Hotchkiss, Kilburn, Palmer, Perrin, Phelps, Pusey, Upton, Waterman—23.

The nays were:

Senators Bonson, Carpenter, Downey, Everall, Garst, Gilbertson, Lothrop—7.

Absent or not voting:

Senators Allyn, Carney, Craig, Ellis, Ericson, Harper, Healy, Hipwell, Hobart, Lurst, Junkin, Lehfeldt, Mitchell, Penrose, Ranck, Rigger, Rowen, Sargent, Trewin, Young—20.

The amendment was adopted.

Senator Lothrop moved to amend section 12, chapter 12, line 3, by inserting after the first word "any" the word "other."

On this a division was called for and the amendment was lost.

Senator Bonson filed the following motion.

I move to reconsider the vote by which sections 41, 42, 43 and 44 to chapter 9 were adopted.

ROBT. BONSON.

The hour of adjournment having arrived, the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, April 13, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. W. H. Jordan of Grundy Center, Iowa.

PETITIONS AND MEMORIALS.

Senator Carney presented petition of D. T. Denmead and twelve other citizens of Marshalltown, in favor of manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Riggen presented remonstrance of ministerial association of Sigourney, Iowa, against passage of manufacturing bill.

Referred to Committee on Suppression of Intemperance.

HOUSE MESSAGES.

Senate file No. 41, a bill for an act to revise, amend and codify the statutes in relation to regents and trustees of State institutions, was taken up and referred to Committee on Elections.

REPORTS OF STANDING COMMITTEES.

Senator Gorrell, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate file No. 37, a bill for an act to revise, amend and codify the statutes in relation to the practice of medicine, 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 House amendments to sections 5, 6 and 7 be concurred in.

J. R. GORRELL,
Chairman.

Senator Gorrell moved that the report be taken up for consideration.

Carried.

Senator Gorrell moved that the Senate concur in House amendments to section 5.

Carried.

Senator Gorrell moved that the Senate concur in the House amendments to section 6.

Carried.

Senator Gorrell moved that the Senate concur in House amendments to section 7.

Carried.

Senator Gorrell moved that the Senate concur in the House amendments to the fourth line of section 7.

Carried.

Senator Gorrell moved that the Senate concur in the House amendment just adopted by a *viva voce* vote.

On the question, "Shall the Senate concur in all the House amendments just adopted by a *viva voce* vote?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Downey, Eaton, Ellis, Ellison, Everall, Funk, Garst, Gilbertson, Gorrell, Henderson, Hospers, Hotchkiss, Palmer, Perrin, Phelps, Rigger, Waterman—26.

The nays were:

Senators Harper, Hurst, Kilburn, Ranck—4.

Absent or not voting:

Senators Allyn, Byers, Craig, Druet, Ericson, Harriman, Healy, Hipwell, Hobart, Junkin, Lehfeldt, Lothrop, Mitchell, Penrose, Pusey, Rowen, Sargent, Trewin, Upton, Young—20.

The House amendments were concurred in.

Senator Hospers, from the Committee on Banks and Banking, submitted the following report:

MR. PRESIDENT—Your Committee on Banks and Banking, to whom was referred a substitute for House file No. 19, a bill for an act to revise, amend and codify the statutes in relation to banks and banking, 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 amendments be adopted:

Amend section 4, page 2, chapter 9, by striking out the word "five" in line 2, and inserting in lieu thereof the word "ten."

Amend section 6, page 3, chapter 9, by striking out the word "one" and inserting in lieu thereof the word "five" in line 5 thereof.

Also amend the same section, line 5, by adding to the word "share" a letter "s."

Also amend the same section, line 7, by striking out these words: "that he will attend every meeting of the board of directors unless prevented by sickness."

Amend section 9, page 4, chapter 9, by inserting after the word "which" and before the word "shall" the word "capital," in line 4 thereof.

Amend section 21, page 9, chapter 9, by striking out the word "ten" and inserting in lieu thereof the word "eight."

Also amend the same section, line 9, by striking out the words "two-thirds" and inserting in lieu thereof the words "three-fourths."

Also amend the same section, lines 2 and 5, by striking out the word "two" and inserting in lieu thereof the word "three" in each line thereof.

Amend chapter 10, page 10, by striking out section 3 and inserting in lieu thereof the following:

Sec. 3. State banks may be hereafter organized by not less than five persons of lawful age, who shall, prior to the commencement of business, sign and acknowledge articles of incorporation before some officer authorized to take acknowledgments of deeds. Such articles of incorporation shall state:

1. The object of the incorporation and the name by which it shall be known.

2. The principal place of business.

3. The time of the commencement and termination of the corporation, which shall in no case exceed twenty years.

4. The amount of capital stock authorized, and the times and conditions in which it shall be paid in.

5. By what officers and persons the affairs of the corporation are to be conducted, and the times at which they will be elected.

6. The highest amount of indebtedness to which the corporation may at any time subject itself.

7. Whether private property, in addition to the liability fixed by law, shall be liable for corporate debts.

8. The names and post office addresses of the officers or persons who shall manage the affairs of the corporation until the first election.

9. Such other provisions not contrary to law which the corporation may adopt for the conduct of the business of the corporation.

10. Such articles shall be filed and recorded, and notice of incorporation given as provided in section three of chapter nine of this title, in reference to savings banks.

Amend section 6, page 11, chapter 10, line 4, by striking out the word "one" and inserting in lieu thereof the word "five."

Also, amend the same section and line by adding an "s" to the word "share."

Also, amend the same section, line 6, by inserting after the word "the" and before the word "stock" these words: "number of shares of "

Amend section 7, page 11, chapter 10, line 1, by adding after the word "in" and before the word "towns" these words: "cities and."

Also, amend the same section, lines 2 and 5, by striking out the word "two" in each line and inserting in lieu thereof the word "three."

Amend section 7, page 11, chapter 10, line 3, by striking out the word "fifteen" and inserting in lieu thereof the word "ten."

Also, amend the same section line 6, by striking out the word "twenty" and inserting in lieu thereof the word "fifteen."

Also, amend the same section, line 7, by striking out the words "two-thirds" and inserting in lieu thereof the words "three-fourths."

Amend section 2, chapter 11, title IX, line 3, by striking out the word "director" after the word "officer."

Also, amend the same section by adding at the end of the section the following: "Any officer or employe of the bank violating the provisions of this section shall be deemed guilty of embezzlement."

Amend section 4, page 12, chapter 11, by adding at the end of the section the following: "Each member of such examining committee shall receive for their services a reasonable compensation to be fixed by the board at its annual meeting, but in no case shall such compensation exceed five dollars per day for each day's actual service to each member."

Amend section 5, page 12, chapter 11, by striking out the word "or" between the words "president" and "vice-president," in line three thereof.

Also amend the same section and line by striking out the word "and" between the words "vice-president" and "cashier."

Also amend the same section in line 4, by striking out the word "two" and inserting in lieu thereof the word "three."

Also amend the same section, in line 4, by inserting after the word "directors" these words: "or verified by the oath of two of its officers and attested by two of the directors."

Amend section 6, page 13, chapter 11, line 4, by striking out the word "this" and inserting in lieu thereof the word "which."

Amend section 7, page 14, chapter 11, line 5, by striking out the words "section six of."

Amend section 10, page 15, chapter 11, line 31, after the word "no" and before the word "assignment," by inserting the word "general."

Also amend the same section, in lines 31 and 32, by striking out the words "or otherwise."

Amend section 15, page 17, chapter 11, by adding at the end of the section the following: "The assignee or receiver of any such corporation, or in case there is none, or of his failure or refusal to act, any creditor thereof may maintain an action in equity to determine the liability of the stockholders, and the amount to which each creditor shall be entitled; and all parties interested shall be brought into court "

Amend chapter 11, page 17, by striking out section 17 and inserting in lieu thereof the following, and renumber the remaining sections so correspond:

Sec. 17. No bank, banking house, exchange broker, deposit office, firm, company, corporation, or person engaged in the banking, brokerage, exchange, or deposit business shall when insolvent accept or receive on deposit, with or without interest, any money, bank bills, or notes, United States treasury notes, or currency, or other notes, bills, checks, or drafts, or renew any certificate of deposit.

Sec 18. If any such bank, banking house, exchange broker, deposit office, firm, company, corporation, or person, shall receive or accept on deposit any such deposits, as aforesaid, when insolvent, any owner, officer, director, cashier, manager, member, or person, knowing of such insolvency, who shall knowingly receive or accept, be accessory, or permit, or connive at receiving or accepting on deposit therein, or thereby, any such deposits or renew any certificate of deposit, as aforesaid, shall be guilty of a felony, and upon conviction, shall be punished by a fine not exceeding ten thousand dollars, or by imprisonment in the penitentiary for a term of not more than ten years, or by imprisonment in the county jail not more than one year, or by both fine and imprisonment.

Amend section 18, page 17, line 2, by striking out all after the word "same" down to and including the last word "committee" in line 4.

Your committee further recommends that when so amended the bill do pass.

HENRY HOSPERS,
Chairman.

Ordered passed on file.

The Journal of Monday was read, corrected and approved.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 85.

Senator Perrin moved to amend section 1, chapter 13, line 5, by striking out the word "and" after the word "dollars" and inserting "or" in lieu thereof, and change period at end of section to comma and add the words "or both such fine and imprisonment."

Adopted.

Senator Lothrop moved to amend section 7, chapter 13, line 3, by striking out the word "nor" and inserting the word "not" in lieu thereof.

Adopted.

Senator Carpenter moved to amend chapter 13, section 10, line 11, by striking out the words "an unincorporated" and insert in lieu thereof the word "any."

Adopted.

Senator Ranck moved to amend chapter 13, section 2, by striking out all after the word "faith," in the sixth line, and insert the following: "shall be imprisoned in the penitentiary not exceeding three years or may be fined in the discretion of the court not exceeding one thousand dollars or imprisoned in the county jail not more than one year."

Adopted.

Senator Blanchard moved to amend section 7, chapter 14, by striking out the word "default," in line 5, and insert the word "failure" in lieu thereof.

Adopted.

Senator Carpenter moved to reconsider the vote by which the amendment to section 20 of chapter 9 of House file No. 85 was adopted.

Carried.

Senator Carpenter withdrew his amendment.

Senator Carpenter called up the amendment to section 14, chapter 10.

Senator Carpenter moved to amend section 14, chapter 10, by inserting after the word "domestic," in line 2, the words "or potable." Line 6, insert after the word "parturition" the following: "or if any person having cows for the purpose of producing milk or cream for sale, shall stable them in an unhealthy or crowded condition, or shall feed them on feed which produces impure, unwholesome milk, or shall feed them distilled, glucose, or brewery waste, in any state of fermentation, or upon any substance in a state of putrefaction, or rottenness, or of an unhealthy nature, or shall sell or offer for sale, cream which has been taken from milk the sale of which has been prohibited, or who shall sell or offer for sale, as cream, an article which shall contain less than the amount of butter fat as prescribed in this chapter." Line 8, after the word "branded," strike out the words "as skimmed milk cheese" and insert the following: "stamped or marked on the side or top of both cheese and package, in a durable manner, in the English language, the words "skimmed milk cheese," the letters of the words to be not less than one inch in height and one-half inch in width."

Senator Ellison moved to amend the amendment by inserting in line 3, as printed in the second paragraph of Journal of April 12, between the words "shall" and "feed" the word "knowingly."

Adopted.

Senator Blanchard moved to amend the amendment, same paragraph, line 4, by striking out the words "on feed" and inserting the word "food" in lieu thereof.

Adopted.

Senator Carney moved to amend the amendment as follows: In third line after the word "unhealthy" insert "place," and change "condition" to "manner."

Adopted.

The amendment as amended was adopted.

Senator Carpenter moved to amend chapter 10, by inserting after section 14, the following, as a new section: "Any person who shall sell, exchange, or expose for sale or exchange, or deliver or bring to another for domestic or potable use, or who shall transport or have in possession with intent to sell or

exchange, or offer for sale or transport any milk from which the cream or any part thereof has been removed, shall distinctly, durably and permanently, solder a label or tag of metal in a conspicuous place upon the outside of every can, vessel or package containing such milk, and such metal or tag shall have the words, 'skimmed milk' stamped, indented or engraved thereon in plain English letters not less than two inches in height and one-half inch in width, and every can, vessel, or package containing such milk and on which is placed such label or tag shall be painted a distinct blue color, and such milk shall only be sold or shipped in or retailed out of a can, vessel or package so marked and painted, and whole milk or milk from which the cream has not been removed, shall not be shipped, kept in possession in, sold or retailed out of any such can, vessel, or package, and any person failing to comply with the requirements of the provisions of this section shall upon conviction thereof be fined not less than ten dollars nor more than twenty-five dollars."

On this the yeas and nays were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Carpenter, Carroll, Funk, Gorrell, Palmer, Sargent—7.

The nays were:

Senators Bell, Blanchard, Bonson, Byers, Carney, Cheshire, Craig, Downey, Eaton, Ellis, Ellison, Garst, Gilbertson, Harper, Harriman, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger Rowen, Upton, Waterman—31.

Absent or not voting:

Senators Allyn, Berry, Druet, Ericson, Everall, Healy, Henderson, Hobart, Lehfeldt, Mitchell, Trewin, Young—12.

The amendment was lost.

Senator Carpenter moved to amend chapter 10, section 15, by striking out after the word "of," in line 1, the words "the preceding section" and insert the following: "this chapter, the addition of water or any other substance or thing to whole milk or skimmed milk or partially skimmed milk, is hereby declared an adulteration, and milk which is obtained from animals fed upon waste as defined in this chapter, or upon any substance of an unhealthy nature, is hereby declared to be impure and unwholesome, and." Line 2, after the word "less,"

insert the following: "than twelve and one-half per cent of milk solids to the one hundred pounds of milk, or." Insert after the word "milk," in line 3, the following: "and every article not containing fifteen pounds or more of butter fat to the one hundred pounds shall not be regarded as cream."

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Carney, Carpenter, Carroll, Cheshire, Craig, Ellison, Funk, Gilbertson, Gorrell, Healy, Hotchkiss, Junkin, Lothrop, Palmer, Penrose, Sargent, Young—20.

The nays were:

Senators Blanchard, Bonson, Byers, Downey, Eaton, Ellis, Harper, Hipwell, Hoppers, Hurst, Kilburn, Perrin, Phelps, Pusey, Ranck, Upton—16.

Absent or not voting:

Senators Allyn, Druet, Ericson, Everall, Garst, Harriman, Henderson, Hobart, Lehfelddt, Mitchell, Rikken, Rowen, Trewin, Waterman—14.

The amendment was adopted.

Senator Carpenter withdrew the amendment to section 16, chapter 10.

Senator Harriman moved that sections 34 and 35, of chapter 11, be stricken from the bill.

Adopted.

Senator Harriman moved to amend section 39, chapter 11, by striking out the words "or of any other thistles."

On this the yeas and nays were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Carney, Carpenter, Cheshire, Downey, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hoppers, Hotchkiss, Junkin, Kilburn, Penrose, Sargent, Upton, Young—26.

The nays were:

Senators Blanchard, Byers, Carroll, Ellis, Harper, Hipwell, Hurst, Perrin, Phelps, Ranck, Rikken, Rowen—12.

Absent or not voting:

Senators Allyn, Craig, Druet, Ellison, Hobart, Lehfelddt, Lothrop, Mitchell, Palmer, Pusey, Trewin, Waterman—12.

The amendment was adopted.

Senator Carroll moved to amend section 39, chapter 11, as follows: Add at close of section the following: "and shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not more than thirty days."

Adopted.

Senator Carpenter moved to strike out sections 40 and 41, chapter 11.

Adopted.

Senator Carpenter moved that the further consideration of the bill be postponed for two days.

Carried.

On motion of Senator Blanchard, Senate file No. 92, a bill for an act to authorize cities of the second class to issue bonds for extending the time of payment of its indebtedness, with report of committee recommending amendments, was taken up and considered.

The bill was read section by section for amendments.

Senator Ellis moved that the figures and dollar signs wherever they occur be stricken out and insert the words expressing the same amounts.

Adopted.

Senator Blanchard moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Pusey, Ranck, Riggen, Rowen, Sargent, Upton, Young—42.

The nays were:

None.

Absent or not voting:

Senators Allyn, Craig, Hobart, Lehfeldt, Mitchell, Phelps, Trewin, Waterman—8.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Cheshire, Senate file No. 93, a bill for an act to apply to cities of the first class, the provisions of chapter 78, laws of the Twenty-first General Assembly as

amended by chapter 17 of the Twenty-second General Assembly, chapter 15 of the Twenty-fourth General Assembly, chapter 3 of the Twenty-fifth General Assembly, and of chapter 3 of the Twenty-sixth General Assembly, with report of committee, was taken up and considered.

The bill was read for information.

The report of the committee was adopted.

Senator Cheshire moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Sargent, Upton, Young—40.

The nays were:

None.

Absent or not voting:

Senators Allyn, Garst, Harriman, Healy, Hobart, Lehfeldt, Mitchell, Rowen, Trewin, Waterman—10.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

Senator Funk, President *pro tem.*, presiding.

REPORT OF STANDING COMMITTEE.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 10, a bill for an act to revise, amend and codify the statutes in relation to the judicial department, 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 insist upon its amendments to section 10, chapter 1; sections 2 and 3, chapter 2 section 4, chapter 3; first amendment, section 1, chapter 5; section 23, chapter 5; section 30, chapter 5; sections 1 and 4, chapter 6; and section 22, chapter 6.

L. A. ELLIS.

Chairman.

Senator Ellis moved that report of conference committee be adopted and that the Senate insist upon its amendments to House file No. 10

A division of the question on the amendments was asked for and ordered.

On the amendment to section 10, chapter 1, a roll call was demanded.

On the question, "Shall the Senate insist upon its amendment to section 10, chapter 1?" the yeas were:

Senators Alexander, Ball, Berry, Blanchard, Bonson, Carney, Carpenter, Craig, Downey, Druet, Ellis, Ellison, Everall, Funk, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hipwell, Hospers, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Upton, Waterman—33.

The nays were:

Senators Byers, Carroll Eaton, Ericson, Garst, Healy, Hotchkiss, Kilburn, Rigger, Sargent, Young—11.

Absent or not voting:

Senators Allyn, Cheshire, Hobart, Lehfeldt, Rowen, Trewin—6.

The Senate insists upon its amendment to section 10, chapter 1.

On the question, "Shall the Senate insist on its amendments to sections 2 and 3, chapter 2; section 4, chapter 3; first amendment to section 1, chapter 5; section 23, chapter 5; section 30, chapter 5; sections 1 and 4, chapter 6; section 22, chapter 6?" the motion prevailed and the Senate insists on its amendments.

The report of committee was adopted.

CONCURRENT RESOLUTION.

Senator Carney offered the following concurrent resolution:

Resolved by the Senate, the House of Representatives concurring, That conference committee on Senate file No. 10, be authorized to consider and report upon an amendment to section 11, chapter 1, striking out in the first line the words "and reporter," and in second line changing the word "their" to "his."

Adopted.

President Parrott presiding.

Senator Henderson called up the report of Committee on Fish and Game, Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of birds and game.

Senator Henderson moved that the Senate concur in House amendments to section 2, line 3.

Carried.

Senator Henderson moved that the Senate concur in the House amendment to section 13, lines 7, 8, 9 and 18.

On this a division was called for and the amendments were concurred in.

Senator Henderson moved that the Senate concur in the House amendment to section 18, lines 7 and 8.

Carried.

Senator Henderson moved that the Senate concur in the House amendment to section 25.

Carried.

Senator Henderson moved that the Senate do not concur in the House amendment to section 2, line 10.

Carried.

Senator Henderson moved that the Senate do not concur in the House amendment to section 4, line 1.

Carried.

Senator Henderson moved that the Senate do not concur in the House amendments to section 10, lines 4 and 5.

Carried.

Senator Henderson moved that the Senate do not concur in the House amendment to section 13, line 7.

On this the yeas and nays were demanded.

On the question, "Shall the Senate concur in the amendment?" the yeas were:

Senators Berry, Byers, Hurst, Kilburn, Mitchell, Upton—6.

The nays were:

Senators Alexander, Bell, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hospers, Hotchkiss, Junkin, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Sargent, Waterman, Young—36.

Absent or not voting:

Senators Allyn, Blanchard, Garst, Hipwell, Hobart, Lehfeldt, Rowen, Trewin—8.

The amendment was not concurred in.

Senator Henderson moved that the Senate do not concur in the House amendment to section 14, lines 4 and 6.

Carried.

Senator Henderson moved that the Senate do not concur in the House amendment to section 23, lines 5 and 6.

Laid over.

The President announced as conference committee on the part of the Senate, on House file No. 10, Senators Ellis, Blanchard, Phelps and Ranck.

The hour of adjournment having arrived, the Senate adjourned until 2 o'clock P. M., to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

On request of Senator Junkin, leave of absence was granted Senator Garst until Wednesday.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill, in which the concurrence of the House was asked:

Substitute for Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to revenue.

JAS. D. ROWEN,
Chief Clerk.

Senator Funk moved to take up House messages.

Carried.

HOUSE MESSAGES.

Substitute for Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to revenue, was taken up and referred to Committee on Ways and Means.

REPORT OF STANDING COMMITTEE.

Senator Gorrell, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate file No. 32, a bill for an act to revise, amend and codify the statutes in relation to the inspection of petroleum products, 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 attached bill be substituted for the Senate file No. 32, and that it be known as Senate file No. 97.

Your committee further recommends that when the substitute is adopted that it do pass.

J. R. GORRELL,
Chairman.

Ordered passed on file.

The substitute was read first and second times and 250 copies ordered printed.

The Senate resumed consideration of House amendment to Senate file No. 35.

Senator Henderson moved that the Senate do not concur in the House amendment to section 23, placing bluejays in the protected list.

On this a division was called for and the motion prevailed.

Senator Henderson moved that the Senate concur in the House amendment to section 23, placing blackbirds in the protected list.

On this a division was called for and the motion prevailed.

On the question, "Shall the Senate concur in the House amendment just adopted?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Ericson, Everall, Funk, Gilbertson, Gorrell, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Jankin, Kilburn, Lothrop, Palmer, Perrin, Phelps, Pusey, Upton, Waterman, Young—34.

Senator Harper voted in the negative.

Absent or not voting:

Senators Allyn, Druet, Ellison, Garst, Harriman, Healy, Hobart, Lehfeldt, Mitchell, Penrose, Ranck, Riggen, Rowen, Sargent, Trewin—15.

The House amendments were concurred in.

REPORT OF STANDING COMMITTEE.

Senator Carney, from the Committee on Elections, submitted the following report:

MR. PRESIDENT—Your Committee on Elections, to whom was referred Senate file No. 41, a bill for an act to revise, amend and codify the statutes in relation to regents and trustees of State institutions, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the Senate do not concur in House amendments to lines 7, 9 and 10, of section 1; that the Senate do not concur in House amendment to line 11, of section 1; that the Senate concur in House amendments to sections 6 and 9.

J. L. CARNEY,
Chairman.

Senator Carney moved that the report of committee on House amendments to Senate file No. 41 be taken up for consideration.

Carried.

Senator Carney moved that the Senate do not concur in the House amendments to lines 7, 9 and 10 of section 1.

Carried.

Senator Carney moved that the Senate do not concur in the House amendments to line 11 of section 1.

Carried.

Senator Carney moved that the Senate concur in the House amendments to section 6.

Carried.

Senator Carney moved that the Senate concur in the House amendment to section 9.

Carried.

On the question, "Shall the Senate concur in House amendments to sections 6 and 9?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ericson, Everall, Funk, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hospers, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Sargent, Upton, Young—38.

The nays were:

None.

Absent or not voting:

Senators Allyn, Byers, Ellison, Garst, Harper, Hobart, Hotchkiss, Hurst, Lehfeldt, Rowen, Trewin, Waterman—12.

The amendments were concurred in.

Senator Harriman called up the motion filed to reconsider the vote by which the substitute for House file No. 20 passed the Senate

Senate Harriman moved that the vote by which substitute for House file No. 20 passed the Senate be reconsidered.

Carried.

Senator Eaton moved that the vote by which substitute for House file No. 20 was ordered to a third reading be reconsidered.

Carried.

Senator Eaton moved to reconsider the vote by which the amendments to section 13 were adopted.

Carried.

Senator Eaton moved to amend the amendment by striking out the words "prepaid or investment" and inserting the words "full paid" in lieu thereof.

Adopted.

The amendment as amended was adopted.

Senator Bonson called up his motion filed to reconsider the vote by which amendments to section 5 were adopted.

Senator Bonson moved to reconsider the vote by which the amendments to section 5 were adopted.

On this a division was called for and the motion was lost.

Senator Eaton moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Sargent, Upton—39.

The nays were:

None.

Absent or not voting:

Senators Allyn, Funk, Garst, Hipwell, Hobart, Hurst, Lehfeldt, Rowen, Trewin, Waterman, Young—11.

The bill having received a constitutional majority was declared to have passed the Senate and title agreed to.

BILLS ON SECOND READING.

On motion of Senator Pusey, Senate file No. 96, a bill for an act to legalize the levy and collection of a poor tax and a tax of four mills on the dollar for ordinary county revenue by counties in the State of Iowa in the years 1892, 1893, 1894, 1895 and 1896, was taken up and considered.

The bill was read for information.

Senator Pusey moved to amend the bill by adding the words "section 2" to the publication clause.

Adopted.

Senator Pusey moved that the rule be suspended, and that the bill be considered engrossed, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hospers,

Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Upton, Young—41.

The nays were:

None.

Absent or not voting:

Senators Allyn, Garst, Hobart, Hurst, Lehfeldt, Rigger, Rowen, Trewin, Waterman—9.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to

REPORT OF STANDING COMMITTEE.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 96, a bill for an act to legalize the levy and collection of a poor tax and a tax of four mills on the dollar for ordinary county revenue by counties in the State of Iowa in the years 1892, 1893, 1894, 1895 and 1896, 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 do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Senator Ellis called up the report of the committee on Senate file No. 77.

Senator Ellis moved that the Senate concur in the House amendment to section 4, line 2, by inserting between the words "morning" and "and" the words "unless bail be given."

Adopted.

Senator Ellis moved that the Senate amend and concur in the House amendment as follows: Amend chapter 5, by substituting for section 19, the following: "The board of supervisors shall at any regular or special session, fix the compensation to be allowed the officers in each case under this chapter; to the trial magistrate not exceeding one dollar; to the peace officer for all services not more than one dollar and mileage as now allowed by law."

Adopted.

Senator Ellis moved that the Senate do not concur in House amendment to section 25, chapter 5.

Carried.

Senator Ellis moved that the Senate do not concur in the House amendment to section 24, chapter 12.

Carried.

Senator Ellis moved that the Senate do not concur in the the House amendment to section 15, chapter 16.

Carried.

Senator Ellis moved that the Senate do not concur in the House amendment to section 8, chapter 7.

Carried.

Senator Ellis moved that the Senate concur in the House amendment to chapter 18, section 3, line 4, inserting between "for" and "arrest" the word "his."

Carried.

Senator Ellis moved that the Senate do not concur in the House amendment to section 5, chapter 18.

Carried.

Senator Ellis moved that the Senate concur in the House amendment to chapter 20, section 12, line 2, striking out the words "replication or."

Carried.

Senator Ellis moved that the Senate do not concur in the House amendment to section 15, chapter 20.

Carried.

Senator Ellis moved that the Senate concur in the House amendment to chapter 22, striking out sections 1, 2, 3, 4, 5 and inserting in lieu thereof as section 1 the following: "The rules for drawing the jury shall be the same as those provided in civil procedure." Also number section 6, section 2.

Carried.

Senator Ellis moved that the Senate do not concur in the House amendments to section 5, chapter 26.

Carried.

Senator Ellis moved that the Senate concur in the House amendments to section 10, chapter 26, line 2, striking out the word "severally."

Carried.

Senator Ellis moved that the Senate concur in the House amendments to chapter 32, restoring section 14 as stricken out by the Senate; also, renumber succeeding sections.

Carried.

Senator Ellis moved that the Senate concur in the House amendment striking out the words "reporters and" in line 5, section 10, chapter 33.

Carried.

Senator Ellis moved that the Senate do not concur in House amendment to section 2, line 8, chapter 35.

Carried.

Senator Ellis moved that the Senate concur in House amendment to section 2, chapter 35, line 10, striking out the words "submit to" and inserting "abide."

Carried.

Senator Ellis moved that the Senate do not concur in House amendment to section 3, line 2, chapter 35.

Carried.

Senator Ellis moved that the Senate do not concur in House amendment to section 6, line 8, chapter 35.

Carried.

Senator Ellis moved that the Senate concur in House amendment to section 6, line 10, chapter 35, substituting the word "abide" for the words "submit to."

Carried.

Senator Ellis moved that the Senate do not concur in House amendment to section 5, line 1, chapter 44.

Carried.

Senator Ellis moved that the yeas and nays be called on all the House amendments concurred in by *viva voce* vote.

Carried.

On the question, "Shall the Senate concur in all the House amendments just adopted?" the yeas were:

Senators Bell, Berry, Blanchard, Bonson, Byers, Carney, Carroll, Cheshire, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Ranck, Rigen, Sargent, Upton, Waterman, Young—38.

The nays were:

None:

Absent or not voting:

Senators Alexander, Allyn, Carpenter, Craig, Eaton, Garst, Hobart, Hurst, Lehfeldt, Pusey, Rowen, Trewin—12.

The House amendments were concurred in.

Senator Ellis moved that the Senate do now adjourn.

Carried.

The Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, April 14, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. C. C. Potter of Ireton, Iowa.

PETITIONS AND MEMORIALS.

Senator Cheshire presented petition of many clergymen of Des Moines, asking a change in the cigarette law, and asked that it be read and returned to him.

Senator Lothrop presented petition of 635 citizens of Woodbury county, asking the passage of the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of William Arnd and 41 others, fruit growers of Council Bluffs, asking the passage of the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of the Council Bluffs Carpet Company and 142 other merchants and manufacturers of Council Bluffs, asking the passage of the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of T. A. Davis and seventeen others of Quick, Pottawattamie county, Iowa, asking passage of manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of Thos. Flood and thirty-eight others of Armour, Pottawattamie county, in favor of manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of Warren Hough and 120 others of Crescent, asking the same.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of A. M. Huff and eighty-six others of Hancock, asking the same.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of H. C. Copeland and thirty-two others of Loveland, asking the same.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of James Hunter and seventy-one others, of Minden, asking the same.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of T. Van De Bogert and fifty-two others, of Underwood, asking the same.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of A. Frazier and thirty others, of Honey Creek, asking the same.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of T. L. Blanchard and fifteen others, asking the same.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of F. N. Hetzel and ninety-nine others of Avoca, asking the same.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of J. H. Jenks and fifty-three others of Avoca, asking the same.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of Arthur S. Moore and 94 others, of Avoca, asking the same.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of N. L. Robertson and 181 others, of Neola, asking the same.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented petition of J. M. Mathews and 2,145 others, of Council Bluffs, asking the same.

Referred to Committee on Suppression of Intemperance.

Senator Harper presented petition of Charles Starker and 1,300 other citizens of Burlington, asking the same.

Referred to Committee on Suppression of Intemperance.

Senator Ellis presented petition of many hundred voters of Clinton asking the same.

Referred to Committee on Suppression of Intemperance.

Senator Riggen presented petition of 140 citizens of Keokuk county, asking for the passage of the manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Young presented petition of Charles Trask and 160 other citizens and taxpayers of Buchanan county, on the same subject.

Referred to Committee on Suppression of Intemperance.

Senator Pusey presented two petitions of H. Volstedt and 105 other citizens of Pottawattamie county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Lothrop presented petition of S. Kinman and 115 other citizens of Woodbury county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Funk presented petition of fifty-six citizens of Kosuth county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Funk presented petition of ninety-eight citizens of Palo Alto county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Hospers presented petition of ninety-five citizens of Sioux county, asking for passage of manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Trewin presented petition of S. E. Robinson and 224 other citizens and taxpayers of Fayette county, in favor of manufacturing law.

Referred to Committee on Suppression of Intemperance.

Senator Trewin presented petition of J. B. Hart and 187 citizens and taxpayers of Postville, Allamakee county, asking for passage of manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Ranck presented petition of J. C. Beem and 256 other citizens and tax payers of Marengo, Iowa county, in favor of manufacturing bill.

Referred to Committee on Suppression of Intemperance.

Senator Ranck presented petition of W. F. Conklin and 175 other citizens and tax payers of Johnson county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Hipwell presented petition of 680 citizens and tax payers of Scott county on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Everall presented petition of G. H. Niemeyer and fifty other citizens of Guttenburg, Clayton county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Cheshire presented petition of A. E. Madden and 661 other citizens of Polk county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Hurst presented petition of 2150 citizens of Jackson county, asking for a manufacturing law the same as Illinois.

Referred to Committee on Suppression of Intemperance.

Senator Garst presented petition of 125 citizens of Jefferson, Greene county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Ellis presented two numerously signed petitions of citizens of Cedar county; on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Druet presented petition of Wallace English and seventy-one other citizens of Marion county, on the same subject.

Referred to Committee on Suppression of Intemperance.

Senator Bonson presented petition of thirty-five citizens of New Vienna, Dubuque county, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Bonson presented petition of 150 citizens of Dyersville, on same subject.

Referred to Committee on Suppression of Intemperance.

Senator Ellison presented remonstrance of F. Hoffman and forty-nine other citizens of Jones county, against manufacturing bill.

Referred to Committee on Suppression of Intemperance.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval Senate file No. 3, a bill for an act to revise, amend and codify the statutes in relation to county and township government.

G. S. GILBERTSON,
Chairman.

Passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 45, a bill for an act to revise, amend and codify the statutes in relation to the practice of pharmacy.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 31, a bill for an act to revise, amend and codify the statutes in relation to fences.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 25, a bill for an act to revise, amend and codify the statutes in relation to the regulation of carriers by railway.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

The Journal of Tuesday was taken up, read, corrected and approved.

Senator Ellison, from special committee, presented the following resolutions of condolence, and moved their adoption by rising vote:

MR. PRESIDENT—Your committee appointed to prepare suitable resolutions on the death of ex-Senator Lovell, submit the following report:

WHEREAS, It has pleased the Great Master of our destiny to remove from the cares and activities of this life Hon. George W. Lovell, who died at his home in Monticello, Jones county, Iowa, on the 10th day of March, 1897; and,

WHEREAS, The said George W. Lovell was a member of the Iowa State Senate from 1872 to January, 1879, therefore, be it

Resolved, That in the death of ex-Senator Lovell the State of Iowa has lost an able, honest and conscientious business man; a wise, conservative and fearless legislator, and a useful and patriotic citizen.

Resolved, That we extend to the relatives and friends of the deceased our sincere sympathy and condolence.

Resolved, That the Secretary forward a properly engrossed copy of these resolutions to the relatives of ex-Senator Lovell, and that they be entered on the Journal of the Senate.

F. O. ELLISON,
J. S. ALEXANDER,
JOHN EVERALL,
Committee.

In Memoriam

... of ...

Hon. George W. Lovell,

Senator 24th District,

1872-1879,

Who Died at Monticello, Iowa,

March 10, 1897.



These Resolutions Adopted

By His Colleagues,

April 14, 1897.

REPORT OF STANDING COMMITTEE.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 70, a bill for an act to revise, amend and codify the statutes in relation to notes and bills, 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 recommendation that the accompanying amendments be adopted and when adopted the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 85, a bill for an act to repeal so much of section 1, chapter 179, of the laws of the Twenty-fifth General Assembly, as legalizes a certain contract entered into between the city of Des Moines, Iowa, and the Des Moines Brick Manufacturing Company, 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.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 66, 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 have instructed me to report the same back to the Senate with the recommendation that the Senate recede from its amendment to section 4, chapter 5, and insists upon its amendment to section 5, chapter 9.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 69, a bill for an act to revise, amend and codify the statutes in relation to notes and bills, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate, with the recommendation that it be indefinitely postponed for the reason that they have amended Senate file No. 70 on the same subject and recommend it do pass as a substitute.

L. A. ELLIS,
Chairman.

Report of committee adopted and bill indefinitely postponed.

BILLS ON SECOND READING.

On motion of Senator Perrin, House file No. 33, a bill for an act to revise, amend and codify the statutes in relation to intoxicating liquors, with report of committee recommending certain amendments, was taken up and considered.

The bill was read section by section for amendments.

Senator Perrin moved to amend chapter 1 as follows: Section 1, strike out all of section after the word "principal," in line 9.

On this the yeas and nays were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carney, Carroll, Druet, Eaton, Ellis, Ellison, Ericson, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hotchkiss, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—37.

The nays were:

Senators Bonson, Downey, Everall, Harper, Hipwell, Hospers, Hurst, Pusey, Ranck—10.

Absent or not voting:

Senators Blanchard, Carpenter, Craig—3.

The amendment was adopted.

Senator Perrin moved to amend section 4 as follows: In line 1, insert after the word "liquors," the words, "not including malt liquors;" also, in same section, line 4, insert after the word "pharmacists" a comma and the words "physicians holding certificates from the State board of medical examiners."

On this a division was called for, and the amendment was adopted.

Senator Byers offered the following amendment to section 6: In line 2 strike out after the word "petition" the words "signed by one-third of the freeholder voters of the township, incorporated town, city or ward, or city acting under special charter in which the permit is to be used."

Adopted.

The hour for the special order in consideration of the committee amendments to Senate file No. 20 having arrived, Senator Penrose moved to take up Senate file No. 20.

Carried.

Senator Penrose moved that the amendments be divided and the amendments to section 38 be acted on separately.

Carried.

Senator Penrose moved that a roll call be had upon the Berry substitute to section 38 of Senate file No. 20.

On the question, "Shall the committee amendment to section 38 of Senate file No. 20 be adopted?" the yeas were:

Senators Allyn, Bell, Berry, Byers, Carpenter, Carroll, Craig, Downey, Druet, Eaton, Harper, Hipwell, Hurst, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Phelps, Pusey, Ranck, Rigger, Trewin, Upton, Waterman, Young—26.

The nays were:

Senators Alexander, Bonson, Carney, Cheshire, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Penrose, Perrin, Rowen, Sargent—23.

Absent or not voting:

Senator Blanchard—1.

The amendment was adopted.

Senator Blanchard offered the following explanation and asked that it be printed in the Journal:

MR. PRESIDENT—I wish to explain that if I had been present when the vote was taken on the Berry amendment I should have voted aye.

L. C. BLANCHARD.

Senator Penrose moved that a roll call be had on the House amendments to sections 22, 36, and 42, line 1, and by adding to the section certain words, and also section 72.

On the question, "Shall the amendments be concurred in?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Upton, Waterman, Young—47.

The nays were:

None.

Absent or not voting:

Senators Ellis, Healy, Hobart—3.

The amendments were concurred in and the report of the committee adopted.

The Senate resumed consideration of House file No. 33.

Senator Perrin moved to amend section 11 by inserting the words "the length of time" after the word "and," in line 4, and strike out the words "two years" after the word "force," in line 5.

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Ellis asked that section 22 be passed.

Senator Perrin moved to amend section 26, line 7, by striking out the words "five hundred" and insert "two hundred" in lieu thereof.

Adopted.

Senator Perrin moved to amend section 37, line 4, by inserting after the word "another" the words "contrary to the provisions of this chapter."

Adopted.

Senator Perrin moved to amend section 41, line 5, after the word "giving" insert the words "contrary to the provisions of this chapter."

Adopted.

Senator Perrin moved to amend section 42, line 13, by striking out the words "good faith" and after the word "holders" strike out comma and insert the words "thereof in good faith."

Adopted.

Senator Perrin moved to add to section 55 the following: "Whoever is assessed under the provisions of this chapter shall be liable at least for one quarterly installment of the tax herein provided for notwithstanding any such person may discontinue the business when so assessed, and notwithstanding the fact he may have been in the business for a less period than three months; and if he shall continue therein for a longer period than three months he shall be liable for an additional quarterly installment, subject to abatement on account of discontinuance of the business before the expiration of such second or subsequent quarter.

Adopted.

Senator Perrin moved to amend section 64, line 5, by striking out the word "so" after the word "tax," and insert in lieu thereof the following: "now in the hands of the county treasurer or that shall hereafter be."

Adopted.

Senator Berry moved to amend section 66 by striking out all after the word "section" in line 4.

Senator Ellison moved that the Senate do now adjourn.

Carried.

Senate adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 33, having under consideration the amendment by Senator Berry to section 66 at the time of adjournment

On this the yeas and nays demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Byers, Carney, Carroll, Craig, Druet, Eaton, Ellison, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hotchkiss, Junkin, Kilburn, Mitchell, Palmer, Perrin, Phelps, Riggen, Rowen, Sargent, Trewin, Upton, Young—31.

The nays were:

Senators Blanchard, Bonson, Cheshire, Downey, Ellis, Everall, Harper, Hipwell, Hospers, Hurst, Lehfeldt, Lothrop, Penrose, Pusey, Ranck—15.

Absent or not voting:

Senators Allyn, Carpenter, Ericson, Waterman—4.

The amendment was adopted.

Senator Perrin moved to amend section 67, subdivision 2, by inserting between the words "property" and "within," in line 13, the words "fronting on the same street or street at right angles thereto."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bonson, Byers, Cheshire, Downey, Ellis, Ericson, Everall, Funk, Garst, Harper, Hipwell, Hospers, Hurst, Lehfeldt, Lothrop, Perrin, Pusey, Ranck, Trewin, Upton, Waterman—21.

The nays were:

Senators Alexander, Bell, Berry, Carney, Carroll, Craig, Druet, Eaton, Ellison, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hotchkiss, Junkin, Kilburn, Palmer, Phelps, Riggen, Rowen, Sargent, Young—23.

Absent or not voting:

Senators Allyn, Blanchard, Carpenter, Hobart, Mitchell, Penrose—6.

The amendment was lost.

Senator Perrin moved to amend section 67, line 14, by inserting after the word "on" the words "which consent shall continue until such general consent is revoked."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Blanchard, Bonson, Carpenter, Cheshire, Downey, Ellis, Everall, Harper, Hipwell, Hobart, Hospers, Hurst, Lehfeldt, Perrin, Pusey, Ranck, Rikken, Trewin, Upton—19.

The nays were:

Senators Alexander, Bell, Berry, Byers, Carney, Carroll, Craig, Druet, Eaton, Ellison, Ericson, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Phelps, Rowen, Sargent, Young—29.

Absent or not voting:

Senators Allyn and Waterman—2.

The amendment was lost.

Senator Perrin moved to amend section 67, line 1, by inserting the words "or more" after the word "inhabitants."

Adopted.

Senator Rowen moved to amend section 67, subsection 6, by inserting after the word "entertainment," in line 32, the words "nor shall lunches be served."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Carney, Carroll, Eaton, Gorrell, Harriman, Hotchkiss, Junkin, Kilburn, Mitchell, Palmer, Phelps, Rikken, Rowen, Sargent, Young—18.

The nays were:

Senators Blanchard, Bonson, Byers, Carpenter, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk,

Garst, Gilbertson, Harper, Healy, Hipwell, Hobart, Hospers, Hurst, Lohfeldt, Lothrop, Penrose, Perrin, Pusey, Ranck, Trewin, Upton, Waterman—30.

Absent or not voting:

Senators Allyn and Henderson—2.

The amendment was lost.

Senator Perrin moved to amend section 69, line 10, by inserting after the word "thereafter," the words "upon filing a sufficient bond for the costs."

Adopted.

Senator Perrin moved to amend section 69, line 5, from the bottom by striking out the word "appellee" and inserting the word "appellant."

Adopted.

Senator Ellis moved to add to the chapter as sections 75, 76, 77, 78, 79 and 80 the following:

Sec. 75. Whenever the council of any city containing a population of five thousand or more, shall, upon a written statement of consent of fifty per cent of the legal voters who voted at the preceding general election grant its consent to manufacture within the limits of such city, for sale, spirituous, malt and vinous liquors as hereinafter provided; or, whenever the board of supervisors of any county shall, upon a written statement of consent of sixty-five per cent of the legal voters who voted at the preceding general election residing in said county, and without the limits of any such city, grant consent to manufacture, within the limits of any city or town of less than five thousand population in such county, spirituous, malt or vinous liquors for sale as hereinafter provided, any person, partnership or corporation within such city, containing a population of five thousand or more, or any city or town containing a population of less than five thousand as the case may be, manufacturing or selling any spirituous, malt or vinous liquors at wholesale and to dealers only, or any carrier transporting the same shall be exempt from any and all penalties now provided by law for manufacturing, selling or transporting spirituous, malt or vinous liquors; but no spirituous or malt liquors shall be sold or shipped in quantities of less than four gallons or an eighth of a barrel, contained in a single case, vessel or package; and no such vinous liquors shall be sold or shipped in less quantities than two dozen pints or one dozen quarts in any one case or package.

Sec. 76. Manufacturing of liquors, mentioned in the preceding section, shall not be carried on in any city or town of less than five thousand inhabitants unless fifty per cent of the legal voters who voted at the preceding election have signed such statement of consent.

Sec. 77. Any city council or board of supervisors as the case may be, at any special or regular meeting, shall determine the legality and sufficiency as herein provided, of any such written statement of consent to manufacture such liquors, and from such determination such person, partnership or corporation, or county attorney, may appeal to the district court

in which the matter shall be tried and disposed of as an equitable action.

Sec. 78. No establishment or building for manufacturing any of such liquors herein contemplated, shall be erected within three hundred feet of any schoolhouse or building commonly used for school purposes, or academy, or college, or of any church or usual place of worship of any religious organization, and all obligations incurred by reason of the manufacture, sale or transportation of any liquors named in this chapter shall be enforceable in the courts of this State.

Sec. 79. Any person, partnership or corporation operating any brewery, distillery or place where wine is manufactured, permitting any drinking of such products or selling the same at retail upon the premises of any such manufacturing establishment, shall forfeit the exemption hereby contemplated to be granted.

Sec. 80. Such consent to manufacture shall be granted only in such cities or towns as shall have granted permit to sell spirituous, malt and vinous liquors under the provisions of this chapter.

Senator Upton moved the previous question.

On the question, "Shall the main question be now put?" the roll call was demanded.

On the question, "Shall the previous question be now put?" the yeas were:

Senators Blanchard, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Ellis, Everall, Funk, Garst, Harper, Hipwell, Hobart, Hospers, Hurst, Lehfeldt, Lothrop, Penrose, Pusey, Ranck, Riggen, Trewin, Upton, Waterman—26.

The nays were:

Senators Alexander, Bell, Berry, Carney, Druet, Eaton, Ellison, Ericson, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hotchkiss, Junkin, Kilburn, Mitchell, Palmer, Perrin, Phelps, Rowen, Sargent, Young—23.

Absent or not voting:

Senator Allyn—1.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Blanchard, Bonson, Byers, Carpenter, Cheshire, Craig, Downey, Ellis, Everall, Funk, Garst, Harper, Hipwell, Hobart, Hospers, Hurst, Lehfeldt, Lothrop, Penrose, Pusey, Ranck, Riggen, Trewin, Upton, Waterman—25.

The nays were:

Senators Alexander, Bell, Berry, Carney, Carroll, Druet, Eaton, Ellison, Ericson, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hotchkiss, Junkin, Kilburn, Mitchell, Palmer, Perrin, Phelps, Rowen, Sargent, Young—24.

Absent or not voting:

Senator Allyn—1.

The amendment was adopted.

Senator Druet moved to amend section 67 by adding to the fourth line the words "and in any city of over twenty-five hundred and less than five thousand inhabitants, when a written statement of consent, that intoxicating liquors may be sold in such city, signed by eighty per cent of the voters residing in such city voting therein at the last preceding election, as shown by the poll list of said election, shall have been filed with the county auditor and shall by the board of supervisors, at a regular meeting or at a special meeting called for that purpose, have been held sufficient, and its findings entered of record, which statement, when thus found sufficient, shall be effectual for the purpose herein contemplated until revoked, said city shall come within the provisions of this section."

Senator Harper moved to amend the amendment by striking out the word "eighty" and inserting the word "sixty-five."

Lost.

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Blanchard, Bonson, Byers, Carpenter, Cheshire, Craig, Downey, Druet, Ellis, Everall, Funk, Garst, Gilbertson, Healy, Hipwell, Hobart, Hospers, Lehfeldt, Lothrop, Pusey, Ranck, Rigger, Trewin, Upton, Waterman—25.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Carney, Carroll, Eaton, Ericson, Gorrell, Harper, Harriman, Hotchkiss, Hurst, Junkin, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Rowen, Sargent, Young—23.

Absent or not voting:

Senators Ellison and Henderson—2.

The amendment was adopted.

Senator Druet moved to amend section 68 by inserting in line 2, after the word "section," the words "except as otherwise provided."

Adopted.

Senator Carroll moved to amend section 22, line 3, by striking out all following the word "intoxicated" and substitute the the following in lieu thereof: "Any person violating the provisions of this section shall forfeit and pay the sum of one

hundred dollars, to be collected by action against him, or if a permit holder, against him and the sureties on his bond. Such action may be brought by any citizen of the county. One-half of the amount so collected shall go to the informer and one-half to the school fund of the county."

Adopted.

Senator Blanchard moved that the time of adjournment be extended until 5 o'clock, or until the bill under consideration is disposed of.

Carried.

Senator Ellis moved that the rule be suspended and that the reading just had be the third reading of the bill, which motion prevailed.

Senator Trewin moved the previous question.

On the question, "Shall the main question be now put?" the motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Blanchard, Bonson, Byers, Carpenter, Cheshire, Craig, Downey, Druet, Ellis, Everall, Funk, Garst, Harper, Hipwell, Hobart, Hospers, Hurst, Lehfeldt, Lothrop, Penrose, Pusey, Ranck, Rikken, Trewin, Upton, Waterman—26.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Carney, Carroll, Eaton, Ellison, Ericson, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hotchkiss, Junkin, Kilburn, Mitchell, Palmer, Perrin, Phelps, Rowen, Sargent, Young—24.

Absent or not voting:

None.

The bill having received a constitutional majority, as declared to have passed the Senate and the title agreed to.

Senator Everall offered the following explanation of his vote and asked that it be printed in the Journal:

MR. PRESIDENT—There are some features of this bill that I cannot approve, but recognizing the fact that I can not vote for legalizing the manufacture of beer and vinous liquors unless I vote for the entire bill, I vote yea.

JOHN EVERALL.

Senator Ranck offered the following explanation of his vote, and asked that it be printed in the Journal:

MR. PRESIDENT—There are many provisions contained in this bill which I do not favor and which I reluctantly am compelled to vote for; unless I do so, no law can be secured allowing the manufacture and sale of intoxicating liquors in this State at this session. Believing the best interests

of the State demand I should vote yea, I do so, and trust that future legislatures may so amend the law as that it may be made more liberal in its many provisions. I vote "yea."

C. S. RANCK.

Senator Harper offered the following explanation of his vote and asked that it be printed in the Journal:

MR. PRESIDENT—Because this bill permits the manufacture of liquor within the State of Iowa and to some extent relieves our people from the thralldom of fanaticism and prejudice that has cursed our State for years, I vote "aye" but do not want it understood that I endorse any of the mulet features of same.

T. G. HARPER,

Senator Cheshire moved to reconsider the vote by which House file No. 33 passed the Senate.

Senator Carpenter moved that the motion be laid on the table.

On this a roll call was demanded.

On the question, "Shall the motion be laid on the table?" the yeas were:

Senators Blarckard, Bonson, Byers, Carpenter, Cheshire, Craig, Downey, Druet, Ellis, Everall, Funk, Garst, Harper, Hipwell, Hobart, Hospers, Hurst, Lehfeldt, Lothrop, Penrose, Pusey, Ranck, Riggen, Trewin, Upton, Waterman—26.

The nays were:

Senators Alexander, Bell, Berry, Carney, Carroll, Eaton, Ellison, Ericson, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hotchkiss, Junkin, Kilburn, Mitchell, Palmer, Perrin, Phelps, Rowen, Sargent, Young—23.

Absent or not voting:

Senator Allen—1.

The motion to lay on the table 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 has passed the following bill, in which the concurrence of the House was asked:

Substitute for House file No. 17, a bill for an act to revise, amend and codify the statutes in relation to agricultural and horticultural societies, stock breeders associations and State Dairy Association.

Also:

Senate file No. 92, a bill for an act to authorize cities of the second class to issue bonds for extending the time of payment of its indebtedness.

Also:

Senate file No. 93, a bill for an act to apply to cities of the first-class, the provision of chapter 78, laws of the Twenty-first General Assembly, as amended by chapter 17, laws of the Twenty-second General Assembly; chapter 15, laws of the Twenty-fourth General Assembly; chapter 3, laws of the Twenty-fifth General Assembly; chapter 3, laws of the Twenty-sixth General Assembly, regular session, relating to indebtedness of cities and towns.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

House file No. 96, a bill for an act to revise, amend and codify the statutes in relation to city and town government.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House concurs in all Senate amendments except first Senate amendment to section 8, a substitute for Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to the Militia.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to the State library.

JAS. D. ROWEN,
Chief Clerk.

Senator Cheshire moved to take up House messages.

Carried.

HOUSE MESSAGES.

Senate file No. 93, a bill for an act to apply to cities of the first class, was read and passed on file.

Substitute for House file No. 17, a bill for an act to revise, amend and codify the statutes in relation to agricultural and horticultural societies, stock breeders' associations and State Dairy Association, was read first and second time and referred to Committee on Agriculture.

Senate file No. 92, a bill for an act to authorize cities of the second class to issue bonds for extending the time of payment of its indebtedness, was read and passed on file.

Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to the State Library, was read and referred to Committee on Libraries.

Substitute for Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to the militia, was read first and second time and referred to Committee on Military.

House file No. 96, a bill for an act to revise, amend and codify the statutes in relation to city and township government, was read first and second time and referred to Committee on Cities and Towns.

Senator Carpenter moved that the Senate do now adjourn.

Carried.

The Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Thursday, April 15, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. A. V. Gorrell, Des Moines, Iowa.

PETITIONS AND MEMORIALS.

Senator Ericson presented petition of county superintendents of central Iowa, asking certain amendments to the cigarette bill, and asked its reading.

Referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE.

Senator Carpenter, from the Committee on Code Revision, submitted the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 84, 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 Senate recede from its amendment to section 8, line 1, page 850.

That the Senate insist upon their amendment to section 12, page 850.

That the Senate insist upon their amendment to section 15, page 850.

That the Senate insist upon their amendment to section 30, page 852.

That the Senate insist upon their amendment to section 31, page 853.

That the Senate recede from its amendment to section 41, page 854.

That the Senate insist upon their amendment to section 62, page 857.

That the Senate recede from its amendment to section 63, page 857.

That the Senate insist upon their amendment to section 83, page 859.

C. A. CARPENTER,
Chairman.

Senator Carpenter moved that the report of the committee be adopted.

Carried.

Senator Carpenter moved that the Senate concur in the amendments recommended by the committee.

On the question, "Shall the Senate concur in the amendments recommended by the committee?" the yeas were:

Senators Alexander, Bell, Blanchard, Bonson, Carney, Carpenter, Carroll, Craig, Downey, Druet, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hobart, Hoppers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Ranck, Riggen, Rowen, Sargent, Upton, Waterman, Young—38.

The nays were:

None.

Absent or not voting:

Senators Allyn, Berry, Byers, Cheshire, Ellis, Ellison, Healy, Hipwell, Hurst, Lehfeldt, Pusey, Trewin—12.

The amendments were adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 94, a bill for an act to revise, amend and codify the statutes in relation to the system of common schools.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 37, a bill for an act to revise, amend and codify the statutes in relation to the practice of medicine.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Senator Perrin offered the following motion:

MR. PRESIDENT—I move that the chairman of the Committee for the Suppression of Intemperance be permitted to return to the Senators the petitions and remonstrances presented by them referring to the manufacturing of intoxicating liquors.

WM. B. PERRIN.

Carried.

The Journal of Wednesday was taken up, read, corrected 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 concurs in all Senate amendments, except to section 7, chapter 3; section 23, chapter 7; section 1, chapter 8; sections 11 and 18, chapter 14, House file No. 82, a bill for an act to revise, amend and codify the statutes in relation to procedure in particular cases.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

House file No. 82, a bill for an act to revise, amend and codify the statutes in relation to procedure in particular cases, was read and referred to Committee on Code Revision.

BILLS ON SECOND READING.

On motion of Senator Hospers, report of committee recommending that substitute for House file No. 19 be substituted for Senate file No. 12 was taken up, considered, and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Hospers moved to amend section 4, page 2, chapter 9, by striking out the word "five" in line 2, and inserting in lieu thereof the word "ten."

Adopted.

Senator Hospers moved to amend section 6, chapter 9, by striking out the word "one" and inserting in lieu thereof the word "five" in line 5 thereof. Also amend the same section, line 5, by adding to to the word "share" a letter "s." Also amend the same section, line 7, by striking out these words: "that he will attend every meeting of the directors unless prevented by sickness."

Adopted.

Senator Harper moved to amend section 6, chapter 9, by striking out the word "to" between the words "perform" and "impartially."

Adopted.

Senator Hospers moved to amend section 9, chapter 9, by inserting after the word "which" and before the word "shall," the word "capital," in line 4 thereof.

Adopted.

Senator Hospers moved to amend section 21, chapter 9, by striking out the word "ten" and inserting in lieu thereof the

word "eight." Also amend the same section, line 9, by striking out the words "two-thirds" and inserting in lieu thereof the words "three-fourths." Also amend the same section, lines 2 and 5, by striking out the word "two" and inserting in lieu thereof the word "three" in each line thereof.

Adopted.

Senator Hospers moved to amend chapter 10, by striking out section 3 and inserting in lieu thereof the following: "Sec. 3. State banks may be hereafter organized by not less than five persons of lawful age, who shall, prior to the commencement of business, sign and acknowledge articles of incorporation before some officer authorized to take acknowledgments of of deeds. Such articles of incorporation shall state:

"1. The object of the incorporation and the name by which it shall be known.

"2. The principal place of business.

"3. The time of the commencement and termination of the corporation, which shall in no case exceed twenty years.

"4. The amount of capital stock authorized, and the times and conditions in which it shall be paid in.

"5. By what officers and persons the affairs of the corporation are to be conducted, and the times at which they will be elected.

"6. The highest amount of indebtedness to which the corporation may at any time subject itself.

"7. Whether private property in addition to the liability fixed by law, shall be liable for corporate debts.

"8. The names and postoffice addresses of the officers or persons who shall manage the affairs of the corporation until the first election.

"9. Such other provisions not contrary to law which the corporation may adopt for the conduct of the business of the corporation.

"10. Such articles shall be filed and recorded, and notice of incorporation given as provided in section three of chapter nine of this title, in reference to savings banks."

Adopted.

Senator Hospers moved to amend section 6, chapter 10, line 4, by striking out the word "one" and inserting in lieu thereof the word "five." Also amend the same section and line by adding an "s" to the word "share." Also, amend the same

section, line 6, by inserting after the word "the" and before the word "stock" these words: "number of shares of."

Adopted.

Senator Hospers moved to amend section 7, page 11, chapter 10, line 1, by adding after the word "in" and before the word "towns" these words: "cities and." Also, amend the same section, lines 2 and 5, by striking out the word "two" in each line and inserting in lieu thereof the word "three."

Adopted.

Senator Hospers moved to amend section 7, page 11, chapter 10, line 3, by striking out the word "fifteen" and inserting in lieu thereof the word "ten." Also, amend the same section, line 6, by striking out the word "twenty" and inserting in lieu thereof the word "fifteen." Also, amend the same section, line 7, by striking out the words "two-thirds" and inserting in lieu thereof the words "three-fourths."

Adopted.

Senator Hospers moved to amend section 2, chapter 11, line 3, by striking out the word "director" after the word "officer;" also, amend the same section by adding at the end of the section the following: "Any officer or employe of the bank violating the provisions of this section shall be deemed guilty of embezzlement."

Adopted.

Senator Hospers moved to amend section 4, chapter 11, by adding at the end of the section the following: "Each member of such examining committee shall receive for their services a reasonable compensation to be fixed by the board at its annual meeting, but in no case shall such compensation exceed five dollars per day for each day's actual service to each member."

Adopted.

Senator Hospers moved to amend section 5, chapter 11, by striking out the word "or" between the words "president" and "vice-president," in line three thereof; also amend the same section and line by striking out the word "and" between the words "vice-president" and "cashier;" also amend the same section in line 4, by striking out the word "two" and inserting in lieu thereof the word "three;" also amend the same section in line 4, by inserting after the word "directors" these words: "or verified by the oath of two of its officers and attested by two of the directors."

Adopted.

Senator Hospers moved to amend section 6, chapter 11, line 4, by striking out the word "this" and inserting in lieu thereof the word "which."

Adopted.

Senator Hospers moved to amend section 7, chapter 11, line 5, by striking out the words "section six of."

Adopted.

Senator Hospers moved to amend section 10, chapter 11, line 31, after the word "no" and before the word "assignment," by inserting the word "general;" also amend the same section, in lines 31 and 32, by striking out the words "or otherwise."

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Ellison moved to amend section 10, chapter 11, by striking out the words "the winding up of" in line 21, and inserting after the word "affairs" in line 21, the words "shall be wound up," and by adding after the word "court," in line 22, the words "and the assets thereof ratably distributed among the creditors thereof, giving preference in payment to depositors."

Laid over.

Senator Ellison moved to amend section 10, chapter 11, by striking out the word "exclusive" at the end of line 22, printed bill.

Laid over.

Senator Hospers moved to amend section 15, page 17, chapter 11, by adding at the end of the section the following: "The assignee or receiver of any such corporation, or in case there is none, or of his failure or refusal to act, any creditor thereof may maintain an action in equity to determine the liability of the stockholders, and the amount to which each creditor shall be entitled; and all parties interested shall be brought into court."

Adopted.

Senator Hospers moved to amend chapter 11, page 17, by striking out section 17 and inserting in lieu thereof the following, and renumber the remaining sections to correspond:

"Sec. 17. No bank, banking house, exchange broker, deposit office, firm, company, corporation, or person engaged in the banking, brokerage, exchange or deposit business shall when insolvent accept or receive on deposit, with or without interest, any money, bank bills, or notes, United States treasury notes, or currency, or other notes, bills, checks, or drafts, or renew any certificate of deposit.

"Sec. 18. If any such bank, banking house, exchange broker, deposit office, firm, company, corporation, or person, shall receive or accept on deposit any such deposits, as aforesaid, when insolvent, any owner, officer, director, cashier, manager, member or person, knowing of such insolvency, who shall knowingly receive or accept, be accessory, or permit, or connive at receiving or accepting on deposit therein, or thereby, any such deposits or renew any certificate of deposit, as aforesaid, shall be guilty of a felony, and upon conviction shall be punished by a fine not exceeding ten thousand dollars, or by imprisonment in the penitentiary for a term of not more than ten years, or by imprisonment in the county jail not more than one year, or by both fine and imprisonment."

Adopted.

Senator Hoppers moved to amend section 18, line 2, by striking out all after the word "same" down to and including the last word "committee" in line 4.

Adopted.

Senator Healy moved to amend chapter 11, by adding to section 23 the following: "No corporation shall engage in the banking business, receive deposits and transact the business generally done by banks, unless it is subject to and organized under the provisions of this title. Any corporation violating this section, shall forfeit its charter at the suit of the Attorney-General, and said corporation, its officers, directors and agents, shall be punished by a fine of not less than five hundred dollars, or imprisonment of not less than two (2) years in the penitentiary, or by both such fine and imprisonment at the discretion of the court."

Laid over.

Senator Garst moved to amend the bill by adding as section 24 of chapter 11 the following: "Any individual, partnership or joint stock association that now or hereafter makes use of any office sign at the place where business is transacted having thereon any artificial or corporate name or other word or words indicating that such place or office is the place or office of a bank, or that now or hereafter advertises by means of or makes use of or circulates any written or printed or partly written or partly printed paper whatever having thereon any artificial or corporate name or any other word or words indicating that the business transacted by such parties is the business of a bank, shall be known as a private banker, and shall

make to the state auditor the same reports, as near as may be, that are now or shall hereafter be required by law of savings and state banks, and shall in the conduct and settlement of the affairs of said private bank be subject to the same control, supervision, inspection and examination as provided for said state and savings banks. No private bank shall do business unless one or more of the owners thereof is a resident of the State of Iowa, and all reports as provided in the preceding section shall be duly verified by at least two of the persons concerned in the ownership or management of the said business; provided, that the provisions of this section shall not be operative until January 1, 1899.

Laid over.

Senator Berry moved to amend section 11, chapter 9, by striking out sub-section 5, and inserting in lieu thereof the following: "It shall not purchase, hold or make loans upon the shares of its capital stock."

Laid over.

Senator Trewin moved to amend, as follows: Add as section 23, chapter 11, "No person, partnership or corporation shall engage in the deposit business or in the business of receiving deposits of money, checks, drafts or bills in any bank or otherwise without being organized as a bank under the provisions of chapter 9, or chapter 10, or chapter 11, of title 9, of the code. Any person violating the provisions of this section shall be punished by a fine of not less than \$300 nor more than \$1,000, or imprisonment in the county jail not less than six months nor more than one year, or by both such fine and imprisonment."

Laid over.

Senator Hospers moved to amend section 19, chapter 11, last line, by striking out words "incapable of" and insert in lieu thereof the words "barred from."

Adopted.

Senator Hospers moved to amend section 1, chapter 9, by striking out in last line the words "under the provisions of" and insert "as provided printed in."

Adopted.

Senator Carpenter moved that the further consideration of the bill be postponed until to-morrow at 9 o'clock A. M.

Carried.

On motion of Senator Rowen, substitute for House file No. 87, a bill for an act to revise, amend and codify the statutes in

relation to the discipline and government of jails and penitentiaries, with report of committee recommending House file No. 87 be substituted for Senate file No. 73, and that Senate file No. 73 be indefinitely postponed was taken up, considered, and the report of the committee adopted.

The bill was read section by section for amendments.

President Parrott presiding.

Senator Rowen moved to amend the bill as follows: Strike out of line 2, section 9, chapter 2, the words "for a like amount;" also insert in line 4, section 9, page 1010, after the word "applicable" the following: "but the amount of the bond shall be \$5,000."

Senator Bell moved to amend the amendment by striking out the figures and sign "\$5,000" and inserting the words "five thousand dollars" in lieu thereof.

Adopted.

The amendment as amended was adopted.

Senator Rowen moved to amend as follows: Add to section 16, chapter 2, "and it shall be unlawful for the warden of either penitentiary to receive convicts from outside of the districts named by the executive council except upon their order or that of the Governor."

Adopted.

The hour of adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

BILLS ON SECOND READING.

Senate resumed consideration of substitute for House file No. 87.

Senator Rowen moved to amend section 44, chapter 2, by striking out of line 3, "if he has made so much."

Adopted.

Senator Rowen moved to add to section 47, chapter 2, "but the warden may in his discretion make such disposition of any surplus refuse stone at the quarries as may be for the best interest of the State."

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Ellis, Ericson, Funk, Garst, Gorrell, Henderson, Hospers, Hotchkiss, Hurst, Kilburn, Mitchell, Palmer, Penrose, Perrin, Rowen, Sargent, Waterman, Young—30.

The nays were:

Senators Bell, Druet, Ellison, Gilbertson, Harper, Lothrop, Phelps, Ranck, Trewin, Upton—10.

Absent or not voting:

Senators Eaton, Everall, Harriman, Healy, Hipwell, Hobart, Junkin, Lehfeldt, Pusey, Riggen—10.

The amendment was adopted.

Senator Rowen moved to strike out of section 56, chapter 2, the words "ten dollars," and insert "nine dollars and fifty cents."

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Allyn, Blanchard, Byers, Carpenter, Carroll, Craig, Downey, Ellis, Ericson, Everall, Gorrell, Healy, Hospers, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Riggen, Rowen, Sargent, Upton, Waterman, Young—25.

The nays were:

Senators Alexander, Bell, Bonson, Carney, Cheshire, Druet, Ellison, Funk, Garst, Gilbertson, Harper, Henderson, Hotchkiss, Hurst, Lothrop, Ranck, Trewin—17.

Absent or not voting:

Senators Berry, Eaton, Harriman, Hipwell, Hobart, Junkin, Lehfeldt, Pusey—8.

The amendment was adopted.

Senator Rowen moved to amend the bill as follows: Strike out the words "seventy-five" in line 5, section 57, and to insert in lieu thereof the words "one hundred."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Ellis, Ellison, Ericson, Funk, Gilbertson, Henderson, Hospers, Hotchkiss, Hurst, Lothrop, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Trewin, Upton—29.

The nays were:

Senators Downey, Everall, Garst, Gorrell, Harper, Healy, Kilburn, Mitchell, Ranck, Sargent, Waterman, Young—12.

Absent or not voting:

Senators Blanchard, Byers, Eaton, Harriman, Hipwell, Hobart, Junkin, Lehfeldt, Palmer—9.

The amendment was adopted.

Senator Rowen moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harper, Healy, Henderson, Hospers, Hotchkiss, Kilburn, Lothrop, Mitchell, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—39.

The nays were:

None.

Absent or not voting:

Senators Byers, Eaton, Funk, Harriman, Hipwell, Hobart, Hurst, Junkin, Lehfeldt, Palmer, Ranck—11.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Funk, President *pro tem.*, presiding.

On motion of Senator Gorrell, substitute for Senate file No. 32, a bill for an act to revise, amend and codify the statutes in relation to the inspection of petroleum products, with report of committee recommending a substitute for Senate file No. 32, and that the substitute be known as Senate file No. 97, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Blanchard moved to amend section 9, line 2, by striking out the word "forty," and insert the word "twenty-five" in lieu thereof.

On this, a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Craig, Downey, Eaton, Ellison, Ericson, Everall, Garst, Harper, Healy, Henderson, Hobart, Hotchkiss, Junkin, Kilburn, Lothrop, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Trewin, Upton, Waterman, Young—35.

The nays were:

Senators Cheshire, Druet, Funk, Gilbertson, Gorrell, Harriman, Hospers, Riggen, Rowen—9.

Absent or not voting:

Senators Ellis, Hipwell, Hurst, Lehfeltdt, Mitchell, Palmer—6.

The amendment was adopted.

Senator Carney moved to amend section 9 by striking out of lines 4 and 5 the words "State Board of Health" and insert the word "Governor" in lieu thereof.

A division was called for and the amendment was adopted.

Senator Cheshire moved to amend section 3 by inserting after the word "the" in line 19, the words "Secretary of State."

Adopted.

Senator Gorrell moved that the rule be suspended and that the bill be considered engrossed and the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—45.

The nays were:

None.

Absent or not voting:

Senators Ellis, Healy, Hurst, Lehfeltdt, Ranck—5.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists on all its amendments to Senate file No. 77, a bill for an act

to revise, amend and codify the statutes in relation to criminal procedure, and the Speaker has appointed as conference committee on the part of the House, Representatives Cornwall, Power, McArthur and Byington.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House concurs in all Senate amendments except section 20, line 4, chapter 2; section 1, chapter 6; section 7, chapter 6; section 7, line 2, chapter 6; section 10, chapter 6; and to that part of amendment to section 2, chapter 7, striking out section 2 of the House bill and offering a substitute therefor of House file No. 9, a bill for an act to revise, amend and codify the statutes in relation to the executive department.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists on its amendments to Senate file No. 41, a bill for an act to revise, amend and codify the statutes in relation to regents and trustees of State institutions, and that the Speaker has appointed as a conference committee on the part of the House, Representatives Hauger, Ray, Finch and Wilson.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House recedes from its amendments to sections 10 and 14 and insists on its amendments to sections 2, 4, 13 and 23 of Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of birds and game, and that the Speaker has appointed as conference committee on the part of the House, Representatives Whelan, Mayne, Crow and Frazee.

JAS. D. ROWEN,
Chief Clerk.

President Parrott presiding.

Senator Blanchard moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, April 16, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. C. L. Coons of Fairfield, Iowa.

On request of Senator Palmer, leave of absence was granted Senator Kilburn indefinitely on account of sickness.

HOUSE MESSAGES.

Senate file No. 41, a bill for an act to revise, amend and codify the statutes in relation to regents and trustees of state institutions was read, and passed on file for conference committee.

House file No. 9, a bill for an act to revise, amend and codify the statutes in relation to Executive Department. Senator Carpenter moved that the Senate insist on all its amendments. Carried.

Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of birds and game was read, and passed on file for conference committee.

Senate file No. 77, a bill for an act to revise, amend and codify the statutes in relation to criminal procedure was read and passed on file for Conference Committee.

REPORT OF STANDING COMMITTEE.

Senator Craig, from the Committee on Military, submitted the following report:

MR. PRESIDENT—Your Committee on Military, to whom was referred House substitute for Senate file No. 15, a bill for an act to revise, amend and codify the statutes relative 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 the Senate insist on its amendment striking out the word "four" in line 5 of section 8, and inserting in lieu thereof the word "ten."

G. M. CRAIG,
Chairman.

Senator Craig moved that report of the committee be adopted.

Carried.

CONFERENCE COMMITTEES.

President Parrott announced the following conference committees:

On House file No. 9, a bill for an act to revise, amend and codify the statutes in relation to the executive department, Senators Carpenter, Berry, Trewin and Funk.

On Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of fish and game, Senators Henderson, Trewin, Funk and Ranck.

On Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to the militia, Senators Palmer, Craig, Bell and Everall.

On House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence, Senators Pusey, Junkin, Lothrop and Hobart.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 37, a bill for an act to revise, amend and codify the statutes in relation to the practice of medicine.

G. S. GILBERTSON,
Chairman Senate Committee
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file

No. 94, a bill for an act to revise, amend and codify the statutes in relation to the system of common schools.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 21, a bill for an act to revise, amend and codify the statutes in relation internal improvements.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to concur in the Senate amendment (known as the Berry substitute) to House amendment to section 38; also that the House recedes from its amendments to section 42, line 3, and to section 45, line 3. Also that the House agrees to Senate amendments to section 42, line 1.

Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to the constitution and operation of railways.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Substitute for Senate file No. 96, a bill for an act to legalize the levy and collection of poor taxes and taxes for ordinary county revenue in counties of the State.

JAS. D. ROWEN,
Chief Clerk.

Senator Pusey moved to take up the House messages.

Carried.

HOUSE MESSAGES

Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to construction and operation of railways was read and passed on file.

Substitute for Senate file No. 96, a bill for an act to legalize the levy and collection of poor tax and taxes for ordinary county revenue in counties of the State was read first and second time.

BILLS ON SECOND READING.

On motion of Senator Pusey, substitute for Senate file No. 96, a bill for an act to legalize the levy and collection of poor tax and taxes for ordinary county revenue in counties of the State was taken up, and considered.

The bill was read for information.

Senator Pusey moved that the rule be suspended, and that the bill be considered engrossed, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Upton, Waterman, Young—44.

The nays were:

None.

Absent or not voting:

Senators Downy, Funk, Hipwell, Junkin, Kilburn, Lehfeldt—6.

The bill having received a constitutional majority was declared to have passed the Senate and title agreed to.

The Journal of Thursday was taken up, read, corrected and approved.

Senator Penrose moved to take up House Message, Senate file No. 20.

Carried.

Senator Berry moved that the Senate insist on all its amendments to section 38 of the bill.

Carried.

Senator Penrose moved that a committee of conference be appointed on the amendment to section 38.

Carried.

Senate resumed consideration of substitute for House file No. 19.

Senator Hospers moved to amend section 3, chapter 9, line 5, of the printed bill by striking out the last two letters of the word "addresses:" also strike out the word "those" in same line and insert in lieu thereof the words "each person or

officer;" also strike out the final "s" from the word "names" in fourth line of section 3.

Adopted.

Senator Hospers moved to amend section 3, chapter 10, substitute for section 8, by striking the final "s" from the word "names," the letters "es" from the word "addresses," striking out the words "the officers or persons" and inserting in lieu thereof the words "each officer or person."

Adopted.

Senator Hospers moved to amend section 4, chapter 11, by striking out the word "each," before the word "member"; also add the letter "s" to the word "member."

Adopted.

Senator Ellison called up his amendment to section 10, chapter 11, which was as follows: Amend section 10, chapter 11, by striking out the words "the winding up of" in line 21, and inserting after the word "affairs" in line 21, the words "shall be wound up," and by adding after the word "court" in line 22, the words "and the assets thereof ratably distributed among the creditors thereof, giving preference in payment to depositors."

Adopted.

Senator Healy, called up his amendment to section 21, chapter 11, as follows: "No corporation shall engage in the banking business, receive deposits, and transact the business generally done by banks, unless it is subject to and organized under the provisions of this title. Any corporation violating this section shall forfeit its charter at the suit of the Attorney-General, and said corporation, its officers, directors and agents, shall be punished by a fine of not less than five hundred dollars, or imprisonment of not less than two (2) years in the penitentiary, or by both such fine and imprisonment at the discretion of the court."

Senator Healy moved to amend the amendment by inserting after the word "title" the words "or of the banking laws of the State heretofore existing."

Adopted.

Senator Cheshire moved to amend the amendment by inserting after the word "existing" the words "except that loan and trust companies may receive time deposits and issue drafts on their depositories, but such companies shall be subject to examination, regulation, and control by the Auditor of State

like savings and state banks.”

Adopted.

The amendment as amended was adopted.

Senator Garst called up his amendment to section 24, chapter 11, which was as follows: “Any individual, partnership, or joint stock association that now or hereafter makes use of any office sign at the place where business is transacted, having thereon any artificial or corporate name, or other word or words indicating that such place or office is the place or office of a bank, or that now or hereafter advertises by means of, or makes use of, or circulates any written or printed, or partly written or partly printed paper whatever having thereon any artificial or corporate name or any other word or words indicating that the business transacted by such parties is the business of a bank, shall be known as a private banker, and shall make to the State Auditor the same reports, as near as may be, that are now or shall hereafter be required by law of savings and State banks, and shall in the conduct and settlement of the affairs of said private bank be subject to the same control, supervision, inspection and examination as provided for said State and savings banks. No private bank shall do business unless one or more of the owners thereof is a resident of the State of Iowa, and all reports as provided in the preceding section shall be duly verified by at least two of the persons concerned in the ownership or management of the said business; provided, that the provisions of this section shall not be operative until January 1, 1899.

Senator Alexander moved the previous question.

On the question, “Shall the main question be now put?” the motion prevailed.

Senator Berry moved that the time of adjournment be extended until a vote is had on the amendment.

Carried.

On the amendment a roll call was demanded.

On the question, “Shall the amendment be adopted?” the yeas were:

Senators Alexander, Carney, Carroll, Cheshire, Everall, Garst, Gilbertson, Gorrell, Healy, Palmer, Sargent, Trewin, Waterman—13.

The nays were:

Senators Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carpenter, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Funk,

Harper, Harriman, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Lothrop, Mitchell, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Upton, Young—33.

Absent or not voting:

Senators Downey, Junkin, Kilburn, Lehfeldt—4.

The amendment was lost.

CONFERENCE COMMITTEES.

The president appointed the following conference committees on the part of the Senate.

On Senate file No. 77, Senators Ellis, Healy, Ellison and Harper.

On Senate file No. 41, Senators Carney, Healy, Waterman and Young.

On Senate file No. 20, Senators Berry, Trewin, Palmer and Ranck.

The hour of adjournment having arrived, the Senate adjourned until 2 o'clock P. M., to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

REPORT OF CONFERENCE COMMITTEE.

Senator Carney, from conference committee on Senate file No. 10, presented the following report:

MR. PRESIDENT—Your conference committee of the House and Senate, appointed to confer upon the disagreement in relation to the amendments to Senate file No. 10, beg leave to report that they have had the same under consideration and report the same back with the recommendation that section 16 of chapter 3, be stricken from the bill and the following be substituted in lieu thereof:

“Sec. 16. All objections or other questions arising in relation to certificates of nomination or nomination papers shall be filed with the officer with whom the certificate of nomination or nomination papers, to which objection is made, are filed. Those with the Secretary of State shall be filed not less than twenty days and those with other officers not less than eight days before the day of election, except that nominations to fill vacancies occurring after said time or in case of nomination made to be voted on at a special election, objections shall be filed within three days after the filing of the certificate or nomination papers.

“Objections filed with the Secretary of State shall be considered by the Secretary and Auditor of State and Attorney-General, and a majority decision shall be final, but if the objection is to the certificate or nomination papers of one or more of the above named officers, said officer or officers so objected to shall not pass upon the same, but their places shall be filled respectively by the Treasurer of State, the Governor and the Superintendent of Public Instruction. Objections filed with the County Auditor shall be considered by the County Auditor, clerk of the district court and County Attorney, and a majority decision shall be final, but if the objection is to the certificate or nomination papers of one or more of the above named county officers, said officer or officers so objected to shall not pass upon such objection, but their places shall be filled respectively by the County Treasurer, the Sheriff and County Superintendent. Objections filed with the city or town clerk shall be considered by the mayor and clerk and one member of the council chosen by the council by ballot, and a majority decision shall be final, but if the objection is to the certificate or nomination papers of either of said city or town officials he shall not pass upon said objection, but his place shall be filled by a member of the council against whom no such objection exists, chosen as above provided.

“When any of the above objections are made, notice shall forthwith be given to the candidate affected thereby, addressed to his place of residence as given in the certificate or nomination papers, stating that objections have been made to his certificate or nomination papers, also stating the time and place such objections will be considered.”

Your committee further recommends that the House recede from the following amendment to section 19 of chapter 3: “And such candidate duly withdraws as provided for in this chapter from other nominations than the one he selects.”

Your committee further recommends that the following be added to the end of section 23 of chapter 3, as a substitute for the House amendment: “For general elections the supply of ballots so retained shall only equal the number provided for the precinct casting the largest vote at the preceding general election, and shall include only the portions of the various tickets to be voted for throughout the entire county, with blank spaces in which the names of candidates omitted may be written by the voter, and with blank spaces in the endorsement upon the back of such ballots in which the name of the precinct shall be written by the judges of election.”

Your committee further recommends that the House recede from its amendment striking out sections 32 and 33, of chapter 3, and inserting sections 32 and 33 of the Black Code in lieu thereof, and it is further recommended that section 33 of the bill be amended as follows: In line 5, insert between the words “circle” and “when” the following: “The making of a cross in the square of another ticket than the one marked in the circle shall not affect the validity of the ballot except as to the office for

which the person opposite whose name such cross was made is a candidate, and as to that office the vote shall not be counted."

Respectfully submitted,

J. L. CARNEY,
W. F. HARRIMAN,
B. F. CARROLL,
J. H. TREWIN,

Conferees on the Part of the Senate.

C. F. JOHNSTON,
O. O. TIBBITTS,
A. H. EDWARDS,

Conferees on the Part of the House.

Passed on file.

REPORT OF STANDING COMMITTEE.

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

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred the House substitute for House file No. 17, a bill for an act to revise, amend and codify the statutes in relation to agricultural and horticultural societies, stock breeders' associations and State Dairy Associations, 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 passed.

D. J. PALMER,
Chairman.

Passed on file.

Senator Carpenter moved that House file No. 85 be referred to the Committee on Code Revision.

Carried.

Senator Healy, from the Committee on Corporations, submitted the following report:

MR. PRESIDENT—Your Committee on Corporations, to whom was referred House file No. 16, 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 have instructed me to report the same back to the Senate with the recommendation that the bill hereto attached be substituted for said House file No. 16, and when so substituted that the bill do pass.

THOS. D. HEALY,
Chairman.

Substitute read first and second time and placed on the Calendar.

Also:

MR. PRESIDENT—Your Committee on Corporations, to whom was referred House file No 26, a bill for an act to revise, amend and codify the

statutes in relation to the construction and operation of telegraph and telephone lines, 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 same be amended as follows: In section 4, line 4, after the word "same" insert the words "with fidelity and." In section 4, lines 4 and 5, after the word "relation" insert the words "to limited partnerships, corporations and;" and in section 5, line 1, after the word "so" insert the words "with fidelity and." Also, strike section 8 from the bill, as amended by the House, and when so amended that the same do pass.

THOS. D. HEALY,
Chairman.

Ordered passed on file.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker has appointed as a conference committee on the part of the House, on substitute for Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to the militia, Representatives Bell, Smith, Good and Porter.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker has appointed as a conference committee on the part of the House on House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence, Representatives Temple, Finch, Martin and Clark.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker has appointed as a conference committee on the part of the House, on House file No. 9, a bill for an act to revise, amend and codify the statutes in relation to the executive department, Representatives Temple, Scott, Dowell and Power

JAS. D. ROWEN,
Chief Clerk.

BILLS ON SECOND READING.

Senate resumed consideration of substitute for House file No. 19.

Senator Trewin withdrew his amendment, adding section 23, chapter 11, to the bill.

Senator Ellison called up his amendment to section 10, chapter 11, striking out the word "exclusive" at the end of line 22 of the printed bill.

Senator Craig moved the previous question.

On the question, shall the main question be now put, a division was called for and the motion prevailed.

On the amendment the yeas and nays were demanded:

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Allyn, Bell, Blanchard, Byers, Carney, Cheshire, Craig, Druet, Eaton, Ellis, Ellison, Everall, Harper, Harriman, Healy, Henderson, Hobart, Hurst, Junkin, Lothrop, Mitchell, Penrose, Phelps, Pusey, Ranck, Trewin, Upton, Waterman—28.

The nays were:

Senators Berry, Carpenter, Carroll, Ericson, Funk, Garst, Gilbertson, Gorrell, Hospers, Palmer, Perrin, Rowen, Sargent, Young—14.

Absent or not voting:

Senators Alexander, Bonson, Downey, Hipwell, Hotchkiss, Kilburn, Lehfeldt, Riggen—8.

The amendment was adopted.

Senator Healy moved to amend section 10, chapter 11, line 23, by inserting after the word "bank" the words "who shall be residents of the county where the bank is located."

Adopted.

Senator Ellis moved to amend section 10, chapter 11, line 17, by striking out after the word "bank" all down to and including the word "and" in line 19, and inserting the words "without notice" after the word "bank" in line 21 of the printed bill.

On this the yeas and nays were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Ellis and Harper—2.

The nays were:

Senators Allyn, Berry, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Palmer, Penrose, Perrin, Pusey, Rowen, Sargent, Trewin, Waterman, Young—35.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Downey, Funk, Hipwell, Kilburn, Lehfeldt, Mitchell, Phelps, Ranck, Riggen, Upton—13.

The amendment was lost.

Senator Berry called up his amendment to section 11, chapter 9, striking out subsection five and inserting in lieu thereof the following: "It shall not purchase, hold or make loans upon shares of its capital stock."

Lost.

Senator Hospers moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rowen, Young—38.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Downey, Hipwell, Hurst, Kilburn, Lehfeldt, Rikken, Sargent, Trewin, Upton, Waterman—12.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Ellis, substitute for Senate file No. 1, a bill for an act to provide for the annotating, indexing, publication, distribution and sale of the Code and statutes hereafter enacted, and the appointment of a supervising committee and the election of an editor and prescribing their duties, with report of committee, was taken up and considered.

The bill was read section by section for amendments.

Senator Trewin moved to amend section 13 by striking out the words "Secretary of State" and inserting the words "chairman of the supervising committee."

Adopted.

Senator Carney moved to amend section 1 by inserting the word "the" before the word "Code;" also insert a "period" after the word "Code," and strike out word and figures "of 1897" after the word "Code."

Adopted.

Senator Carney moved to amend section 9 as follows: Add to the section the following: "He shall sign any corrections made by him, with his name, and any correction or change

made on the enrolled bills, by any other person than the editor shall be deemed a forgery and punished accordingly."

Senator Pusey moved to amend the amendment by inserting after the first word "correction" the words "except in punctuation."

The amendment as amended was adopted.

Senator Trewin moved to amend the bill as follows: Wherever the figures occur, except those expressing dates, they shall be stricken out and the words inserted in lieu thereof.

Adopted.

Senator Healy moved to amend section 27, by striking out the words "evidence in" in line 2, and insert the word "publication."

Adopted.

Senator Healy moved to amend section 5, by striking out all after the word "work" in line 5 of printed bill.

Senator Carney moved that the time of adjournment be extended until 5:30 o'clock if necessary, to dispose of the bill.

On this a division was called for and the motion prevailed.

Senator Funk, President *pro tem.*, presiding.

President Parrott presiding.

Senator Healy withdrew the amendment.

Senator Ellis moved that the time of adjournment be extended twenty minutes or until the bill under consideration is disposed of.

Carried.

Senator Trewin moved to amend section 27 by inserting after the word "provided" in line 6, the words "until after the Code goes into effect."

Adopted.

Senator Trewin moved to amend section 27 by inserting after the word "delivering" in line 5, the words "or permitting to be copied."

Adopted.

Senator Berry moved that the Senate do now adjourn.

On this a division was called for and the motion was lost.

Senator Ellis moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Blanchard, Bonson, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gorrell, Harper, Harriman, Henderson, Hobart, Hotchkiss, Hurst, Junkin, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rowen, Sargent, Trewin, Upton, Waterman, Young—38.

Senator Gilbertson voted in the negative.

Absent or not voting:

Senators Alexander, Berry, Carpenter, Downey, Healy, Hipwell, Hospers, Kilburn, Lehfeldt, Mitchell, Rigger—10.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

The hour of adjournment having arrived, the Senate adjourned until 9 o'clock A. M.

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, April 17, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. A. Black of Marcus, Iowa.

On request of Senator Harper, leave of absence was granted Senator Downey until Wednesday.

On request of Senator Gilbertson, leave of absence was granted Senator Pusey until Monday.

On request of Senator Sargent, leave of absence was granted Senator Alexander until Tuesday.

On request of Senator Palmer, leave of absence was granted Senator Rikken until Tuesday.

On request of Senator Phelps, leave of absence was granted Senator Eaton until Thursday.

On request of Senator Cheshire, leave of absence was granted Senator Junkin.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 96, a bill for an act to legalize the levy and collection of poor taxes and taxes for ordinary county revenue in counties of the State.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills, respectfully report that they have examined, and find correctly enrolled, Senate file

No. 96, a bill for an act to legalize the levy and collection of poor taxes and taxes for ordinary county revenue in counties of the State.

G. S. GILBERTSON,
Chairman Senate Committee
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

REPORT OF SPECIAL COMMITTEE.

Senator Ellis, from conference committee on House file No. 10, presented the following report:

To the President of the Senate and the Speaker of the House:

Your committee on conference, to whom was referred House file No. 10, would respectfully report that they have had the same under consideration and make the following report:

They recommend, *First*.—That the Senate recede from its amendment to section 10, chapter 1, page 46, relating to the appointment of supreme court reporter.

Second.—That the House recede from its amendment to sections 2 and 2 of chapter 2, relating to fees in supreme court.

Third.—That the House concur in Senate amendment to section 4, chapter 3, relating to the office of attorney general.

Fourth.—That the House concur in the first Senate amendment to section 1 of chapter 5.

Fifth.—That the Senate recede from its amendment to line 1, section 23 of chapter 5.

Sixth.—That the Senate recede from its amendments to section 30 of chapter 5.

Seventh.—That the Senate recede from its amendment to section 1 of chapter 6.

Eighth.—That the Senate recede from its amendment striking out House amendment to section 4 of chapter 6.

Ninth.—That the House concur in Senate amendment to section 22 of chapter 6.

L. A. ELLIS,
L. C. BLANCHARD,
JULIAN PHELPS,
C. S. RANCK,
Senate Committee.

M. L. TEMPLE,
CLAUDE R. PORTER,
W. G. LADD,
HENRY H. BRIGHTON,
House Committee.

HOUSE MESSAGES.

House file No. 9, a bill for an act to revise, amend and codify the statutes in relation to executive department, was read and passed on file for conference committee.

House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence, was read and passed on file for conference committee.

Substitute for Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to the militia, was read and passed on file for conference 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 has passed the following bill, in which the concurrence of the Senate is asked:

House file No. 97, a bill for an act providing for the annual settlement of accounts and the publication of an itemized statement of all moneys paid out by the State.

JAMES D. ROWEN,
Chief Clerk.

The Journal of Friday was taken up, read, corrected and approved.

Senator Healy moved that 200 copies of substitute for House file No. 16, be ordered printed.

Carried.

Senator Gilbertson moved that Senate file No. 12 be indefinitely postponed.

Carried.

BILLS ON SECOND READING.

On motion of Senator Healy, House file No. 26, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of telegraph and telephone lines, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Healy moved to amend the bill as follows: In section 4, line 4, after the word "same," insert the words "with fidelity and."

Adopted.

Senator Healy moved to amend the bill as follows: In section 4, lines 4 and 5, after the word "relation" insert the words "to limited partnerships, corporations and."

Adopted.

Senator Healy moved to amend the bill as follows: In section 5, line 1, after the word "so" insert the words "with fidelity and."

Adopted.

Senator Trewin moved to amend section 6, line 1, by inserting after the word "transmitting" the words "or receiving."

Adopted.

Senator Healy moved to amend the bill by striking out section 8.

Adopted.

Senator Healy moved to amend the title by inserting the words "chapter 8 of Title X."

Adopted.

Senator Carney moved to amend section 6, line 3, by striking out the word "that" and inserting "the foregoing" in lieu thereof.

Adopted.

Senator Healy moved that the rule be suspended, and that the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Bell, Berry, Bonson, Carney, Carroll, Cheshire, Craig, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Lothrop, Palmer, Penrose, Perrin, Phelps, Ranck, Sargent, Upton, Waterman, Young—33.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Blanchard, Byers, Carpenter, Downey, Eaton, Harriman, Hipwell, Junkin, Kilburn, Lehfeldt, Mitchell, Pusey, Rigger, Rowen, Trewin—17.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Palmer, House substitute for House file No. 17, a bill for an act to revise, amend and codify the statutes in relation to the agricultural and horticultural societies, stock breeders' associations and State Dairy Association, with report of committee, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Palmer moved to amend section 22, line 2, by striking out the words "of the."

Adopted.

Senator Palmer moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Berry, Bonson, Carney, Carroll, Cheshire, Craig, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Lothrop, Palmer, Penrose, Perrin, Ranck, Sargent, Waterman, Young—32.

The nays were:

None:

Absent or not voting:

Senators Alexander, Blanchard, Byers, Carpenter, Downey, Eaton, Healy, Hipwell, Junkin, Kilburn, Lehfeldt, Mitchell, Phelps, Pusey, Riggen, Rowen, Trewin, Upton—18.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Ellis called up report of Judiciary Committee on House file No. 66.

Senator Ellis moved that the report of the committee on House file No. 66 be adopted.

Carried.

On motion of Senator Ellis Senate file No. 70, a bill for an act to revise, amend and codify the statutes in relation to notes and bills, with report of committee recommending amendments, was taken up and considered.

The bill was read section by section for amendments.

Senator Ellis moved to amend section 8 as follows: Strike out section 8 and insert the following in lieu thereof:

"Sec. 8. Grace shall be allowed upon negotiable bills or notes payable within this State, according to the principles of the law merchant, and notice of non-acceptance or non-payment, or both of said instruments shall be required according to the rules and principles of the commercial law.

"Sec. 9. All bills of exchange, drafts and orders payable within this State, except those drawn payable on demand, shall be entitled to grace.

"Sec. 10. A demand at any time during the days of grace, will be sufficient for the purpose of charging the endorser."

Adopted.

Senator Ellis moved to amend the bill by renumbering the sections, commencing with section 9.

Adopted.

Senator Ellis moved to amend section 18 by striking out of lines 6 and 7 the words "paying the clerk one per cent on the amount deposited."

Adopted.

Senator Ellis moved to amend the bill by striking out all marginal numbers, page numbers, reference figures and under-scoring.

Adopted.

Senator Ellis moved that the rule be suspended, and that the bill be considered engrossed, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Berry, Bonson, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Lothrop, Palmer, Penrose, Perrin, Phelps, Ranck, Sargent, Trewin, Upton, Waterman—36.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Carpenter, Downey, Eaton, Hipwell, Junkin, Kilburn, Lehfeldt, Mitchell, Pusey, Rigger, Rowen, Young—14.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Ellis moved that the Senate do now adjourn until Monday at 10 o'clock A. M.

Carried.

The Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Monday, April 19, 1897. }

Senate met in regular session at 10 o'clock A. M. President Parrott presiding.

Prayer was offered by Rev. C. C. Morrison of Perry, Iowa.

On request of Senator Perrin leave of absence was granted Senator Kilburn indefinitely on account of sickness.

On request of Senator Gilbertson leave of absence was granted Senator Rowen, indefinitely on account of sickness.

HOUSE MESSAGES.

House file No. 97, a bill for an act providing for the annual settlement of accounts and the publication of an itemized statement of all moneys paid out by the State, was read first and second time and referred to Committee on Ways and Means.

The Journal of Saturday was taken up, read, corrected and approved.

Senator Carroll moved that the Senate do now adjourn until 2 o'clock P. M.

Carried.

Senate adjourned.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

On request of Senator Cheshire, leave of absence was granted Senator Blanchard indefinitely on account of sickness in his family.

REPORTS OF STANDING COMMITTEES.

Senator Berry, from the Committee on Public Libraries, submitted the following report:

MR. PRESIDENT—Your Committee on Public Libraries, to whom was referred Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to the State Library, beg leave to report that they have had the same under consideration, with House amendments thereto, and have instructed me to report the same back to the Senate with the recommendation that the Senate refuse to concur in House amendment to section 1, line 3; that the Senate refuse to concur in House amendments to section 3, line 1, line 4, line 5 and line 6, and that the Senate concur in House amendments to section 2, line 6, and to section 22, line 1.

W. H. BERRY,
Chairman.

Passed on file.

Senator Cheshire, from the Committee on Cities and Towns, submitted the following report:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House file No. 96, a bill for an act to revise, amend and codify the statutes in relation to city and town 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 the same be amended as follows, and when so amended that it do pass:

Page 11, chapter 2, section 1, line 2, amend by striking out the word "incorporated;" also, amend same section in line 8 by striking out the word "incorporated," and change "an" to "a" same line.

Page 12, chapter 2, section 6, line 1, amend by striking out the words "alderman-at-large" and insert in lieu thereof the words "councilman-at-large."

Page 12, chapter 2, section 7, line 1, amend by striking out the word "alderman" in the first line; also, by striking out the comma in first line.

Page 12, chapter 2, section 8, line 2, amend by striking out the words "alderman-at-large" and inserting in lieu thereof the words "councilman-at-large;" also by striking out the word "alderman" in same line and inserting in lieu thereof the word "councilman."

Page 12, chapter 2, section 9, subdivision 1, line 3 of the section, amend by striking out the words "alderman-at-large" and inserting in lieu thereof the words "councilman-at-large." Amend same section in line 5 by striking out the words "alderman-at-large" and inserting in lieu thereof the words "councilman-at-large." Amend same section, in line 6, by striking out the word "alderman" and inserting the word "councilman." Also amend same section, line 8, by striking out the words "alderman-at-large" and inserting in lieu thereof the words "councilman-at-large." Also by striking out the word "alderman," line 8, and inserting the word "councilman" in lieu thereof.

Page 12, chapter 2, section 9, subdivision 2, amend by striking out, in lines 11 and 12, the word "alderman" and inserting in lieu thereof the word "councilman."

Page 13, chapter 2, amend by striking out section 12 and inserting in lieu thereof the following: "Sec. 12. In towns there shall be elected annually, a mayor and a treasurer, and bi-ennially an assessor."

Page 13, chapter 2, section 14, line 4, amend by inserting after the word "class" the words "and in towns;" also by striking out the period

after the word "necessary" and inserting a comma instead; also by striking out the words "In towns the council shall appoint a street commissioner and such other officers as are necessary," in the fifth and sixth lines in the same section.

Page 14, chapter 2, section 21, line 23, amend by inserting after the word "judge" the words "or judge of superior court," and by striking out of line 24, same section, the words "of such judge," and also by striking out the words "or police" and inserting in lieu thereof the word "such."

Page 15, chapter 2, section 24, line 3, amend by striking out after the word "council" and inserting the following: "If any city or town is situated in two or more counties, the assessor shall make returns of the assessment to the proper county."

Page 16, chapter 2, section 25, amend by inserting at the end thereof the following: "He shall pursue and arrest any person fleeing from justice in any part of the State."

Page 18, chapter 2, section 32, line 1, amend by striking out the words "members of the council" and inserting in lieu thereof the word "councilmen."

Page 20, chapter 2, section 42, line 1, amend by striking out the word "contestants" and inserting in lieu thereof the word "election;" also, amend same line by inserting the word "be" after the word "shall;" also, amend same section by striking out the words "the matter by lot," in line 2, and inserting the words "as provided for in the chapter on elections."

Page 20, chapter 3, section 4, line 10, amend by striking out the words "No amount of money for any specific purpose in excess of one hundred dollars" and inserting in lieu thereof the words "No money."

Page 20, chapter 3, section 5, line 1, amend by inserting after the word "forth" the words "except as otherwise provided by law."

Page 21, chapter 3, section 6, line 10, amend by inserting after the word "included" the words "except where it originally took a three-fourths vote of the council to pass an ordinance or resolution, in which case it shall take the same proportion of the members elected to the council, including the mayor, to pass it over the mayor's objections." Also, amend same section, in line 11, by inserting after the word "council" the words, "the mayor not included, or by a three-fourths vote of the council, the mayor included, as the case may be."

Page 22, chapter 3, section 8, amend by adding to the end of the section the following: "When the ordinances are so published it shall not be necessary to publish them in the manner provided for in the preceding section."

Page 24, chapter 4, section 6, line 6, amend by inserting after the word "peddlers" the word "plumbers."

Page 26, chapter 4, section 23, line 1, amend by inserting after the word "markets" the words "and scales," and by striking out the comma after "markets" in same line.

Page 28, chapter 4, section 32, line 1, amend by striking out the words "cities of the first class" and inserting in lieu thereof the word "They."

Page 29, chapter 4, section 32, line 4, amend by striking out the word "lineal" and inserting in lieu thereof the word "linear."

Page 30, chapter 4, section 38, amend by striking out the whole of section 38 and inserting in lieu thereof the following:

"Sec. 38. The board of trustees shall, before the first day of August in each year, determine and fix the amount or rate, not exceeding one mill on the dollar, in cities of the first class, and not exceeding two mills on the dollar in cities of the second class and in towns, of the taxable valuation of such city or town, to be levied, collected and appropriated for the ensuing year for the maintenance of such library, and in cities of the first class, also the amount or rate, not exceeding three mills on the dollar of the taxable valuation of such city, to be levied, collected and appropriated for the purchase of real estate and the erection of a building or buildings thereon for a public library, or for the payment of interest on any indebtedness incurred for that purpose, and for the creation of a sinking fund for the extinguishment of such indebtedness; and shall cause the same to be certified to the city council, which shall levy the tax for each of said purposes so determined and fixed, and certify the per cent thereof, to the county auditor, with the other taxes for said year."

Page 31, chapter 4, section 45, line 4, amend by striking out the word "lineal" and inserting the word "linear."

Page 33, chapter 5, section 5, line 2, amend by striking out the words "the mayor and a majority of," also, amend same section, line 6, by striking out the words "mayor and."

Page 35, chapter 6, section 8, line 1, amend by striking out the words "Cities may annually levy a tax not exceeding three mills on the dollar to be known as a city bridge fund" and insert in lieu thereof the words, "Cities having a population of seven thousand or over, shall have full control of the bridge fund levied and collected as provided by law."

Page 40, chapter 6, section 28, strike out section 28 and insert in lieu thereof the following:

"Sec. 28. They shall have power to provide for the construction, re-construction, and repair of permanent sidewalks, upon any street, highway, avenue, public ground, wharf, landing, or market place within the limits of such city; but the construction of permanent sidewalks, shall not be made, until the bed of the same shall have been graded so that, when completed, such sidewalk will be at the established grade, and to assess the cost thereof on the lots or parcels of land in front of which the same shall be constructed; but unless the owners of a majority of the linear feet of the property fronting on said improvement petition the council therefor, the same shall not be made unless three-fourths of all the members of the council shall by vote order the making thereof."

Page 42, chapter 7, section 1, line 1, amend by striking out the words "having a population of five thousand or over."

Page 64, chapter 11, amend by inserting after section 1 the following as section 2 of the chapter:

"Sec. 2. Cities of the first class may annually levy a tax not exceeding three mills on the dollar, to be known as a city bridge fund."

Amend the other sections by renumbering them from section 3 to the end of the chapter.

Page 66, chapter 11, section 8, as renumbered, subdivision 4, amend by striking out the whole of subdivision 4 and inserting the following:

"4. In cities and towns which have, or may hereafter establish, a free public library, when the trustees of such library have made the certificate provided for in chapter 4, of this title, a tax, in the amount so certified,

but not exceeding in any one year one mill on the dollar, in cities of the first class, and not exceeding two mills on the dollar in cities of the second class and towns, to be used for the maintenance of such library, and in cities of the first class, an additional tax not exceeding three mills on the dollar, for the purchase of real estate and the erection of a building or buildings thereon for a public library, or for the payment of interest on any indebtedness incurred for that purpose, and for the creation of a sinking fund for the extinguishment of such indebtedness."

Page 67, chapter 11, section 8, as renumbered, subdivision 7, line 45, of the section, amend by striking out the words "maximum tax" and inserting the word "same" in lieu thereof.

Page 74, chapter 13, section 2, line 24, amend by inserting after the second word "or" the words "which is."

Page 74, chapter 13, section 5, line 5, amend by striking out the following words: "except as provided in the second succeeding section."

Page 75, chapter 13, section 7, line 17, amend by changing the word "an" to "any" and by striking out the word "incorporated."

THOS. A. CHESHIRE,
Chairman.

Ordered passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 78, a bill for an act to revise, amend and codify the statutes in relation to procedure to reverse, vacate or modify judgments.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 92, a bill for an act to authorize cities of the second class to issue bonds for extending the time of payment of its indebtedness.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 93, a bill for an act to apply to cities of the first class, the provisions of chapter 78, laws of the Twenty-first General Assembly, as amended by chapter 17, laws of Twenty-second General Assembly, chapter 15, laws of the Twenty-fourth General Assembly, chapter 3, laws of the Twenty-fifth General Assembly, and chapter 3, laws of the Twenty-sixth General Assembly, regular session, relating to indebtedness of cities and towns.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Senator Berry moved to take up Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to the State library.

Carried.

Senator Berry moved that the Senate do not concur in House amendment to section 1, line 3.

Carried.

Senator Berry moved that the Senate concur in House amendment to section 2, line 6.

Carried.

Senator Berry moved that the Senate do not concur in House amendments to section 3, lines 1, 4, 5 and 6.

Carried.

Senator Berry moved that the Senate concur in House amendment to section 22, line 1.

Carried.

Senator Berry moved a roll call on the House amendments to sections 2 and 22 concurred in by a *viva voce* vote.

Carried.

On the question, "Shall the amendments be concurred in?" the yeas were:

Senators Bell, Berry, Bonson, Carpenter, Carroll, Cheshire, Craig, Druet, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Palmer, Penrose, Perrin, Phelps, Pusey, Trewin, Waterman—29.

The nays were:

Senators Byers and Ranck—2.

Absent or not voting:

Senators Alexander, Allyn, Blanchard, Carney, Downey, Eaton, Garst, Harriman, Hipwell, Junkin, Kilburn, Lehfeldt, Lothrop, Mitchell, Rigger, Rowen, Sargent, Upton, Young—19.

The amendments were concurred in.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of Conference Committee on House file No. 10, a bill for an act to revise, amend and codify the statutes in relation to the Judicial Department.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

House file No. 10, a bill for an act to revise, amend and codify the statutes in relation to the judicial department, was taken up.

Senator Ellis called up the report of the conference committee on House file No. 10.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Bell, Berry, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Druet, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Trewin, Waterman—33.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Blanchard, Carney, Downey, Eaton, Garst, Hipwell, Junkin, Kilburn, Lehfelddt, Lothrop, Mitchell, Rigger, Rowen, Upton, Young—17.

The report of the conference committee was adopted.

BILLS ON SECOND READING.

On motion of Senator Cheshire, House file No. 96, a bill for an act to revise, amend and codify the statutes in relation to city and town government with report of committee recommending amendments was taken up and considered. The bill was read section by section for amendments.

Senator Pusey moved to amend section 6, chapter 1, line 2 by inserting after the word "election" the word "petitioning" and after the word "same" in line three insert the words "the court."

Adopted.

Senator Cheshire moved to amend section 13, chapter 1, line 6, by striking out the words "without describing at length."

Adopted.

Senator Everall moved to amend section 18, chapter 1, by striking out all after the word "purposes" in the fourth line, down to and including the word "less" in the sixth line.

Laid over.

Senator Healy moved to amend chapter 1, section 18, by striking out the words "and no line of railway lying within such extended limits except for such length as it runs through

or contiguous to lands subdivided into parcels of ten acres or less.”

Laid over.

Senator Cheshire moved to amend section 19, chapter 1, line 3, by striking out the word “that” and inserting the word “than” in lieu thereof.

Adopted.

Senator Cheshire moved to amend section 32, chapter 1, line 3, by inserting after the word “city” the words “or town.”

Adopted.

Senator Healy moved to amend chapter 1, section 2, line 1, by inserting after the word “court” the words “if it finds a public purpose will be subserved.”

Laid over.

Senator Healy moved to amend section 2, chapter 1, by inserting at the end thereof the following: “In determining whether commissioners shall be appointed the court is vested with power to change or limit the territory proposed to be incorporated.”

Laid over.

Senator Cheshire moved to amend chapter 2, section 1, line 2, by striking out the word “incorporated;” also, amend same section, line 8, by striking out the word “incorporated” and change “an” to “a” in same line.

Adopted.

Senator Cheshire moved to amend chapter 2, section 6, line 1, by striking out the word “Alderman-at-large” and insert the word “councilman-at-large.”

Adopted.

Senator Cheshire moved to amend chapter 2, section 7, line 1, by striking out the word “alderman;” also, by striking out the comma in same line.

Adopted.

Senator Cheshire moved to amend chapter 2, section 8, line 2, by striking out the words “alderman-at-large” and insert in lieu thereof the words “councilman-at-large;” also, by striking out the word “alderman” in same line and insert the word “councilman” in lieu thereof.

Adopted.

Senator Cheshire moved to amend chapter 2, section 9, subdivision 1, lines 3 and 5, by striking out the words “alderman-at-large” and inserting the words councilman-at-large; also,

same section, line 6, by striking out the word "alderman" and insert the word "councilman;" also, same section, line 8, by striking out the words "alderman-at-large" and inserting the words "councilman-at-large;" also, same line, strike out the word "alderman" and insert the word "councilman" in lieu thereof; also, subdivision 2, lines 11 and 12, strike out the word "alderman" and insert the word "councilman" in lieu thereof.

Adopted.

Senator Carroll moved to amend subsection 3 of section 9, chapter 2, by striking out all following the word "into," in line 2, and inserting the following in lieu thereof: "two classes of three each, the members of which classes shall hold office respectively for one and two years, and at each annual election thereafter three councilmen shall be elected to hold office for two years."

Laid over.

Senator Pusey moved to amend section 9, of subdivision 1, of chapter 2, page 12, of printed bill, as follows: After "thereof," in line 7, insert "The councilmen thus chosen from wards shall, at the first regular meeting of the council after their election, be divided by lot into two classes as nearly equal as may be, the members of one class, or if uneven, of the larger class, to hold office for one year, and those of the other for two years. One councilman-at-large shall also be chosen by lot to hold office for one year, and the other for two years." Strike out "biennial," in line 12, and insert "annual."

Laid over.

Senator Carroll moved to add at end of subsection 3 of section 9, as amended, the following: "In all towns heretofore organized, of the two councilmen elected in 1898, one shall hold office for one year and the other for two, the same to be determined by lot at the first regular meeting of the council thereafter; and at each annual meeting thereafter three councilmen shall be elected to hold office for two years."

Laid over.

Senator Cheshire moved to amend section 12, chapter 2, by striking out the section and inserting in lieu thereof the following: "Section 12. In towns there shall be elected annually, a mayor and a treasurer, and biennially, an assessor."

Passed over.

Senator Cheshire moved to amend section 8, chapter 2, as amended, by inserting a comma after the words "councilman-at-large" in line 8.

Adopted.

Senator Cheshire moved to amend section 14, chapter 2, line 4, by inserting after the word "class" the words "and in towns;" also, by striking out the "period" after the word "necessary" and inserting a "comma" instead; also, by striking out the words "in towns the council shall appoint a street commissioner and such officers as are necessary" in the fifth and sixth lines in same section.

Laid over.

Senator Penrose moved to amend chapter 2, section 16, by inserting after the word "deputies," in second line, the words "for whose official acts he shall be responsible." And in same line strike out the word "he" and insert the words "the council." And strike out all in third line after the word "deputies."

Laid over.

Senator Pusey moved to amend section 21, subdivision 6, as follows: before "council" in line 20, insert "newly elected."

Adopted.

Senator Pusey moved to amend section 10, chapter 2, page 13, printed bill, as follows: Strike out "police judge" in line 2; strike out "and" in line 2; after "assessor," in line 2, add "and where there is no superior court, a police judge."

Laid over.

Senator Berry moved to amend chapter 2, section 16, by striking out all of said section after the word "deputies," in line 2.

Laid over.

Senator Cheshire moved to amend section 21, chapter 2, line 23, by inserting after the word "judge" the words "or judge of superior court;" and by striking out of line 24, the words "of such judge;" also strike out the words "or police" and insert in lieu thereof the word "such."

Laid over.

Senator Healy moved to amend section 24, chapter 2, as follows: Insert after the word "shall," in line 1, the following words: "receive their compensation from the county to be determined in the same manner, and."

Laid over.

Senator Healy moved to amend 24 of chapter 2 by adding at end thereof the following: "but the compensation thereof shall be included in the compensation of the assessor." Also, change period after the word "council" in third line of section 24 to a comma.

Laid over.

Senator Cheshire moved to amend section 24, chapter 2, line 3, by striking out after the word "council" and insert the following: "If any city or town is situated in two or more counties, the assessor shall make returns of the assessment to the proper county."

Laid over.

Senator Cheshire moved to amend section 25, chapter 2. Insert at end thereof the following: "He shall pursue and arrest any person fleeing from justice in any part of the State."

Adopted.

Senator Harper moved to amend section 23, chapter 2, line 8, by inserting a comma after the word "presented."

Adopted.

Senator Pusey moved to amend section 30 as follows: After "year," line 2, insert "which shall be the first day of July of each year."

Laid over.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in the following Senate amendments to House file No. 18, a bill for an act to revise, amend and codify the statutes in relation to insurance:

Title of chapter 4; section 16, chapter 4; section 24, chapter 4; section 26, chapter 4; section 28, chapter 4; section 30, chapter 4; section 32, chapter 4; section 40, chapter 4; section 46, chapter 4; section 56, chapter 4; section 58, chapter 4; section 60, chapter 4, except striking out attorney fee clause; section 62, chapter 4, adding thereto; section 69, chapter 4; section 69, chapter 4; section 71, chapter 4; renumbering sections after section 58.

Title of chapter 5; section 8, chapter 5, line 14, printed bill; section 3, chapter 6; section 5, chapter 6; section 6, chapter 6, line 4; section 7, chapter 6; section 9, chapter 6; section 8, chapter 7; section 11, chapter 7, line 21; section 13, chapter 7; section 14, chapter 7, line 2, after the word provided.

Title of chapter 8; section 3, chapter 8; section 8, chapter 8; section 10, chapter 8; section 12, chapter 8; section 15, chapter 8; section 16, chapter 8; section 17, chapter 8; section 19, chapter 8; section 22, chapter 8; section 24, chapter 8; renumber sections.

Section 1, chapter 8½; section 3, chapter 8¼; section 4, chapter 8¼; section 8, chapter 8¼; section 9, chapter 8¼; section 16, chapter 8½; section 17, chapter 8½; renumber sections.

Also, the House refuses to concur in Senate amendments to section 33, chapter 4; section 59, chapter 4; section 60, chapter 4, line 6, after word "section 2;" section 70, chapter 4. To strike out subsection 34½, chapter 6; section 23, chapter 8.

The House has amended Senate amendments to title of chapter 7; section 1, chapter 7; section 11, chapter 7, line 4; section 14, chapter 7, line 2; section 12, chapter 7; section 60, chapter 4; section 62, chapter 4; section 8, chapter 5.

JAS. D. ROWEN,
Chief Clerk.

The President announced as a conference committee on the part of the Senate, on House file No. 66, Senators Cheshire; Healy, Ellison and Ranck.

Senator Waterman moved that the Senate do now adjourn.
Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, April 20, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. C. V. Cowan, of Newton, Iowa.

HOUSE MESSAGES.

House file No. 18, a bill for an act to revise, amend and codify the statutes in relation to insurance, was read and referred to Committee on Insurance.

REPORT OF STANDING COMMITTEE.

Senator Carpenter, from the Committee on Code Revision, submitted the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred Senate file No. 79, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed, for the reason that House file No. 85 covers the same subject and is being considered instead.

C. A. CARPENTER,
Chairman.

Report of committee adopted, and bill indefinitely postponed.
Also:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 82, 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 have instructed me to report the same back to the Senate, with the recommendation that the Senate insist upon its amendment to section 7, chapter 3, page 803.

That the Senate insist upon its amendment to section 23, chapter 7, page 812.

That the Senate insist upon its amendment to section 1, chapter 8, page 813.

That the Senate recedes from its amendment to section 11, chapter 14, page 823, line 3, inserting before the word "but" and after the word "fraud" the words "or mistake."

That the Senate insist upon its amendment to section 11, chapter 14, page 823, line 2, inserting after the word "thereto" the words "as other contracts."

That the Senate insist upon its amendment to the same section by striking out all after the word "fraud," in the third line, and adding "but such award can only be enforced by an action."

That the Senate insist upon its amendment to chapter 14, striking out section 18 thereof, for the reason that the same subject is covered by section 21, chapter 16, page 749.

C. A. CARPENTER,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 91, a bill for an act to revise, amend, and codify the statutes in relation to drains and levees, 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 do pass.

C. A. CARPENTER,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Code Revision, to whom was referred Senate file No. 80, 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 have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed for the reason that House file No. 82 covers the same subject, and has been substituted and has passed the Senate.

C. A. CARPENTER,
Chairman.

Report of committee adopted and bill indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Code Revision to whom was referred Senate file No. 22, 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 same be indefinitely postponed for the reason that House file No. 21 covers the same subject, and has been substituted and has passed the Senate.

C. A. CARPENTER,
Chairman.

Report of committee adopted and bill indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred Senate file No. 9, a bill for an act to revise, amend and codify the statutes in relation to the executive department, beg leave to report that

they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed, for the reason that House file No. 9 covers the same subject, and has been substituted and has passed the Senate.

C. A. CARPENTER,
Chairman.

Report of committee adopted and bill indefinitely postponed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 78, a bill for an act to revise, amend and codify the statutes in relation to procedure to reverse, vacate or modify judgments.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 92, a bill for an act to authorize cities of the second class to issue bonds for extending the time of payment of its indebtedness.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled, Senate file No. 93, a bill for an act to apply to cities of the first class the provisions of chapter 78, laws of the Twenty-first General Assembly, as amended by chapter 17, laws of the Twenty-second General Assembly, chapter 15, laws of the Twenty-fourth General Assembly, chapter 3, laws of the Twenty-fifth General Assembly, and chapter 3, laws of the Twenty-sixth General Assembly, regular session, relating to indebtedness of cities and towns.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

The Journal of Monday was taken up, read, corrected and approved.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 96.

Senator Harper moved to amend section 21, chapter 2, sub-section 5, by striking out of line 1, the words "a member and," also strike out all of the sub-section after the word "the" in line 2.

Laid over.

Senator Cheshire moved to amend chapter 2, section 32, line 1, by striking out the words "members of the council" and inserting in lieu thereof the word "councilmen."

Adopted.

Senator Waterman moved to amend section 32, chapter 2, line 6, by striking out the words "more than."

Adopted.

Senator Harriman moved to amend section 34, chapter 2, by inserting after the word "cases" in line 3, the words "and shall pay all fines collected by him into the county treasury;" also after the word "him" same line, insert the words "for the violation of any city ordinance."

Laid over.

Senator Harriman moved to amend section 34, chapter 2, by adding thereto "such fees to be paid by the city if not collectible from the defendant.

Laid over.

Senator Penrose moved to amend section 33, chapter 2, line 1, by striking out the word "no" and insert the letter "a," and strike out in lines 1 and 2 the words "in lieu of fees" and insert the words "of not more than fifty dollars per year."

Laid over.

Senator Penrose moved to amend section 36, chapter 2, in 5th line, by inserting after the word "the" and before the word "marshal" the word "deputy," and in the 6th line strike out the words "by a deputy" and insert the words "as the."

Laid over.

Senator Cheshire moved to amend chapter 2, section 42, line 1, by striking out the word "contestants" and inserting in lieu thereof the word "election;" also, amend same line by inserting the word "be" after the word "shall;" also, amend same section by striking out the words "the matter by lot," in line 2, and inserting the words "as provided for in the chapter on elections."

Adopted.

Senator Cheshire moved to amend the section as amended by striking out the word "determine" and inserting in lieu thereof the word "determined."

Adopted.

Senator Cheshire moved to amend chapter 3, section 4, line 10, by striking out the words "No amount of money for any specific purpose in excess of one hundred dollars" and inserting in lieu thereof the words "No money."

Adopted.

Senator Cheshire moved to amend chapter 3, section 5, line 1, by inserting after the word "fourth" the words "except as otherwise provided by law."

Adopted.

Senator Cheshire moved to amend chapter 3, section 6, line 10, by inserting after the word "included" the words "except where it originally took a three-fourths vote of the council to pass an ordinance or resolution, in which case it shall take the same proportion of the members elected to the council, including the mayor, to pass it over the mayor's objections."

Senator Cheshire moved to amend the amendment by inserting the word "not" after the word "council," and before the word "including."

Adopted.

The amendment as amended was laid over.

Senator Cheshire moved to amend chapter 3, section 6, line 11, by inserting after the word "council," the words "the mayor not included, or by a three-fourths vote of the council, the mayor included, as the case may be."

Laid over.

Senator Penrose moved to amend section 6, chapter 3, in third line, by striking out the words "call a meeting of the council within fourteen days thereafter and," and insert in lieu thereof the words "at the first regular meeting thereafter, or at a special meeting called for that purpose."

Laid over.

Senator Cheshire moved to amend chapter 3, section 8, by adding to the end of the section the following: "When the ordinances are so published it shall not be necessary to publish them in the manner provided for in the preceding section."

Adopted.

Senator Cheshire moved to amend section 11, chapter 3, by striking out the figures and brackets at the end of the section.

Adopted.

Senator Cheshire moved to amend chapter 4, section 6, line 6, by inserting after the word "peddlers" the word "plumbers."
Adopted.

Senator Harper withdrew his amendment to section 21, chapter 2, sub-section 5, and offered the following as a substitute: Add to the end thereof the following, "except in cities of the first class he shall be the presiding officer of the council, with the right to vote only in case of a tie."

Laid over.

Senator Cheshire moved to amend chapter 4, section 23, line 1, by inserting after the word "markets" the words "and scales," and by striking out the comma after "markets" in same line.

Adopted.

Senator Cheshire moved to amend section 23, chapter 4, as follows: Strike out all after the second word, "thereto," in line 11; also, by inserting after the word "same" in line 3, the words "to provide for the measuring or weighing of merchandise offered for sale."

Adopted.

Senator Cheshire moved to amend chapter 4, section 32, line 1, by striking out the words "cities of the first class" and inserting in lieu thereof the word "they."

Adopted.

Senator Cheshire moved to amend chapter 4, section 32, line 4, by striking out the word "lineal" and inserting in lieu thereof the word "linear."

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Cheshire moved to amend chapter 4, section 38, by striking out the whole of section 38 and inserting in lieu thereof the following: "Sec. 38. The board of trustees shall, before the first day of August in each year, determine and fix the amount or rate, not exceeding 1 mill on the dollar, in cities of the first class, and not exceeding two mills on the dollar in cities of the second class and in towns, of the taxable valuation of such city or town, to be levied, collected and appropriated for the ensuing year for the maintenance of such library, and in cities of the first class, also the amount or rate, not exceeding three mills on the dollar of the taxable valuation of such city, to be levied, collected and appropriated for the purchase of real estate and the erection of a building or buildings

thereon for a public library, or for the payment of interest on any indebtedness incurred for that purpose, and for the creation of a sinking fund for the extinguishment of such indebtedness; and shall cause the same to be certified to the city council, which shall levy the tax for each of said purposes so determined and fixed, and certify the per cent thereof, to the county auditor, with the other taxes for said year."

Laid over.

Senator Cheshire moved to amend chapter 4, section 45, line 4, by striking out the word "lineal" and inserting the word "linear."

Adopted.

Senator Cheshire moved to amend chapter 5, section 5, line 2, by striking out the words "the mayor and a majority of;" also, amend same section, line 6, by striking out the words "mayor and."

Adopted.

Senator Pusey moved to amend the proposed substitute for section 38, chapter 4, by inserting after the word "class" in line 3, the words "having a population of thirty-five thousand or over," and after the word "class," line 6, insert the words "having a population of thirty-five thousand or over." Transpose section 39 and section 38, making section 39 section 38, and section 38 section 39.

Laid over.

Senator Carroll moved to amend section 1, chapter 6, line 3, by striking out the words "the limits of any city or town" and inserting in lieu thereof "their limits."

Adopted.

Senator Cheshire moved to amend chapter 6, section 8, line 1, by striking out the words, "Cities may annually levy a tax not exceeding three mills on the dollar, to be known as a city bridge fund," and insert in lieu thereof the words, "Cities having a population of seven thousand or over shall have full control of the bridge fund levied and collected as provided by law."

Senator Cheshire moved to amend the amendment by striking out the words "having a population of seven thousand or over" and inserting in lieu thereof the words "of the first class."

Adopted.

The amendment as amended was adopted.

Senator Cheshire moved to amend chapter 6, section 28, by striking out section 28 and inserting in lieu thereof the following: Sec. 28. "They shall have power to provide for the construction, re-construction, and repair of permanent sidewalks, upon any street, highway, avenue, public ground, wharf, landing, or market place within the limits of such city; but the construction of permanent sidewalks shall not be made until the bed of the same shall have been graded so that, when completed, such sidewalk will be at the established grade, and to assess the cost thereof on the lots or parcels of land in front of which the same shall be constructed; but unless the owners of a majority of the linear feet of the property fronting on said improvement petition the council therefor, the same shall not be made unless three-fourths of all the members of the council shall by vote order the making thereof."

Adopted.

Senator Penrose moved to amend section 27, chapter 6, by adding thereto the words "and the city or town clerk shall return the amount of such assessment to the county auditor and it shall be collected the same as other taxes."

Laid over.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill, in which the concurrence of the Senate is asked: House file No. 98, a bill for an act to revise, amend and codify the statutes in relation to cities acting under special charters.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

Relative to reports of conference committees.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House concurs in Senate amendments to sections 1, 2, 3 and 9, adding to subdivision 2, of sections 25, 30, 31, 32, 33 and 34; has refused to concur in Senate amendments to sections 5, 13, and subdivision 8, of section 19, and has adopted a substituted for Senate amendments to section 9, line 29, House file No. 20, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker of the House has appointed as a conference committee on the part of the House on House file No. 66, a bill for an act to revise, amend and codify the statutes in relation to the rights of property, Representatives Weaver, Martin, McQuin and Marti.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has rejected the following bill in which the concurrence of the House was asked: Senate file No. 97, a bill for an act to revise, amend and codify the statutes in relation to the inspection of petroleum products.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists on its amendments to Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to the State library and that the Speaker has appointed as a conference committee on the part of the House, Representatives McArthur, Porter, Classen and Dowell.

JAS. D. ROWEN,
Chief Clerk.

President Parrott presiding.

Senator Ericson moved to take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 98, a bill for an act to revise, amend and codify the statutes in relation to cities acting under special charters was read first and second time and referred to Committee on Cities and Towns.

Concurrent resolution relative to reports of conference committees was taken up.

Senator Trewin moved that it be referred to Committee on Rules.

Carried.

House file No. 20, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations was referred to Committee on Building and Loan Associations.

House conference committee on House file No. 66, a bill for an act to revise, amend and codify the statutes in relation to rights of property, was passed on file for conference committee.

Senate file No. 97, a bill for an act to revise, amend and codify the statutes in relation to the inspection of petroleum products, was passed on file.

Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to the State Library, was passed on file for conference committee.

Senator Henderson, from conference committee, on substitute for Senate file No. 35, submitted the following report:

MR. PRESIDENT—Your committee on conference to whom was referred substitute for Senate file No. 35, and House file No. 42, being known as Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish, and the protection of birds and game, beg leave to report that they have had the matters of dispute between the two Houses under consideration and recommend that the House recede from its amendment to section 2, lines 10 and 11, and that section 2, line 10, be amended by inserting the following after the word "line:" "but any person may, between the 15th day of May and the 1st day of December, use not more than one trot line, in streams only, and extending not more than half way across."

That the House recede from its amendment to section 4, line 1, and that line 2 of said section be amended by inserting after the word "that," the words "a trot line as above provided, or."

That House amendment to section 13, line 7, after the word "June," be amended by striking out the word "quail," and when so amended that the same be adopted.

That House concur in the Senate amendment to the House amendment to section 23, in relation to bluejays.

GEO. W. HENDERSON,

J. H. TREWIN,

A. B. FUNK,

C. S. RANCK,

Committee for Senate.

M. K. WHELAN,

SAM'L MAYNE,

W. G. CROW,

JOHN FRAZEE,

Committee for House.

President announced as conference committee on the part of the Senate on Senate file No. 48, Senators Ellison, Hobart, Berry and Harper.

Senator Carney called up the report of conference committee on Senate file No. 10.

Senator Carney moved that the following substitute, recommended by the committee, be adopted: "Sec. 16. All objections or other questions arising in relation to certificates of nomination or nomination papers shall be filed with the officer with whom the certificate of nomination or nomination papers, to which

objection is made, are filed. Those with the Secretary of State shall be filed not less than twenty days and those with other officers not less than eight days before the day of election, except that nominations to fill vacancies occurring after said time or in case of nomination made to be voted on at a special election, objections shall be filed within three days after the filing of the certificate or nomination papers. Objections filed with the Secretary of State shall be considered by the Secretary and Auditor of State and Attorney-General, and a majority decision shall be final, but if the objection is to the certificate or nomination papers of one or more of the above named officers, said officer or officers so objected to shall not pass upon the same, but their places shall be filled respectively by the Treasurer of State, the Governor and the Superintendent of Public Instruction. Objections filed with the County Auditor shall be considered by the County Auditor, Clerk of the district court and County Attorney, and a majority decision shall be final, but if the objection is to the certificate or nomination papers of one or more of the above named county officers, said officer or officers so objected to shall not pass upon such objection, but their places shall be filled respectively by the County Treasurer, the Sheriff and County Superintendent. Objections filed with the city or town clerk shall be considered by the mayor and clerk and one member of the council chosen by the council by ballot, and a majority decision shall be final, but if the objection is to the certificate or nomination papers of either of said city or town officials he shall not pass upon said objection, but his place shall be filled by a member of the council against whom no such objection exists, chosen as above provided. When any of the above objections are made, notice shall forthwith be given to the candidate affected thereby, addressed to his place of residence as given in the certificate or nomination papers, stating that objections have been made to his certificate or nomination papers, also stating the time and place such objections will be considered."

Adopted.

Senator Carney moved that the following committee amendment be adopted: "Your committee further recommends that the House recede from the following amendment to section 19 of chapter 3: 'And such candidate duly withdraws as provided for in this chapter from other nominations than the one he selects.'"

Adopted.

Senator Carney moved that the following committee substitute be adopted. "Your committee further recommends that the following be added to the end of section 23 of chapter 3, as a substitute for the House amendment: 'For general elections the supply of ballots so retained shall only equal the number provided for the precinct casting the largest vote at the preceding general election, and shall include only the portions of the various tickets to be voted for throughout the entire county, with blank spaces in which the names of candidates omitted may be written by the voter, and with blank spaces in the endorsement upon the back of such ballots in which the name of the precinct shall be written by the judges of election.'"

Adopted.

Senator Carney moved that the following committee report be adopted: "Your committee further recommends that the House recede from its amendment striking out sections 32 and 33, of chapter 3, and inserting sections 32 and 33 of the Black Code in lieu thereof, and it is further recommended that section 33 of the bill be amended as follows: In line 5, insert between the words 'circle' and 'when' the following: 'The making of a cross in the square of another ticket than the one marked in the circle shall not affect the validity of the ballot except as to the office for which the person opposite whose name such cross was made is a candidate, and as to that office the vote shall not be counted.'"

Adopted.

Senator Carney moved that the roll be called on the recommendations of the committee just adopted.

On the question, "Shall the report of the committee be adopted?" the yeas were:

Senators Bell, Berry, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Ellis, Ellison, Ericson, Garst, Gilbertson, Harri-man, Henderson, Hobart, Hotchkiss, Lothrop, Palmer, Penrose, Perrin, Phelps, Ranck, Sargent, Trewin, Young—26.

The nays were:

Senators Bonson, Everall, Gorrell, Harper, Hurst, Pusey, Waterman—7.

Absent or not voting:

Senators Alexander, Allyn, Blanchard, Byers, Downey, Eaton, Funk, Healy, Hipwell, Hospers, Junkin, Kilburn, Lehfeldt, Mitchell, Riggen, Rowen, Upton—17.

The recommendations and report of the conference committee was adopted.

Senator Ericson moved that the Senate do now adjourn.

Carried.

Senate adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott, presiding.

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 asks the recall of House file No 20, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations.

JAS. D. ROWEN,
Chief Clerk.

Senator Funk moved to take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 20, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations, was taken up.

Senator Funk moved that House file No. 20 be returned to the House.

Carried.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 96.

Senator Cheshire called up the committee substitute for section 38, chapter 4.

Senator Pusey called up his amendment to the substitute and was granted leave to change the amendment by striking out the words "thirty-five" and inserting in lieu thereof "twenty-five."

The amendment was adopted.

The substitute as amended was adopted.

Senator Cheshire moved to amend chapter 7, section 1, line 1, by striking out the words "having a population of five thousand or over."

Adopted.

Senator Pusey moved to amend section 37, chapter 7, by inserting after the word "purchased," line 10, the words "by a city."

Adopted.

REPORT OF CONFERENCE COMMITTEE.

Senator Carney, from the conference committee on Senate file No. 41, made the following report:

MR. PRESIDENT—Your Committee on Conference of the House and Senate, to whom was referred Senate file No. 41, beg leave to report that they have had the same under consideration and report the same back with the recommendation that the Senate concur in the House amendment to section 1, line 7, striking out the words "the normal school."

Also, that the Senate concur in the House amendment to section 1, inserting between lines 9 and 10 the following: "for the normal school six trustees, who shall hold their office for six years."

Also, that the Senate concur in the House amendment to line 11, of section 1, striking out the word "four" and inserting the word "six."

J. L. CARNEY,

THOS. D. HEALY,

H. L. WATERMAN,

D. H. YOUNG,

Conferees on the Part of the Senate.

W. E. HAUGER,

P. FINCH,

W. G. RAY,

J. L. WILSON,

Conferees on the Part of the House.

Senator Carney moved that the report be taken up for consideration now.

Carried.

Senator Carney moved that the Senate concur in the House amendment to section 1, line 7, and insertion between lines 9 and 10.

Carried.

Senator Carney moved that the Senate concur in the House amendment to section 1, line 11.

Carried.

Senator Carney moved that the roll be called on the House amendment just adopted.

Carried.

On the question, "Shall the Senate concur in the House amendments to Senate file No. 41?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Sargent, Trewin, Upton, Waterman, Young—40.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Downey, Eaton, Kilburn, Lehfeldt, Mitchell, Ranck, Riggen, Rowen—10.

The House amendments were concurred in.

BILLS ON SECOND READING.

The Senate resumed consideration of House file No. 96.

Senator Cheshire moved to amend section 2, chapter 8, line 2, by striking out the first word in the line and inserting in lieu thereof the word "improvement."

Adopted.

Senator Carney moved to amend section 2, chapter 9, by inserting the word "of" after the word "one" in line 2.

Adopted.

Senator Lothrop moved to amend section 1, chapter 9, line 1, by striking out the word "shall" and inserting the word "may" in lieu thereof.

Laid over.

Senator Harper moved to amend section 2, chapter 9, by striking out all after the word "services," in line 7.

Laid over.

Senator Cheshire moved to amend chapter 9, section 5, lines 4 and 5, by striking out the following words therein: "reserving therein the right to pay one hundred dollars or any multiple thereof at any time with interest on the sum so paid, up to the time of such payment." Also, by changing the comma to a period after the word "semi-annually."

Adopted.

Senator Pusey moved to amend the bill as follows: Amend chapter 9 of the bill by inserting after section 9, the following sections:

"Sec. 10. All cities having a population under 35,000 and towns may provide by ordinance for the election of three park

commissioners whose terms of office shall be three, four and five years respectively and their successors shall be elected for the full term of five years. Such commissioners shall be residents of the city or town and each shall, before he enters upon the duties of his office, give a bond with sureties to be approved by the council to the use of the city in the penal sum of five thousand dollars conditioned for the faithful discharge of the duties of his office.

“Sec. 11. The council of such city or town may, by resolution, submit to the qualified electors of the same, at a regular or special election, the question whether there shall be levied upon the assessed property thereof a tax not exceeding two mills on the dollar for the purpose of purchasing real estate for parks and the improvement of parks or for either or both of such purposes. The proposition therefor shall be submitted in the manner provided for similar propositions in the chapter on elections. The council shall, in the resolution ordering such election, specify the rate of taxation proposed and the number of years the same shall be levied. If a majority of the votes cast at such election on the proposition so submitted shall be in favor of the adoption of the proposition for taxation the council shall levy the tax so authorized, which shall be collected and paid over to the treasurer of such city or town in the same manner as other taxes. Such taxes shall be known as “park fund” and shall be paid out on the order of the commissioners for the purposes contemplated in the next section and for no other purpose whatever.

“Sec. 12. Each of the commissioners shall receive for services performed compensation not exceeding one hundred dollars per annum to be paid out of the ‘park fund.’ They shall have exclusive control of the parks of the city or town and shall manage, improve and supervise the same; they may use the ‘park fund’ for improving the parks, or for purchasing additional grounds or laying out and improving avenues thereto; they may appoint one or more park policemen and pay them out of said fund and may do all things necessary to preserve such parks. They shall keep, and make annually to the council, a full account of their disbursements, and all orders drawn on such fund shall be signed by at least two of their number.

“Sec. 13. Any person who shall, except by authority of such commissioners, cut, break or deface any tree or shrub growing in such park or parks or any avenue thereto, shall be

deemed guilty of a misdemeanor." Renumber the other sections of the chapter.

Laid over.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House concurs in all Senate amendments except to section 13, and has adopted a substitute for Senate amendment to section 9, line 29, of House file No. 20, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the conference committee on Senate file No. 10, a bill for an act to revise, amend and codify the statutes relating to elections and officers.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House had adopted the report of the conference committee on Senate file No. 41, a bill for an act to revise, amend and codify the statutes in relation to regents and trustees of State institutions.

JAS. D. ROWEN,
Chief Clerk.

Senator Carney moved to take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 20, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations, was taken up and referred to committee on building and loan associations.

Senate file No. 10, a bill for an act to revise, amend and codify the statutes in relation to elections and officers, was passed on file.

Senate file No. 41, a bill for an act to revise, amend and codify the statutes in relation to regents and trustees of State institutions, was passed on file.

BILLS ON SECOND READING.

The Senate resumed consideration of House file No. 96.

Senator Funk, President *pro tem.*, presiding.

Senator Cheshire moved to amend section 6, chapter 10, line 3, by striking out the letter "a" before the word "city."

Adopted.

Senator Cheshire moved to amend chapter 11, by inserting after section 1 the following as section 2 of the chapter: "Sec. 2. Cities of the first class may annually levy a tax not exceeding three mills on the dollar, to be known as a city bridge fund." Also amend the other sections by renumbering them from section 3 to the end of the chapter.

Adopted.

Senator Ellison moved to amend section 5, chapter 11, by adding the following: "All persons claiming to be exempt from labor under this section shall, within three days after receiving notice to perform such labor, furnish the mayor or other proper officer with an affidavit showing the extent and nature of the disabilities entitling him to such exemption. If he fails to do so he shall be liable to perform such labor or pay the penalty provided herein."

Senator Lothrop moved to amend the amendment by striking out the word "three" and inserting the word "ten" in lieu thereof.

Lost.

The amendment was adopted.

Senator Cheshire moved to amend section 6, chapter 11, line 11, by striking out the word "October" and inserting the word "November."

Adopted.

Senator Cheshire moved to amend section 5, chapter 11, line 3, by striking out the word "September" and inserting the word "November."

On this a division was called for and the amendment was adopted.

Senator Carroll moved to amend section 8, chapter 11, by striking out the period at the end of each subsection except the last and inserting a semicolon.

Adopted.

Senator Cheshire moved to amend section 8, chapter 11, as renumbered subdivision 4, by striking out the whole of subdivision 4 and inserting the following: "4. In cities and towns which have, or may hereafter establish, a free public library, when the trustees of such library have made the certificate provided for in chapter 4, of this title, a tax in the amount so certified, but not exceeding in any one year one mill on the dollar in cities of the first class, and not exceeding two mills on the dollar in cities of the second class and towns, to

be used for the maintenance of such library, and in cities of the first class, an additional tax not exceeding three mills on the dollar for the purchase of real estate and the erection of a building or buildings thereon for a public library, or for the payment of interest on any indebtedness incurred for that purpose, and for the creation of a sinking fund for the extinguishment of such indebtedness."

Senator Cheshire moved to amend the substitute by inserting after the word "excluding" the words "in any one year."

Adopted.

Senator Pusey moved to amend committee substitute for subdivision 4 of section 8, as follows: After "cities" in line 1 insert "having a population of twenty-five thousand or over;" before "cities," line 4, insert "such." Before "cities," line 7, insert "such." Add to the end the following: "In all other cities of the first class, which have or may hereafter establish a free public library, a tax not exceeding in any one year one mill on the dollar for the maintenance thereof."

Adopted.

The substitute as amended was adopted.

Senator Alexander moved to amend section 8, chapter 11, subsection 7, by striking out all after the word "hereof" in the forty-fifth line.

Laid over.

Senator Pusey moved to amend section 8, chapter 11, subsection 7, by striking out the word "six," end of line 44, and inserting the word "five."

Adopted.

Senator Ellis moved to amend section 44, chapter 7, line 2, by inserting after the word "assessment" the words "hereafter levied."

Adopted.

Senator Ellis moved to amend section 45, chapter 7, line 1, by inserting after the word "is" the word "hereafter."

Adopted.

Senator Cheshire withdrew the committee amendment to section 8, chapter 11, line 45.

President Parrott presiding.

Senator Ellis moved to amend section 13, chapter 11, line 7, by striking out the word "three" and inserting the word "five" in lieu thereof.

Adopted.

Senator Cheshire moved to amend chapter 13, section 2, line 24, by inserting after the second word "or" the words "which is."

Adopted.

Senator Hotchkiss moved to amend section 8, chapter 2, as follows: Add to section 8, chapter 2, "No person owning, leasing or managing any saloon where malt or spirituous liquors are sold at retail, or any person employed therein, shall be eligible to the office of mayor or councilman in any city or town, including cities acting under special charter.

Laid over.

Senator Berry moved to amend section 15, chapter 2, by inserting after the word "police," in line 2 thereof, the following: "and in cities of the second class or towns, he may appoint one or more deputy marshals."

Laid over.

Senator Penrose asked leave to withdraw the amendment offered yesterday and moved to amend chapter 2, section 16, by inserting after the word "deputies," in second line, the words "for whose official acts he shall be responsible," and in same line strike out the word "he" and insert the words "the mayor with the approval of the council," and strike out all in the third line after the word "deputies."

Laid over.

Senator Ellis moved to amend section 10 of chapter 12, by adding to the section the following: "unless the transaction of the issuance or purchase of such bonds be tainted with fraud in which the purchaser or holder participates or of which he has notice."

Laid over.

Senator Henderson moved to postpone the further consideration of the bill until to-morrow.

Carried.

Senator Henderson called up report of conference committee on substitute for Senate file No. 35.

Senator Henderson moved that the report of the conference committee be adopted.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Harper, Harriman,

Healy, Henderson, Hobart, Hotchkiss, Hurst, Junkin, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Trewin, Upton, Waterman, Young—38.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Downey, Eaton, Gorrell, Hipwell, Hospers, Kilburn, Lehfeltd, Mitchell, Rigger, Rowen—12.

The report of the conference committee was adopted.

INTRODUCTION OF BILLS.

By unanimous consent by Senator Hobart, Senate file No. 98, a bill for an act to amend chapter 136, laws of the Twenty-fifth General Assembly, and chapter 140, laws of the Twenty-sixth General Assembly, relating to appropriation for the hospital for the insane at Cherokee.

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

Senator Garst moved that the Senate do now adjourn.

Carried.

The Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, April, 21, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Timothy Reves, of Des Moines.

On request of Senator Palmer, leave of absence was granted Senator Rowen on account of sickness.

On request of Senator Hurst, leave of absence was granted Senator Hipwell.

REPORTS OF STANDING COMMITTEES.

Senator Garst, from the Committee on Insurance, submitted the following report:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred House file No. 18, a bill for an act to revise, amend and codify the statutes in relation to insurance, 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 insist on its amendments, and that it refuses to concur in the House amendments.

WARREN GARST,
Chairman.

Senator Garst moved that the report of the committee be adopted.

Carried.

Senator Cheshire, from the Committee on Cities and Towns, submitted the following report:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House file No. 98, a bill for an act to revise, amend and codify the statutes in relation to cities and towns, 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 title thereof be amended by inserting the following after the words "chapter 14, of title V.:" "Of cities under special charters;" and when so amended that the bill do pass.

THOS. A. CHESHIRE,
Chairman.

Ordered passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 4, a bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 4, a bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 29, a bill for an act to revise, amend and codify the statutes in relation to the care of the insane.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 15, a bill for an act to revise, amend and codify the statutes in relation to roads, bridges and ferries.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

REPORT OF CONFERENCE COMMITTEE.

Senator Pusey presented the following report of the Conference Committee on House file No. 84:

To the President of the Senate and the Speaker of the House:

Your committee of conference to whom was referred certain amendments to House file No. 84, would respectfully report that they have had the same under consideration, and have agreed upon their report as follows:

They recommend that the House concur in Senate amendments to sections 30, 31 and 83 as passed by the Senate.

That the Senate recede from its amendment to section 62.

That the House amendment to section 12 be modified to read as follows: "But in prosecutions against gaming, betting, lotteries, dealing in options, and keeping gambling houses, or rooms for illegal use or disposal of intoxicating liquors, no witness shall be excused from giving testimony upon the ground that his testimony would tend to render him criminally liable, or expose him to public ignominy; but any matter so elicited shall not be used against him, and said witness shall not be prosecuted for any crime connected with or growing out of the act on which the prosecution is based in the cause in which his evidence is used for the State, under the provisions of this section;" and that such amendment when so modified be concurred in by both houses.

That the Senate amendment to section 15, be modified to read as follows: "When part of an act, declaration, conversation, or writing, is given in evidence by one party, the whole on the same subject may be inquired into by the other; thus when a letter is read, all other letters on the same subject between the same parties may be given.

"And when a detached act, declaration, conversation, or writing, is given in evidence, any other act, declaration, conversation, or writing which is necessary to make it fully understood or to explain the same, may also be given in evidence."

That when said amendment is so modified that both houses concur in the same.

All of which is respectfully submitted,

N. M. PUSEY,
J. S. LOTHROP,
J. M. JUNKIN,
A. C. HOBART,
Senate Committee.
M. L. TEMPLE,
W. B. MARTIN,
J. M. CLARK,
P. FINCH,
House Committee.

The Journal of Tuesday was taken up, read, corrected and approved.

The President announced the following conference committee on the part of the Senate on Senate file No. 18, Senators Garst, Pusey, Craig and Harper.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 96.

Senator Cheshire moved to amend chapter 13, section 5, line 5, by striking out the following words: "except as provided in the second succeeding section."

Adopted.

Senator Cheshire moved to amend chapter 13, section 7, line 17, by changing the word "an" to "any" and by striking out the word "incorporated."

Adopted.

Senator Cheshire moved to amend section 11, chapter 13, line 6, by striking out the word "representing" and insert the word "presenting" in lieu thereof.

Adopted.

Senator Cheshire moved to reconsider the vote by which the amendment to section 42, chapter 2, was adopted.

Carried.

Senator Cheshire moved to amend the committee amendment by striking out the word "for" after the word "provided."

Adopted.

The amendment as amended was adopted.

Senator Cheshire moved to amend section 12, chapter 3, by inserting after the word "Justice" in line 7, the words "of the peace."

Adopted.

Senator Cheshire moved to amend section 12, chapter 3, by inserting after the word "shall" the words, "have jurisdiction and."

Laid over.

Senator Funk, President *pro tem.*, presiding.

Senator Everall called up his amendment to section 18, chapter 1, as follows: Strike out all after the word "purposes" in the fourth line down to and including the word "less" in the sixth line.

Senator Upton moved the previous question.

On the question "Shall the main question be now put?" the motion prevailed.

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Berry, Carroll, Cheshire, Downey, Eaton, Everall, Funk, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hotchkiss, Hurst, Junkin, Sargent, Trewin, Upton—18.

The nays were:

Senators, Alexander, Allyn, Bell, Bonson, Byers, Carney, Carpenter, Craig, Druet, Ellis, Ellison, Ericson, Garst, Harper, Hospers, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Waterman, Young—23.

Absent or not voting:

Senators Blanchard, Hipwell, Hobart, Kilburn, Lehfeldt, Mitchell, Ranck, Riggen, Rowen—9.

The amendment was lost.

Senator Healy moved to amend section 18, chapter 1, by inserting after the word "less" in line 6, the words: "or the real estate of any person, firm or corporation if used for any other than agricultural or horticultural purposes."

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Gilbertson, Healy, Junkin, Phelps—4.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Harper, Harriman, Henderson, Hospers, Hotchkiss, Lothrop, Palmer, Penrose, Perrin, Pusey, Sargent, Upton, Waterman, Young—34.

Absent or not voting:

Senators Blanchard, Gorrell, Hipwell, Hobart, Hurst, Kilburn, Lehfeldt, Mitchell, Ranck, Riggen, Rowen, Trewin—12.

The amendment was lost.

Senator Ellis moved to amend section 18 by adding after the word "purposes" in 6th line, "until such lands by reason of their use become liable to taxation for city or town purposes."

Laid over.

Senator Trewin moved to amend section 18, chapter 1, by inserting after the word "limits" in line 5, the words "so occupied and used and."

Laid over.

Senator Healy moved that this section and all amendments be referred to a special committee of four appointed by the chair.

Carried.

Senator Healy withdrew amendment to section 18, chapter 1, page 7 of Journal of April 19th.

Senator Healy called up his amendment to section 2, chapter 1, line 1, inserting after the word "court" the words "if it finds a public purpose will be subserved."

Lost.

Senator Healy called up his amendment to section 2, chapter 1, to amend section 2, chapter 1, by inserting at the end thereof the following: "In determining whether commissioners shall be appointed the court is vested with power to change or limit the territory proposed to be incorporated."

Lost.

Senator Carroll called up his motion to amend subsection 3 of section 9, chapter 2, by striking out all following the word "into," in line 2, and inserting the following in lieu thereof: "two classes of three each, the members of which classes shall hold office respectively for one and two years, and at each annual election thereafter three councilmen shall be elected to hold office for two years."

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker of the House has appointed as a conference committee on the part of the House on Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of railways, Representatives Temple, Whelan, Finch and Sullivan.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to adopt the report of the Conference Committee on Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of birds and game, and that the Speaker has appointed as a Conference Committee on the part of the House, Representatives Whittier, Van Houten, Bird and Hunt.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the Conference Committee on House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in all Senate amendments except to section 8, to Senate file No. 26, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of telegraph and telephone lines.

JAS. D. ROWEN,
Chief Clerk.

The hour of adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock, President Parrott presiding.

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 asks the recall of Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of birds and game.

JAS. D. ROWEN,
Chief Clerk.

Senator Pusey moved that the Senate take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 26, a bill for an act to revise, amend and codify the statutes in relation to construction and operation of telegraph and telephone lines.

Senator Healey moved that the Senate insist on its amendment striking out section 8 of the bill.

Carried.

House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence.

Senator Pusey moved that the Senate adopt the report of conference committee on section 12 of chapter 1 of the bill.

Carried.

Senator Pusey moved that the Senate adopt the report of the conference committee on section 15, chapter 1 of the bill.

Carried.

Senator Pusey moved that the Senate adopt the report of the conference committee recommending the Senate to recede from its amendment to section 62.

Carried.

On the question, "Shall the report of the Conference Committee on House file No. 84 be adopted?" the yeas were:

Senators Alexander, Allen, Bell, Berry, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ericson, Funk, Gilbertson, Gorrell, Harper, Harriman, Healy, Hospers, Hotchkiss, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Sargent, Trewin, Upton, Waterman, Young—36.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Byers, Ellison, Everall, Garst, Henderson, Hipwell Hobart, Hurst, Kilburn, Lehfeldt, Ranck, Rigen, Rowen—14.

The report of the conference committee was adopted.

Substitute for Senate file No. 85, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of birds and game was returned to the House.

Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of railways, was passed on file for conference committee.

REPORT OF STANDING COMMITTEE.

Senator Eaton, from the Committee on Building and Loan Associations, submitted the following report:

MR. PRESIDENT—Your Committee on Building and Loan Associations, to whom was referred substitute for House file No. 20, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations, 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 concur in the House substitute to section 9, line 29, and that the Senate do insist upon its amendment to section 13.

WILLIAM EATON,
Chairman.

Senator Eaton moved that the Senate concur in the House amendment to section 9, line 29.

On the question, "Shall the Senate concur in the House amendment to section 9, line 29?" the yeas were:

Senators Allyn, Bell, Berry, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ericson, Everall, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Hespers, Hotchkiss, Junkin, Lothrop, Penrose, Perrin, Phelps, Sargent, Trewin, Upton, Waterman, Young—33.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Byers, Ellison, Funk, Henderson, Hipwell, Hobart, Hurst, Kilburn, Lehfeldt, Mitchell, Palmer, Pusey, Ranck, Riggen, Rowen—17.

The House amendment was concurred in.

Senator Eaton moved that the Senate insist upon its amendment to section 13 of the bill.

Carried.

REPORT ON CODE WORK.

Report of the progress of the work on Code revision
April 21, 1897:

	Pages.
House files passed both Houses.....	393
Senate files passed both Houses.....	410
House files passed House only.....	135
Senate files passed Senate only.....	14
Blank pages in proposed Code.....	68
Total.....	1,020
Senate files enrolled.....	230
House files enrolled.....	211
Senate files to be passed by House.....	14
House files to be passed by Senate.....	135
House files with conference committee.....	140
House files with enrolling clerk.....	42
Senate files with enrolling clerk.....	51
Senate files with conference committee.....	129
Total.....	952
Blank pages in proposed Code.....	68
Total.....	1,020

	Pages.
House files to be enrolled.....	289
Senate files to be enrolled.....	222
Total	511

E. M. SARGENT,
G. S. GILBERTSON,
A. C. HOTCHKISS,
Senate Committee.

Senator Carroll offered the following resolution:

Resolved, That the chairman of the Committee on Enrolled Bills be directed to prepare a tabulated statement showing the date of introduction of the various bills of the two houses, their reference or re-reference to regular or special committees, when reported back and acted upon, and any other matters that may be necessary to form a complete record of the course of the various bills from their introduction to the final disposition thereof; and such record when completed shall be published in the bound Journal.

Laid over.

MESSAGE FROM THE HOUSE.

The following message was received from the House.

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to adopt the report of the Conference Committee on substitute for Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of birds and game, and the Speaker has appointed as a conference committee on the part of the House, Representatives, Whittier, Van Houten Bird and Hunt.

JAMES D. ROWEN,
Chief Clerk.

The President announced the following conference committee on the part of the Senate on House file No. 26: Senators Gilbertson, Junkin, Upton and Hipwell.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 96, amendment by Senator Carroll to section 9, chapter 2, line 2, being under consideration at time of adjournment.

The amendment was laid over.

Senator Pusey called up his amendment to section 9, chapter 2, of subdivision 1, page 12, of printed bill, as follows: After "thereof," in line 7, insert "The councilmen thus chosen from wards shall, at the first regular meeting of the council after their election, be divided by lot into two classes as nearly equal as may be, the members of one class, or if uneven, of the larger

class, to hold office for one year, and those of the other for two years. One councilman-at-large shall also be chosen by lot to hold office for one year, and the other for two years." Strike out "biennial," in line 12, and insert "annual."

Senator Pusey moved to amend the amendment by striking out the words "line 7" and inserting "lines 8 and 9" in lieu thereof.

Adopted.

The amendment as amended was lost.

Senator Pusey moved to amend section 9, chapter 2, by adding to the end of subsection 1, after the word "years," "the term of ward councilmen, and councilman-at-large heretofore elected in odd numbered years is extended for one year."

Adopted.

Senator Carroll called up his amendment to section 9, chapter 2, line 2, striking out all following the word "into" and inserting the following in lieu thereof: "two classes of three each, the members of which classes shall hold office respectively for one and two years, and at each annual election thereafter three councilmen shall be elected to hold office for two years."

Adopted.

Senator Carroll called up his motion to add at the end of subsection 3 of section 9, chapter 2, as amended, the following: "In all towns heretofore organized, of the two councilmen elected in 1898, one shall hold office for one year and the other for two, the same to be determined by lot at the first regular meeting of the council thereafter; and at each annual meeting thereafter three councilmen shall be elected to hold office for two years."

Senator Carroll moved to amend the amendment by striking out the words "in all towns heretofore organized" in lines 2 and 3.

Adopted.

The amendment as amended was adopted.

Senator Cheshire called up his amendment to section 12, chapter 2, by striking out the section and inserting in lieu thereof the following: "Section 12. In towns there shall be elected annually, a mayor and a treasurer, and biennially an assessor."

Lost.

Senator Penrose called up his amendment to chapter 2, section 16, by inserting after the word "deputies," in second line,

the words "for whose official acts he shall be responsible," and in same line strike out the word "he" and insert the words "the mayor with the approval of the council," and strike out all in the third line after the word "deputies."

Senator Berry moved to substitute the following amendment to chapter 2, section 16: Strike out all of said section after the word "deputies" in line 2.

Adopted.

Senator Carroll moved to amend section 11, chapter 2, line 1, by inserting the word "clerk" after the word "mayor."

On this a division was called for and the amendment was lost.

Senator Cheshire called up the amendment to section 14, chapter 2, line 4, amend by inserting after the word "class" the words "and in towns."

Senator Cheshire withdrew the amendment.

Senator Cheshire moved to amend section 14, chapter 2, by inserting after the word "class" the words "and in towns;" also, by striking out the "period" after the word "necessary" and inserting a "comma" instead; also, by striking out the words "in towns the council shall appoint a street commissioner and such officers as are necessary" in the fifth and sixth lines in same section.

Senator Cheshire withdrew the amendment.

Senator Lothrop moved to amend section 17, chapter 2, line 3, by striking out the word "two" and inserting the word "one" in lieu thereof.

Lost.

Senator Pusey called up his amendment to section 10, chapter 2, as follows: Amend section 10, chapter 2, page 13, printed bill, as follows: Strike out "police judge," in line 2; strike out "and," in line 2; after "assessor," in line 2, add "and where there is no superior court, a police judge."

Adopted.

Senator Cheshire called up his motion to amend section 21, chapter 2, line 23, by inserting after the word "judge" the words "or judge of superior court;" and by striking out of line 24, the words "of such judge;" also, strike out the words "or police" and insert in lieu thereof the word "such."

Adopted.

Senator Healy withdrew his two amendments to section 24, chapter 2.

Senator Healy moved to amend section 37, chapter 2, line 2, by inserting after the word "assessors" the words "which shall be determined in the same manner and."

Adopted.

Senator Mitchell moved to amend section 22, chapter 2, by adding after the word "public" in line 4, the words "He shall supply the treasurer with a statement of all warrants issued after each meeting, giving the number and amounts of each and shall."

Laid over.

Senator Mitchell moved to amend section 23, chapter 2, by adding after the word "ordinance" in line 3, the following: "He shall keep in a book provided by the town a register and description of all warrants reported to him by the town clerk."

Laid over.

Senator Cheshire moved to reconsider the vote by which the amendment to section 21, chapter 2, was adopted.

Carried.

Senator Cheshire withdrew the recommendation of the committee to line 24, striking out the words "or police."

Senator Cheshire moved to amend section 21, chapter 2, by striking out the words "the police" and inserting the word "such" in lieu thereof.

Adopted.

Senator Cheshire called up his motion to amend section 24, chapter 2, line 3, by striking out after the word "council" and inserting the following: "If any city or town is situated in two or more counties, the assessor shall make returns of the assessment to the proper county."

Adopted.

Senator Pusey called up his motion to amend section 30, chapter 2, as follows: After "year," line 2, insert "which shall be the first day of January of each year."

Adopted.

Senator Garst filed the following motion:

MR. PRESIDENT—I move to reconsider the vote of the Senate whereby the motion of Senator Everall to amend section 18, of chapter 1, was defeated.

WARREN GARST.

Senator Harriman called up his motion to amend section 34, chapter 2, by inserting after the word "cases" in line 3, the words "and shall pay all fines collected by him into the county

treasury," also after the word "him" same line, insert the words "for the violation of any city ordinance."

Laid over.

Senator Harriman called up his motion to amend section 34, chapter 2, by adding thereto "such fees to be paid by the city if not collectible from the defendant."

Laid over.

Senator Penrose called up his motion to amend section 33, chapter 2, line 1, by striking out the word "no" and insert the letter "a," and strike out in lines 1 and 2 the words "in lieu of fees" and insert the words "of not more than fifty dollars per year."

Lost.

The President announced as a conference committee on the part of the Senate on substitute for House file No. 20, Senators Eaton, Junkin, Sargent and Cheshire.

The President announced as a special committee on section 18 and amendments thereto, of House file No. 96, Senators Healy, Cheshire, Junkin and Ellis.

The President appointed Senator Henderson a member of conference committee on substitute for Senate file No. 15, in the absence of Senator Palmer.

Senator Funk moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Thursday, April 22, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. W. A. Black of Des Moines, Iowa.

On request of Senator Perrin, leave of absence was granted Senator Palmer.

PETITIONS AND MEMORIALS.

President Parrott presented petition of citizens of Hardin and Marshall counties, asking an amendment to the law relating to county attorneys, and asked that it be read.

Referred to Committee on Judiciary.

HOUSE MESSAGES.

Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of birds and game, was taken up and passed on file for Conference Committee.

The President appointed as a Conference Committee on the part of the Senate on Senate file No. 35, Senators Henderson, Pusey, Carroll and Everall.

REPORT OF STANDING COMMITTEE.

Senator Mitchell, from the Committee on Rules, submitted the following report:

MR. PRESIDENT—Your Committee on Rules, to whom was referred concurrent resolution in reference to reports of conference committees, 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 same do pass.

W. O. MITCHELL,
Chairman.

The concurrent resolution was adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 93, a bill for an act to apply to cities of the first class the provisions of chapter 78, laws of the Twenty-first General Assembly, as amended by chapter 17, laws of the Twenty-second General Assembly; chapter 15, laws of the Twenty-fourth General Assembly; chapter 3, laws of the Twenty-fifth General Assembly, and chapter 3, laws of the Twenty-sixth General Assembly, regular session, relating to indebtedness of cities and towns.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 78, a bill for an act to revise, amend and codify the statutes in relation to procedure to reverse, vacate, or modify judgments.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 92, a bill for an act to authorize cities of the second class to issue bonds for extending the time of payment of its indebtedness.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor, for his approval, Senate file No. 4, a bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor, for his approval, Senate file No. 36, a bill for an act to revise, amend and codify the statutes in relation to the practice of dentistry.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate

file No. 37, a bill for an act to revise, amend and codify the statutes in relation to the practice of medicine.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 94, a bill for an act to revise, amend and codify the statutes in relation to the system of common schools

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 96, a bill for an act to legalize the levy and collection of poor taxes and taxes for ordinary county revenue in counties of the State.

G. S. GILBERTSON,
Chairman.

Passed on file.

The Journal of Wednesday was taken up, read, corrected and approved.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 96.

Senator Harriman withdrew his two amendments to section 34, chapter 2, printed on page 4, Journal of April 20th.

Senator Harriman moved to amend section 38, chapter 2, by inserting the words "or county" after the word "city" in the fifth line; also add at the end of the last line the following: "as the case may be."

Adopted.

Senator Waterman offered the following substitute for the amendment by Senator Harper, printed on page 6 of the Journal of April 20th: Strike out in chapter 2, subsection 5, section 21, line 17, the words: "He shall be a member and the presiding officer," and insert, "In cities of the first class he shall be the presiding officer of the council with the right to vote only in case of a tie; in cities of the second class and towns he shall be a member."

Laid over.

Senator Penrose called up his amendment to section 6, chapter 3: Amend section 6, chapter 3, in third line, by striking out the words "call a meeting of the council within fourteen days thereafter and," and insert in lieu thereof the words

“at the first regular meeting thereafter, or at a special meeting called for that purpose.

Lost.

Senator Waterman withdrew the substitute for the amendment to section 21, chapter 2, subsection 5.

Senator Waterman moved to amend section 21, chapter 2, subsection 5, by striking out all after the word “tie” in line 18.

Adopted.

Senator Penrose called up his amendment to section 27, chapter 6, which was as follows: Amend section 27, chapter 6, by adding thereto the words “and the city or town clerk shall return the amount of such assessment to the county auditor, and it shall be collected the same as other taxes.”

Senator Penrose moved to amend the amendment by striking out the word “return” in line 2, and inserting the word “certify.”

Adopted.

The amendment as amended was adopted.

Senator Pusey called up his motion to amend chapter 9 of the bill, by inserting after section 9, on page 60, the following sections:

“Sec. 10. All cities having a population under 35,000, and towns may provide by ordinance for the election of three park commissioners, whose terms of office shall be three, four and five years respectively, and their successors shall be elected for the full term of five years. Such commissioners shall be residents of the city or town, and each shall, before he enters upon the duties of his office, give a bond, with sureties to be approved by the council, to the use of the city, in the penal sum of five thousand dollars, conditioned for the faithful discharge of the duties of his office.

“Sec. 11. The council of such city or town may, by resolution, submit to the qualified electors of the same, at a regular or special election, the question whether there shall be levied upon the assessed property thereof a tax not exceeding two mills on the dollar for the purpose of purchasing real estate for parks and the improvement of parks or for either or both of such purposes. The proposition therefor shall be submitted in the manner provided for similar propositions in the chapter on elections. The council shall, in the resolution ordering such election, specify the rate of taxation proposed and the number of years the same shall be levied. If a majority of the

votes cast at such election on the proposition so submitted shall be in favor of the adoption of the proposition for taxation the council shall levy the tax so authorized, which shall be collected and paid over to the treasurer of such city or town in the same manner as other taxes. Such taxes shall be known as 'park fund' and shall be paid out on the order of the commissioners for the purposes contemplated in the next section and for no other purpose whatever.

"Sec. 12. Each of the commissioners shall receive for services performed compensation not exceeding one hundred dollars per annum, to be paid out of the 'park fund.' They shall have exclusive control of the parks of the city or town, and shall manage, improve and supervise the same; they may use the 'park fund' for improving the parks, or for purchasing additional grounds, or laying out and improving avenues thereto; they may appoint one or more park policemen and pay them out of said fund, and may do all things necessary to preserve such parks. They shall keep, and make annually to the council, a full account of their disbursements, and all orders drawn on such fund shall be signed by at least two of their number.

"Sec. 13. Any person who shall, except by authority of such commissioners, cut, break or deface any tree or shrub growing in such park or parks or any avenue thereto, shall be deemed guilty of a misdemeanor." Renumber the other sections of the chapter.

Senator Lothrop moved to amend section 10 of the amendment by striking out the figures "35,000" and inserting "forty thousand" in lieu thereof.

Adopted.

The amendment as amended was adopted.

Senator Pusey moved to amend section 1, chapter 9, by striking out the word "twenty-five" and inserting "forty" in lieu thereof.

Adopted.

Senator Lothrop withdrew his amendment to section 1, chapter 9, line 1.

Senator Harper withdrew his amendment to section 2, chapter 9, line 7.

Senator Alexander called up his amendment to section 8, chapter 11, sub-section 7, which was as follows: Amend by striking out all after the word "hereof" in the forty-fifth line.

Senator Pusey offered the following substitute for the amendment: After the word "amount" in line forty-five insert the words "under contracts now in force."

On this a roll call was demanded.

On the question, "Shall the substitute be adopted?" the yeas were:

Senators Bonson, Cheshire, Eaton, Ellis, Funk, Henderson, Junkin, Lothrop, Mitchell, Penrose, Pusey, Riggen, Upton, Waterman—14.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Carney, Carroll, Downey, Druet, Ellison, Everall, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Hobart, Hospers, Perrin, Phelps, Ranck, Sargent, Young—23.

Absent or not voting:

Senators Blanchard, Byers, Carpenter, Craig, Ericson, Hipwell, Hotchkiss, Hurst, Kilburn, Lehfeltdt, Palmer, Rowen, Trewin—13.

The substitute was lost.

Senator Harper moved to reconsider the vote by which the substitute was lost.

On this a division was called for and the motion prevailed.

Senator Pusey withdrew the substitute.

Senator Pusey moved to amend the amendment as follows: amend section 8, chapter 11, subsection 7, by inserting after the word "amount," in line 45, the words "under contracts of cities of the first class and now in force."

Laid over.

Senator Healy moved to reconsider the vote by which section 18, chapter 1, with the amendments thereto, was referred to a special committee.

Carried.

Senator Healy withdrew the motion to refer to a special committee.

Senator Garst called up his motion to reconsider the vote whereby the motion of Senator Everall to amend section 18 of chapter 1 was defeated.

Senator Garst moved to reconsider the vote by which the motion by Senator Everall to amend section 18, chapter 1, was lost.

Carried.

Senator Trewin withdrew his amendment to section 18, chapter 1.

Senator Ellis withdrew his amendment to section 18, chapter 1.

The question recurring on the amendment by Senator Everall to section 18, chapter 1.

On the question, "Shall the amendment to section 18, chapter 1, be adopted?" the yeas were:

Senators Berry, Bonson, Carroll, Cheshire, Downey, Eaton, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Mitchell, Penrose, Ranck, Rigger, Sargent, Trewin, Upton, Young—26.

The nays were:

Senators Alexander, Allyn, Bell, Carney, Carpenter, Craig, Druet, Ellis, Ellison, Ericson, Harper, Hipwell, Lothrop, Perrin, Phelps, Pusey—16.

Absent or not voting:

Senators Blanchard, Byers, Hurst, Kilburn, Lehfeldt, Palmer, Rowen, Waterman—8.

The amendment was adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Hotchkiss called up his amendment to section 8, chapter 2, as follows: Add to section 8, chapter 2, "No person owning, leasing or managing any saloon where malt or spirituous liquors are sold at retail, or any person employed therein, shall be eligible to the office of mayor or councilman in any city or town, including cities acting under special charter."

On the amendment the yeas and nays were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Carroll, Cheshire, Eaton, Garst, Gilbertson, Gorrell, Hobart, Hospers, Hotchkiss, Junkin, Mitchell, Perrin, Phelps, Rigger—18.

The nays were:

Senators Bonson, Carney, Carpenter, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Harper, Hipwell, Hurst, Lothrop, Pusey, Ranck, Sargent, Trewin, Upton, Waterman, Young—21.

Absent or not voting:

Senators Blanchard, Byers, Funk, Harriman, Healy, Henderson, Kilburn, Lehfeldt, Palmer, Penrose, Rowen—11.

The amendment was lost.

Senator Ellis moved to amend section 32, chapter 7, by adding to the section "unless appeal be taken therefrom to the district court within twenty days."

Laid over.

Senator Ellis moved to amend section 10, chapter 12, by adding thereto "unless the transaction of the issuance or purchase of such bonds be tainted with fraud in which the holder participated, or of which he had notice."

Laid over.

Senator Ellis moved to amend section 9, chapter 8, by adding thereto the following words: "But the provisions of this section shall not apply to assessments or bonds adjudged to be illegal."

Laid over.

Senator Berry called up his motion to amend section 15, chapter 2, by inserting after the word "police" in line 2 thereof, the following: "And in cities of the second class or towns, he may appoint one or more deputy marshals."

Adopted.

Senator Mitchell moved to amend section 12, chapter 2, by striking out the word "clerk" in line 1.

Adopted.

Senator Mitchell moved to amend section 14, chapter 2, line 4, by inserting the words "and in towns," and by striking out after the word "necessary" the following: "In towns the council shall appoint a street commissioner, and such other officers as are necessary."

Adopted.

Senator Cheshire moved to amend section 9, chapter 2, line 11, by inserting after the word "one" the words "of such councilmen."

Adopted.

Senator Cheshire moved to amend section 4, chapter 6, line 1, by inserting after the word "wagons" the words "street sprinklers."

Adopted.

Senator Cheshire withdrew the committee amendment to section 6, chapter 3.

Senator Cheshire moved to amend section 6, chapter 3, by striking out of lines 9 and 10 the words "whole number of members elected to said;" also in same line strike out the word "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 has concurred in all Senate amendments and has amended Senate amendment of section 78 of House file No. 33, a bill for an act to revise, amend and codify the statutes in relation to intoxicating liquors.

JAS. D. ROWEN,
Chief Clerk.

Senator Waterman moved to take up House messages.
Carried.

HOUSE MESSAGES.

House file No. 33, a bill for an act to revise, amend and codify the statutes in relation to intoxicating liquors, was passed on file.

Senator Ellis asked unanimous consent to correct the report of the Conference Committee on House file No. 10 printed in the Journal of April 17th, and by unanimous consent the language of the report of the Conference Committee on House file No. 10 was corrected as follows: The House concurs in the Senate substitute for section 2 of chapter 2 of title 3, and renumber the sections so that section 3 will be section 4.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 96.

Senator Pusey moved to amend section 7, chapter 11, subdivision 7 by inserting after the word "if," in line 45, the words "in cities of the first class" and after the word "amount" insert the words "under contracts now in force."

Senator Mitchell moved to amend the amendment by inserting after the word "first" the words "and second."

On this a division was called for and the amendment was lost.

The amendment was adopted.

President Parrott presiding.

Senator Waterman moved that the House amendments to House file No. 33, be taken up.

Carried.

Senator Waterman moved that the Senate concur in the House amendment to section 78.

On the question, "Shall the Senate concur in the House amendment to section 78, the yeas were:

Senators Alexander, Allyn, Bonson, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Everall, Funk, Garst, Harper, Healy, Hipwell, Hobart, Lothrop, Penrose, Pusey, Ranck, Riggen, Trewin, Upton, Waterman—23.

The nays were:

Senators Bell, Berry, Carney, Ericson, Gilbertson, Gorrell, Harriman, Hotchkiss, Hurst, Junkin, Perrin, Sargent, Young—13.

Absent or not voting:

Senators Blanchard, Byers, Eaton, Henderson, Hospers, Kilburn, Lehfeldt, Mitchell, Palmer, Phelps, Rowen—11.

The amendment was concurred in.

Senator Hurst offered the following explanation of his vote, and asked that it be printed in the Journal:

MR. PRESIDENT—I vote against this amendment because I do not think it just or right. Upon the passage of this bill prohibition will be dead and buried in Iowa and the democratic principle of license fully established, although hypocritically called mulct, and when the retailer has paid \$600 or more for his license and has his business fully legalized, it is hypocrisy and cant not to give him the protection of the courts he has paid for.

A. HURST.

REPORT OF CONFERENCE COMMITTEE.

Senator Ellis, from the committee of conference, submitted the following report:

MR. PRESIDENT—Your conference committee, to whom was referred Senate file No. 77, 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 have instructed me to report the same back to the Senate with the recommendation that the accompanying detailed report be adopted.

The house recedes from its amendment to section 25, chapter 5, page 931.

The following is recommended for adoption as a substitute to the House amendment to section 24, chapter 12, page 946: "On the demand of the county attorney the magistrate shall take the evidence in writing of the state's witnesses notwithstanding he has permitted the defendant to waive the preliminary examination."

The House recedes from its amendment to section 15, chapter 16, page 954.

The House recedes from its amendment to section 8, page 957.

The following is recommended for adoption for House amendment to section 5, page 258: "An attorney appointed by the court to defend a person indicted for homicide or any offense the punishment of which may be life imprisonment, shall receive from the county treasury a fee of twenty dollars per day for time actually occupied in court in the trial of defendant. If the prosecution be for any other felony he shall receive the sum

of ten dollars in full for services. Such attorney need not follow the case into another county or into the supreme court, but if he does so shall receive an enlarged compensation on a scale corresponding to that fixed by this section. To be entitled to such compensation the attorney must file with the court his affidavit that he has not directly or indirectly received or entered into a contract to receive any compensation for such services from any source. Only one attorney in any one case shall receive such compensation."

The Senate concurs in House amendment to section 15, chapter 20, page 961.

The House recedes from its amendment to section 5, chapter 26, page 971.

The House recedes from its amendment to section 2, chapter 35, page 983.

The Senate concurs in House amendment to section 3, chapter 35, page 984.

The House recedes from its amendment to section 6, chapter 35, page 984

The Senate concurs in House amendment to section 5, chapter 44, page 991.

L. A. ELLIS,
 F. O. ELLISON,
 T. D. HEALY,
 T. G. HARPER,
Committee for Senate.
 W. W. CORNWALL,
 J. T. P. POWER,
 C. A. BYINGTON,
 W. MCARTHUR,
Committee for House.

Senator Ellis moved that the report of the conference committee be taken up for consideration now.

Carried.

Senator Ellis moved that the report of the Conference Committee on Senate file No. 77 be adopted.

On the question, "Shall the report of the conference committee be adopted," the yeas were:

Senators Allyn, Bell, Berry, Bonson, Carney, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Funk, Garst, Gilbertson, Harper, Harriman, Healy, Hobart, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Penrose, Perrin, Pnelps, Pusey, Ranck, Riggen, Sargent, Trewin, Upton, Waterman, Young—37.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Byers, Carpenter, Everall, Gorrell, Henderson, Hipwell, Hospers, Kilburn, Lehfeldt, Palmer, Rowen—13.

The report of the conference committee was adopted.

Senator Perrin moved that Senate file No. 26 be indefinitely postponed.

Carried.

The hour of adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 96.

Senator Cheshire moved to amend chapter 6, section 4, by striking out the words "wagons, drays and others," in the seventh line, and by striking out the words "or in the transportation of coal, wood, brick, stone, or lumber in the city," in the eighth and ninth lines of same section.

Adopted.

Senator Cheshire moved to amend section 18, chapter 11, line 4, by inserting after the word "levied," "except as provided in subdivision 7, section 8, of chapter 10, of this title."

Adopted.

Senator Cheshire moved to amend section 8, chapter 4, by striking out the words "nine pin, ten pin or other pin" and insert the word "bowling."

Senator Carney moved to amend section 15, chapter 2, line 2, by placing a period after the word "marshal," and strike out the word "and" and insert the words "in cities and towns he" in lieu thereof.

Adopted.

Senator Ellis called up his amendment to section 32 of chapter 7.

Senator Ellis withdrew his amendment.

Senator Ellis moved to amend chapter 7 by striking out section 32.

Lost.

Senator Harper moved to reconsider the vote by which the amendment by Senator Healy to section 2, chapter 1, was lost.

On this a division was called for and the motion prevailed.

Senator Healy offered as a substitute for the amendment to section 2, chapter 1, the following: Insert at end thereof the following words: "The court is vested with power to change or limit the territory proposed to be incorporated before appointing the commissioners as herein provided."

Adopted.

Senator Harriman moved to amend section 27, chapter 6, line 2, by striking out the word "highway."

On this a division was called for and the amendment was lost.

Senator Ellis moved to amend section 32, chapter 7, line 2; insert after the word "notices" the words "except fraud."

Adopted.

Senator Ellis withdrew the amendment to section 10, chapter 12, found in Journal of April 20, page 20; also the amendment to the same section and chapter printed on page 8 of this Journal.

Senator Ellis called up his amendment to section 9, chapter 8.

Senator Ellis moved to amend section 9, chapter 8, by adding thereto the following words: "but the provisions of this section shall not apply to assessments on bonds adjudicated to be void."

Adopted.

Senator Cheshire moved to amend the bill by transposing the following sections: Page 28, section 32 to follow section 27, page 40; page 54, section 49 to follow section 22, page 47, and renumber the sections in chapters 4, 6 and 7.

Adopted.

Senator Mitchell called up his motion to amend section 22, chapter 2, by adding after the word "public" in line 4, the words "He shall supply the treasurer with a statement of all warrants issued after each meeting, giving the number and amounts of each and shall."

Adopted.

Senator Mitchell called up his motion to amend section 23, chapter 2, by adding after the word "ordinance" in line 3, the

following: "He shall keep in a book provided by the town a register and description of all warrants reported to him by the town clerk."

Senator Mitchell moved to amend the amendment by striking out the word "town" before the word "clerk."

Adopted.

The amendment as amended was adopted.

Senator Cheshire moved that the further consideration of the bill be postponed until to-morrow at 10 o'clock.

Carried.

INTRODUCTION OF BILLS.

By unanimous consent Senate file No. 99, by Ways and Means Committee, a bill for an act to amend subdivision 2 of section 796 of the Code as amended and re-enacted by chapter 43 of the acts of the Twenty-second General Assembly, and to amend section 1381 of the Code as amended by chapter 149 of the acts of the Sixteenth General Assembly, chapter 166 of the acts of the Seventeenth General Assembly, and chapter 10 of the acts of the Twenty-first General Assembly, relating to the poor.

Read first and second time and placed on Calendar.

▲ BILL.

For an act to amend subdivision two of section seven hundred and ninety-six of the Code as amended and re-enacted by chapter forty-three of the acts of the Twenty-second General Assembly, and to amend section thirteen hundred and eighty-one of the Code as amended by chapter one hundred and forty-nine of the acts of the Sixteenth General Assembly, chapter one hundred and sixty-six of the acts of the Seventeenth General Assembly and chapter ten of the acts of the Twenty-first General Assembly, relating to the poor.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. That subdivision two of section seven hundred and ninety-six of the Code as amended and re-enacted by chapter forty-three of the acts of the Twenty-second General Assembly be amended by striking out the words "including support of the poor," in lines one and two thereof.

Sec. 2. That section thirteen hundred and eighty-one of the Code as amended by chapter one hundred and forty-nine of the acts of the Sixteenth General Assembly, chapter one hundred and sixty-six of the acts of the Seventeenth General Assembly and chapter ten of the acts of the Twenty-first General Assembly be amended by striking out the words "poor house" where it first occurs therein and inserting the word "poor."

Sec. 3. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers published at Des Moines, Iowa.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker has appointed as a conference committee on the part of the House on substitute for House file No. 20, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations, Representatives Martin, Haugen, Morrison and Jackson.

JAS. D. ROWEN,
Chief Clerk.

BILLS ON SECOND READING.

On motion of Senator Cheshire, House file No. 98, a bill for an act to revise, amend and codify the statutes in relation to cities acting under special charter, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Cheshire moved to amend the bill by inserting the following after the words "chapter 14 of title V," "of cities under special charters."

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Trewin moved that the further consideration of the bill be postponed until to-morrow.

Carried.

HOUSE MESSAGES.

House substitute for House file No. 20, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations, was read and passed on file for conference committee.

Senator Ellis moved that the Senate do now adjourn.

Carried.

Senate adjourned until to-morrow at 9 o'clock A. M.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, April 23, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. W. M. Grafton of Des Moines, Iowa.

PETITIONS AND MEMORIALS.

Senator Carney presented petition of 250 citizens of Marshalltown, in reference to employing inmates of Soldier's Home as laborers, and asked that it be read.

Referred to Committee on Military.

REPORT OF STANDING COMMITTEE.

Senator Gorrell, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred House file No. 38, a bill for an act to revise, amend and codify the statutes in relation to the inspection of petroleum products, 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 that it do pass:

Amend by inserting the following after the enacting clause: "Chapter 11 of Title XII."

Amend by striking out section 1 and inserting the following in lieu thereof: "Section 1. The Governor shall appoint such number of inspectors of the products of petroleum as may be determined by the State board of health, not to exceed fourteen in number. Each inspector shall be a resident of the State and not interested directly or indirectly in the manufacture or sale of products of petroleum. His term of office shall begin on the first day of July in each even numbered year. He shall give bond to the State in the penal sum of five thousand dollars, conditioned for the faithful performance of his duties, with sureties who shall in addition to the usual justification, make oath, entered on the bond, that they are not directly or indirectly interested in the manufacture or sale of products of petroleum for illuminating purposes, which bond shall be for the benefit of all persons injured through the failure of the inspector to perform his duties, and shall be filed with, and the sureties thereon approved, by the Secretary of State."

Amend by striking out section 2.

Amend by striking out section 3.

Amend by inserting as section 2 the following: "Sec. 2. Each inspector shall be furnished, at reasonable expense to the State, with the necessary instruments and apparatus for testing, and shall promptly make inspection, and test and brand all illuminating oils kept for sale, and for such purpose may enter upon the premises of any person. He shall reject all oils for illuminating purposes which will emit a combustible vapor at a temperature of one hundred and five degrees, standard Fahrenheit thermometer, closed test, not less than one-half pint of oil to be used in the flash test. If upon test and examination the oil shall meet the requirements, he shall brand over his official signature and date the barrel or package holding the same, 'Approved, flash test...degrees,' inserting in the blank the number. Should it fail to meet the requirements, it shall be branded under his official signature and date, 'Rejected for illuminating purposes.' All inspection shall be made within the State, and paid for by the person for whom the inspection is made, at the rate of ten cents per barrel, fifty-five gallons for this purpose constituting a barrel, which charge shall be a lien upon the oil inspected, and be collected by the inspector, reported and paid into the State treasury, except as otherwise provided in this chapter. For the purposes of this act, gasoline, benzine and naphtha shall be deemed illuminating oil. No gasoline shall be sold, given away or delivered to any person in this State until the package, cask, barrel or vessel containing the same has been plainly marked 'Gasoline.'

Amend section 4, by striking out the figure "4" and inserting in lieu thereof the figure "3."

Also, by striking out the words in line 1, "The inspector and each deputy" and insert in lieu thereof the words "Each inspector."

Amend by inserting as section 4, the following:

"Sec. 4. Each inspector shall be allowed as full compensation for his services all fees and commissions earned and collected by him up to fifty dollars per month, and twenty-five per cent of any sum collected in any one month in excess of fifty dollars, but in no case shall his compensation exceed one hundred dollars per month. He shall be allowed such other sum as he necessarily expends for prosecutions incurred in the discharge of his duties and for necessary help in branding barrels. All money collected by the inspector in excess of the allowance herein provided shall on or before the fifteenth day of each month be paid to the State Treasurer."

Amend by striking out section 5 and inserting in lieu thereof the following: "Sec 5. If any person, company or corporation, or agent thereof, shall sell, or attempt to sell, any product of petroleum for illuminating purposes which has not been inspected and branded as in this chapter provided, or shall falsely brand any barrel or package containing such petroleum product, or shall refill with products of petroleum barrels or packages having the inspector's brand thereon, without erasing such brand and having the contents thereof inspected, and the barrel or package rebranded, or shall purchase, sell or dispose of any empty barrel or package without thoroughly removing the inspection brand, or shall knowingly or negligently sell, or cause to be sold, or shall use or cause to be used, any product of petroleum mentioned in this chapter not inspected and tested, except as otherwise authorized herein; or if any person shall adulterate with any substance for the purpose of sale or use any product

of petroleum to be used for illuminating purposes in such a manner as to render it dangerous, or shall sell or offer for sale, or use any product of petroleum for illuminating purposes which will emit a combustible vapor at a temperature of less than one hundred and five degrees, standard Fahrenheit thermometer, closed test, except as otherwise provided in this section, for illuminating railway cars, boats and public conveyances, and except that the gas or vapor thereof shall be generated in closed reservoirs outside the building to be lighted thereby, and except the lighter products of petroleum when used in the Welsbach hydro-carbon incandescent lamp, and for street light by street lamps, or if any common carrier shall receive for transportation or transport in the State as freight any oil or fluid, whether composed wholly or in part of petroleum or its products, or of any substance which will ignite at a temperature of three hundred degrees Fahrenheit thermometer, open test; or if any such carrier of passengers shall burn any oil or fluid which will ignite at a temperature of three hundred degrees, for lighting any lamp, vessel or fixture of any kind in any railway passenger, baggage, mail or express car, or boat or street railway car, stage-coach, or other means of public conveyance, or if any inspector shall falsely brand any barrel or package, or shall practice any fraud or deceit in office, or be guilty of any official misconduct, or culpable negligence to the injury of another, or shall deal or have any pecuniary interest, directly or indirectly, in any oils or fluids sold for illuminating purposes while holding such office, he or such person, company, corporation or agent shall be liable in a civil action for all damages which may be sustained on account thereof, and each such inspector shall be fined in a sum not less than ten dollars nor more than one thousand dollars, or imprisoned in the county jail not exceeding six months, or be punished by both fine and imprisonment."

Amend by striking out section 6 and inserting in lieu thereof the following: "Sec. 6. It shall be the duty of the Governor to remove from office an inspector who is unfaithful in the discharge of his official duty or, having knowledge of the violation of any of the provisions of this chapter, shall neglect or refuse to prosecute the offender."

Amend by striking out section 7 and inserting in lieu thereof the following: "Sec. 7. The Secretary of State shall make and deliver to the Governor a report for the fiscal year ending on the 30th day of June in each odd numbered year, of all inspections made, the receipts and expenditures therefor, and such other items as are by this chapter required to be made of record."

J. R. GORRELL,
Chairman.

Ordered passed on file.

Senator Lothrop moved that a special committee of five be appointed to prepare resolutions of condolence on the death the wife of Senator Blanchard.

Carried.

BILLS ON SECOND READING.

On motion of Senator Carpenter, House file No. 91, a bill for

an act to revise, amend and codify the statutes in relation to drains and levees, with report of committee, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Carpenter moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Mitchell, Penrose, Perrin, Pusey, Sargent, Trewin, Upton, Waterman, Young—37.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Harriman, Hipwell, Hurst, Kilburn, Lehfeldt, Lothrop, Palmer, Phelps, Ranck, Rigger, Rowen—13.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Carpenter called up the report of Committee on Code Revision on House file No. 82, printed in the Journal of April 20th.

Senator Carpenter moved that the report of the committee on House file No. 82 be adopted.

On the question, "Shall the report of the committee on House file No. 82 be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Perrin, Phelps, Pusey, Rigger, Sargent, Trewin, Upton, Waterman, Young—42.

Senator Ranck voted in the negative.

Absent or not voting:

Senators Blanchard, Everall, Kilburn, Lehfeldt, Palmer, Penrose, Rowen—7.

The report of the committee was adopted.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

Senate file No. 70, a bill for an act to revise, amend and codify the statutes in relation to notes and bills.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the conference committee on Senate file No. 77, a bill for an act to revise, amend and codify the statutes in relation to criminal procedure.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker has appointed as a conference committee on the part of the House on House file No. 26, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of telegraph and telephone companies.

JAS. D. ROWEN,
Chief Clerk.

BILLS ON SECOND READING.

On motion of Senator Healy, substitute for House file No. 16, a bill for an act to revise, amend and codify the statutes in relation to corporations, with report of committee recommending a substitute, was taken up, considered and the report of the committee adopted.

The substitute for House file No. 16 was read section by section for amendments.

Senator Harper moved to amend section 4, chapter 1, line 1, by inserting after the word "business" the words "except their own organization."

Adopted.

Senator Harper moved to amend section 4, chapter 1, line 4, by inserting after the word "must" the words "record such articles and;" also, after the word "day," same line, insert the words "after the same are filed."

Senator Berry offered the following substitute for the amendment to section 4, chapter 1: Amend section 4, chapter 1, as follows: Strike out all of section four from the beginning down to and including "elect," in line 9, and insert the following: "Before commencing any business the incorporators

must adopt articles of incorporation which must be signed and acknowledged by them; the articles must then be submitted to the Attorney-General, who, if he finds the business proposed is a lawful one and the articles are in accordance with the provisions of this chapter, shall certify thereon such facts, and, with such certificate, the articles, upon payment of the fees prescribed by law, shall then be recorded in the office of the Secretary of State in a book to be kept for that purpose, and the articles, with the certificate of the Attorney-General thereon, shall then be recorded in the office of the recorder of deeds of the county where the principal place of business of the corporation is to be, in a book kept therefor, and the recorder must, within five days thereafter, endorse thereon the hour and date the same were filed and the book and page where the record will be found."

Lost.

The hour for the special order, Senate file No. 96, having arrived, Senator Cheshire moved that the special order be postponed until 2 o'clock P. M. to-day.

Carried.

On the amendment a division was called for and the amendment was lost.

Senator Harper moved to amend section 4, chapter 1, by striking out all after the word "found" in line 5, down to the word "such" in line 10, and insert the following: "the said articles and certificates of recorder shall be then recorded in the office of Secretary of State, in a book kept for that purpose."

On this a division was called for and the amendment was lost.

Senator Perrin moved to amend chapter 1, section 4, line 10, by striking out the words "such corporation" and insert in lieu thereof the following: "Corporations organized for the manufacture of dairy products, workmen's co-operative associations, farmers' mutual insurance companies and local building and loan associations;" and after the word "issued," at the beginning of line 11, insert the words "a fee of five dollars, and all other corporations organized under this chapter shall pay."

Lost.

Senator Pusey moved to amend section 2, chapter 1, by striking out all of section 2.

On the amendment a roll call was demanded.

On the question "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Allyn, Berry, Bonson, Carney, Carpenter, Carroll, Downey, Everall, Gorrell, Harriman, Hotchkiss, Hurst, Lothrop, Palmer, Perrin, Pusey, Ranck, Riggen, Sargent—20.

The nays were:

Senators Bell, Byers, Cheshire, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Funk, Garst, Gilbertson, Harper, Healy, Henderson, Hipwell, Hospers, Junkin, Mitchell, Penrose, Phelps, Upton, Waterman, Young—24.

Absent or not voting:

Senators Blanchard, Hobart, Kilburn, Lehfeldt, Rowen, Trewin—6.

The amendment was lost.

Senator Harper moved to amend section 4, chapter 1, line 7, as follows: After the word "fact" insert the words "within three days from the receipt of said articles and in case of failure so to do the articles of incorporation shall be deemed approved."

Laid over.

Senator Perrin moved to amend section 4, chapter 1, line 15, by striking out the period after the word "section" and insert a semicolon, and also insert the words "but no fee shall be required for the renewal of the certificate of incorporation."

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Carney, Palmer, Perrin, Phelps, Ranck, Riggen—9.

The nays were:

Senators Berry, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Penrose, Pusey, Sargent, Upton, Waterman—34.

Absent or not voting:

Senators Blanchard, Hipwell, Kilburn, Lehfeldt, Rowen, Trewin, Young—7.

The amendment was lost.

CONFERENCE COMMITTEES.

The President appointed as a Conference Committee on the part of the Senate on House file No. 82, Senators Carpenter, Ranck, Hobart and Berry.

The President announced the following special committee on resolutions of condolence on the death of the wife of Senator Blanchard. Senators Lothrop, Waterman, Phelps, Funk and Harper.

Senator Ellis moved to amend sections 5, chapter 1, line 5, by inserting between the words "railway" and "securities" the words "or street railway" and by inserting in the same line between the words "railway" and "company" the words "or street railway," and by inserting in line six, after the word "railways" the words "or street railways" and by inserting after the word "railway" in line eight, the words "or street railway."

Adopted.

Senator Healy moved to amend section 6, chapter 1, line 3, by striking out the words "shall be kept the stock and transfer books of its meetings to be held" and insert the words "it shall keep its stock and transfer books and hold its meetings."

Adopted.

Senator Healy moved to amend section 9, chapter 1, line 4, by striking out the word "the" before the word "officers" and insert the word "such;" also insert after the word "corporation," same line, the words "who may be designated to perform such act by the stockholders;" also change the period to a comma after the word "corporations."

Adopted.

Senator Ellis moved that the further consideration of the bill be postponed until the afternoon.

Carried.

REPORT OF CONFERENCE COMMITTEE.

Senator Henderson presented the following report of Conference Committee on substitute for Senate file No. 35:

MR. PRESIDENT—Your committee on conference, to whom was referred substitute for Senate file No. 35, and House file No. 42, being known as Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish, and the protection of birds and game, beg leave to report that they have had the matters of dispute between the two Houses under consideration and recommend:

That the House recede from its amendment to section 2, lines 10 and 11, and that section 2, line 10, be amended by inserting the following after the

word "line:" "but any person may between the 15th day of May and the 1st day of December, use not more than one trot line in streams only and extending not more than half way across."

That the House recede from its amendment to section 4, line 1, and that line 2 of said section be amended by inserting after the word "that" the words "a trot line as above provided, or."

That House amendment to section 13, line 7, after the word "June" be amended by striking out the word "quail;" and by adding after the figures "1900" the following: "Shooting or killing quail on the public highway shall be in violation of law," and when so amended that the same be adopted.

That the House concur in the Senate amendment to the House amendment to section 23, in relation to bluejays.

GEO. W. HENDERSON,
N. M. PUSEY,
B. F. CARROLL,
JOHN EVERALL,
Committee for Senate.
LYMAN WHITTIER,
GEO. H. VAN HOUTEN,
J. W. BIRD,
W. B. HUNT,
Committee for House.

HOUSE MESSAGES.

Senate file No. 70, a bill for an act to revise, amend and codify the statutes in relation to notes and bills, was passed on file.

House file No. 26, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of telegraph and telephone lines, was passed on file for conference committee.

Senate file No. 77, a bill for an act to revise, amend and codify the statutes in relation to criminal procedure, was passed on file.

Senator Phelps offered the following concurrent resolution:

WHEREAS, The Hon. Wm. L. Terry, of Little Rock, Arkansas, Member of Congress from the Fourth Congressional District of that state, has introduced a bill, No 4057, in words as follows: "That all cigarettes transported into any state or territory, or remaining therein for use, consumption, sale or storage, shall upon arrival in such state or territory be subjected to the operations and effects of the laws of such state or territory enacted in the exercise of its police power to the same extent and in the same manner as though such cigarettes had been produced in such state or territory, and shall not be exempt therefrom by reason of being introduced therein in original package or otherwise." And,

WHEREAS, The people of this State are greatly interested in said bill and its passage through Congress; therefore, be it

Resolved by the Senate of the State of Iowa, the House concurring, That the members of both branches of Congress from this State be requested and urged to support said bill and do all in their power to further the passage of said bill through the present Congress; and be it further

Resolved, That copies of this resolution be forwarded by the Secretary of State to each member of Congress from this State and also a copy to the author of said bill.

Laid over.

The hour of adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock, President Parrott presiding.

The Journal of Thursday was taken up, read, corrected and approved.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 96.

Senator Cheshire moved to amend chapter 1, by striking out section 40.

Adopted.

Senator Cheshire moved to amend section 6, chapter 3, line 10, by striking out the words "the mayor included."

Adopted.

Senator Waterman moved that the vote by which the amendment to subsection 5, section 21, chapter 2, striking out "one," after the word "tie," in line 18, was adopted, be reconsidered.

Adopted.

Senator Waterman moved to amend section 21, chapter 2, subsection 5, by striking out the words "He shall be a member and the presiding officer," and insert, "In cities of the first class he shall be the presiding officer of the council with the right to vote only in case of a tie; in cities of the second class and towns he shall be a member."

Senator Pusey offered a substitute for the amendment as follows: Strike out all after the word "tie" in line 18.

Lost.

Senator Waterman withdrew his amendment to section 21, chapter 2, and moved the adoption of the following amendment in lieu thereof: Substitute for subsection 5 the following: "In cities of the first class he shall be the presiding officer of the council with the right to vote only in case of a tie. In cities of the second class and towns he shall be a member and the presiding officer of the council with the right to vote only in case of a tie."

Adopted.

Senator Cheshire moved a reconsideration of the vote by which the words "except fraud" were inserted after the word "notices" in line 2, of section 32.

Carried.

Senator Ellis withdrew the amendment.

Senator Cheshire moved to amend line 3, section 32, chapter 7, by inserting after the word "waived" the following: "except where fraud is shown."

Adopted.

Senator Young moved to reconsider the vote by which the amendment to section 27, chapter 6, by Senator Harriman, was lost.

On this a division was called for and the motion to reconsider prevailed.

Senator Harriman moved to amend section 27, chapter 6, by striking out the word "highway," line 2.

On this amendment a roll call was demanded.

On the question "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Bonson, Byers, Carney, Carpenter, Carroll, Downey, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Palmer, Phelps, Ranck, Sargent—29.

The nays were:

Senators Berry, Cheshire, Craig, Druet, Lothrop, Mitchell, Penrose, Perrin, Trewin, Upton, Waterman—11.

Absent or not voting:

Senators Blanchard, Ellison, Hipwell, Hurst, Kilburn, Leheldt, Pusey, Riggen, Rowen, Young—10.

The amendment was adopted.

Senator Cheshire called up his amendment to section 12, chapter 3, to amend line 1, by inserting after the word "shall" the words "have jurisdiction and."

Adopted.

Senator Cheshire moved to amend section 12, chapter 3, line 7, by inserting after the word "court" the words "in criminal proceedings."

Adopted.

Senator Cheshire moved to amend section 1, chapter 5, by inserting before the word "cities," in the first line, the words "When the council and electors have approved a contract for the purchase or construction of water works as provided in this chapter;" also, by inserting at the end of section 1 the following: "Nothing herein shall in any manner affect any tax that is already assessed, levied or collected for the purposes named in this chapter."

Adopted.

Senator Cheshire moved to amend section 36, chapter 2, fifth line by inserting after the word "the" and before the word "marshal" the word "deputy;" and in the sixth line strike out the words "by a deputy" and insert the words "as the."

Adopted.

Senator Cheshire moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Byers, Carney, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Trewin, Upton, Waterman—43.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Carpenter, Kilburn, Lehfelddt, Riggen, Rowen, Young—7.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Substitute for Senate file No. 1, a bill for an act to provide for the annotation, indexing, publication, distribution and sale of the Code, and statutes hereafter enacted, and the appointment of a supervising committee and the election of an editor and prescribing their duties.

JAS. D. ROWEN.

Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker has appointed the following conference committee on the part of the House, to House file No. 82, a bill for an act to revise, amend and codify the statutes in relation to procedure in particular cases, Representatives Finch, Brant, Voelker and Morrison of Keokuk.

JAS. D. ROWEN,

Chief Clerk.

Also:

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

Relative to Cigarettes.

JAS. D. ROWEN.

Chief Clerk.

BILLS ON SECOND READING.

The Senate resumed consideration of substitute for House file No. 16.

Senator Healy filed the following motion:

MR. PRESIDENT—I move to reconsider the vote of the Senate by which the amendment by Senator Harper, to strike out the provisions in section 4 of bill, which requires submission of articles of incorporation to the Attorney-General was lost.

THOS. D. HEALY.

Senator Ellis moved to amend section 10, chapter 1, by inserting after the word "railway" in line 3, the words "and street railway."

Adopted.

Senator Ellis moved to amend section 15, chapter 1, line 4, by striking out the words "concerned therein" and inserting the words "guilty thereof."

Adopted.

Senator Ellis moved to amend section 15, chapter 2, line 7, by inserting after the word "is" the words "known by them to be."

Adopted.

Senator Ellis moved to amend section 15, chapter 1, line 9, by striking out the word "assenting" and inserting in lieu thereof the word "consenting;" also, strike out the words "by insurance companies" in line 11.

On this amendment a division was called for and the amendments were adopted.

Senator Ellis moved to amend section 16, chapter 1, line 1, by inserting after the word "any" the word "intentional."

Adopted.

Senator Ellis moved to amend section 16, chapter 1, lines 2 and 3, by striking out the words "of the corporate privileges" and inserting in lieu thereof the words "of their office."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Allyn, Byers, Carpenter, Ellis, Ericson, Harriman, Lothrop, Mitchell, Pusey, Ranck—10.

The nays were:

Senators Alexander, Bell, Berry, Bonson, Carney, Carroll, Cheshire, Craig, Downey, Druet, Ellison, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Penrose, Perrin, Phelps, Sargent, Trewin, Upton, Waterman, Young—31.

Absent or not voting:

Senators Blanchard, Eaton, Everall, Hipwell, Kilburn, Lehfeldt, Palmer, Riggen, Rowen—9.

The amendment was lost.

Senator Ellis moved to amend section 16, chapter 1, line 5, by striking out the word "assenting" and inserting the word "consenting" in lieu thereof.

Adopted.

Senator Berry moved to amend section 15, chapter 1, by striking out the words "and for all that shall thereafter be contracted while they shall respectively continue in office," in lines 10 and 11.

Senator Funk, President *pro tem.*, presiding.

Senator Carroll offered the following substitute for the amendment: Insert after the word "contracted," in line 10 the words "by their consent."

Lost.

On the amendment a division was called for and the amendment was adopted.

Senator Healy moved to amend section 20, chapter 1, line 8, by striking out the words "and provided further that;" place period after the word "same;" begin the word "when" with a capital "W." Also, in line 10, insert after the word "notify" the words "in writing." Also, in line 11, insert after the word "until" the word "written." Also, in line 14, insert after the word "transfer" the words "on the." Also, in line 20, strike out the words "and provided further that." Place period after the word "inspection." Begin word "no" with capital "N."

Adopted.

Senator Healy moved to amend section 24, chapter 1, line 3, by striking out the word "of" after the word "installment" and insert the word "or" in lieu thereof.

Adopted.

Senator Healy moved to amend section 24, chapter 1, by adding to the end thereof the words: "In a suit by a creditor against a stockholder, on unpaid installments on stock, the acquisition by a stockholder from the corporation of stock at less than its face value, shall be conclusive evidence that the said stock is unpaid to the extent that the same is acquired less than its face value."

Laid over.

Senator Healy moved to amend section 27, chapter 1, line 3, by striking out all after the word "officers" and inserting the following: "or agents of the corporation to produce the books, papers and records of the corporation, and the evidence of any fact material to the issues."

Laid over.

Senator Ellis moved to amend section 24, chapter 1, by adding after the word "chapter" in sixth line, the following "for liability of stockholders."

Laid over.

Senator Healy moved to amend section 25, chapter 1, line 2, by striking out the word "corporation" and inserting the word "corporate."

Adopted.

Senator Healy moved to amend by inserting after section 26 the following as section 27, and all sections thereafter be renumbered. "Sec. 27. The franchise of a corporation may be levied upon under execution and sold, but the corporation shall not become thereby dissolved, and no dissolution of the

original corporation shall affect the franchise, and the purchaser becomes vested with all the powers of the corporation therefor. Such franchise shall be sold without appraisement.

Laid over.

Senator Ellis moved to amend section 24, chapter 1, by striking out the words "and execution against the company may to that extent be levied upon the private property of any such individual."

Laid over.

Senator Healy moved to amend section 31, chapter 1, by striking out the figures "\$100," in lines 5 and 8, and inserting the words "one hundred dollars."

Adopted.

Senator Healy moved to amend section 31, chapter 1, in the seventh line, by changing the word "herewith" to "herein;" also in eighth line by striking out the word "imprisonment" and inserting in lieu thereof the following words: "be imprisoned;" also in eighth line by inserting after the word "days" the following words "or by both such fine and imprisonment."

Adopted.

Senator Ellis moved to amend chapter 1 by striking out section 32.

Laid over.

Senator Healy moved to amend section 6, chapter 2, by inserting the word "be" before the word "filled" in line 5.

Adopted.

Senator Berry moved to amend section 29, chapter 1, by inserting in line 3, after the word "has" the words "not heretofore."

Laid over.

Senator Berry moved to amend section 29, chapter 1, line 3, by striking out the word "the" and inserting the word "this."

Laid over.

Senator Berry moved to amend section 29, chapter 1, line 4, by striking out beginning with the word "Iowa" down to and including the word "State" in line 5.

Laid over.

Senator Berry moved to amend section 29, chapter 1, line 5, by striking out the words "has not a permit to do business" and inserting in lieu thereof the words "desires to do business in the State."

Laid over.

Senator Carpenter moved to amend section 29, chapter 1, by striking out of lines 1 and 2, beginning after the word "profit" the following: "other than for carrying on mercantile or manufacturing business."

Laid over.

Senator Cheshire moved to amend chapter 1 by inserting as section 21 the following: "Section 21. No certificate of stock or shares shall be issued or delivered to any person, copartnership or corporation, by any corporation or officer thereof without endorsing on the face of such certificate what amount or proportion of the par value thereof has been paid to the corporation, and whether such payment has been in money or property. Any person violating the provisions of this section shall be fined not less than one hundred dollars nor more than five hundred dollars, and shall stand committed to the county jail until such fine and costs are paid."

Laid over.

Senator Healy moved that the further consideration of the bill be postponed until to-morrow.

Carried.

Senator Trewin moved to take up House messages.

Carried.

HOUSE MESSAGES.

Substitute for Senate file No. 1, a bill for an act to provide for annotating, indexing, publishing, distributing and sale of the Code, etc.

Senator Trewin moved that the bill be referred to a special committee of five.

Carried.

Concurrent resolution relative to cigarettes was read and passed on file.

House file No. 82, a bill for an act to revise, amend and codify the statutes in relation to procedure in particular cases, was read and passed on file for conference committee.

Senator Gilbertson moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, April 24, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. W. W. Williams, of Carlisle, Iowa.

On request of Senator Phelps, leave of absence was granted Senator Druet until Monday.

On request of Senator Everall, leave of absence was granted Senator Ranck until Monday.

On request of Senator Palmer, leave of absence was granted Senator Rigger until Monday.

On request of Senator Trewin, leave of absence was granted Senator Ellison until Tuesday.

On request of Senator Alexander, leave of absence was granted Senator Harriman until Monday.

PETITIONS AND MEMORIALS.

Senator Rowen presented memorial of Wm. Weldon and other citizens of Iowa Falls in reference to valued policy.

Referred to Committee on Insurance.

Senator Carroll called up his resolution relative to Code work, offered by him April 21.

The resolution was adopted.

The President announced as a special committee on Senate file No. 1, Senators Ellis, Trewin, Cheshire, Ellison, and Ranck.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has appointed as conference committee on House file No. 18, a bill for an act to revise, amend and codify the statutes in relation to insurance, Messrs. Early, Hayes, Ladd and Gurley.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

House file No. 18, a bill for an act to revise, amend and codify the statutes in relation to insurance, was taken up and passed on file for conference 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 has adopted the report of the Conference committee on Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of birds and game.

JAS. D. ROWEN,
Chief Clerk.

The Journal of Friday was taken up, read, corrected and approved.

Senator Henderson moved to take up House messages.

Carried.

HOUSE MESSAGES.

Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to fish and game.

Senator Henderson moved that the report of the conference committee be adopted, and the following amendments concurred in. That the House recede from its amendment to section 2, lines 10 and 11, and that section 2, line 10, be amended by inserting the following after the word "line," "but any person may between the 15th day of May and the 1st day of December, use not more than one trot line in streams only and extending not more than half way across." That the House recede from its amendment to section 4, line 1, and that line 2 of said section be amended by inserting after the word "that" the words "a trot line as above provided, or." That House amendment to section 13, line 7, after the word "June" be amended by striking out the word "quail;" and by adding after the figures "1900" the following: "Shooting or killing quail on the public highway shall be in violation of law," and when so amended that the same be adopted. That the House concur in the Senate amendment to the House amendment to section 23, in relation to bluejays.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Carpenter, Carroll, Cheshire, Craig, Downey, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Palmer,

Penrose, Perrin, Phelps, Pusey, Sargent, Upton, Waterman, Young—34.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Byers, Carney, Druet, Eaton, Ellison, Harper, Harriman, Kilburn, Lehfeldt, Mitchell, Ranck, Rigger, Rowen, Trewin—16.

The report of the conference committee was adopted.

BILLS ON SECOND READING.

The Senate resumed consideration of substitute for House file No. 16.

Senator Healy called up his amendment to section 27, chapter 1; amend line 3, by striking out all after the word "officers" and inserting the following: "or agents of the corporation to produce the books, papers and records of the corporation, and the evidence of any fact material to the issues."

Senator Ellis moved to amend the amendment by striking out the words "and the evidence of any fact material to the issues."

Adopted.

Senator Pusey moved to amend the amendment by striking out the word "papers."

Adopted.

The amendment as amended was adopted.

Senator Healy call up his motion to amend section 24, chapter 1, by adding to the end thereof the words: "In a suit by a creditor against a stockholder, on unpaid installments on stock, the acquisition by a stockholder from the corporation stock at less than its face value, shall be conclusive evidence that the said stock is unpaid to the extent that that sum is acquired less than its face value."

Senator Carpenter offered the following substitute for the amendment: "In suits by creditors to recover unpaid installments upon shares of stock against any person who has in any manner obtained such stock of the corporation the stockholder shall be liable for the difference between the amount paid by him to the corporation for said stock and the face value thereof."

The substitute was adopted.

Senator Ellis called up his motion to amend section 24, chapter 1, by adding after the word "chapter" in sixth line the following: "for liability of stockholders."

The amendment was withdrawn.

Senator Funk, President *pro tem.*, presiding.

Senator Ellis called up his motion to amend section 24, chapter 1, by striking out the words "and execution against the company may to that extent be levied upon the private property of any such individual."

The amendment was withdrawn.

Senator Cheshire moved to amend section 24, chapter 1, by adding to end of section the following: "When certificates of stock or shares have been delivered to any stockholder, a bona fide purchaser thereof from such stockholder, without notice that the full par value thereof has not been paid to the corporation, shall not be liable for any part of such unpaid par value."

On this amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Cheshire, Downey, Ellis, Ericson, Hobart, Hurst, Junkin—7.

The nays were:

Senators Alexander, Bell, Berry, Bonson, Carpenter, Carroll, Craig, Everall, Funk, Garst, Gilbertson, Gorrell, Lealy, Henderson, Hotchkiss, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Sargent, Trewin, Upton, Waterman, Young—26.

Absent or not voting.

Senators Allyn, Blanchard, Byers, Carney, Druet, Eaton, Ellison, Harper, Harriman, Hipwell, Hospers, Kilburn, Lohfeldt, Phelps, Ranck, Riggen, Rowen—17.

The amendment was lost.

Senator Healy called up his motion to amend by inserting after section 26 the following as section 27, chapter 1, and all sections thereafter be renumbered: "Sec. 27. The franchise of a corporation may be levied upon under execution and sold, but the corporation shall not become thereby dissolved, and no dissolution of the original corporation shall affect the franchise, and the purchaser becomes vested with all the powers of the corporation therefor. Such franchise shall be sold without appraisalment."

Adopted.

Senator Ellis called up his motion to amend chapter 1 by striking out section 32.

Senator Pusey moved as a substitute for the amendment the following: Strike out the word "therefor" in line 3 and insert the words "to dissolve or close up the business of a corporation;" also, same line, strike out the words "a stockholder or by."

On the substitute a roll call was demanded.

On the question "Shall the substitute be adopted?" the yeas were:

Senators Berry, Carpenter, Carroll, Ellis, Ericson, Everall, Garst, Hobart, Hotchkiss, Hurst, Mitchell, Palmer, Penrose, Pusey, Waterman—15.

The nays were:

Senators Alexander, Bell, Bonson, Cheshire, Craig, Downey, Eaton, Gilbertson, Gorrell, Healy, Henderson, Hospers, Junkin, Lothrop, Perrin, Phelps, Sargent, Trewin, Upton—19.

Absent or not voting:

Senators Allen, Blanchard, Byers, Carney Druet, Ellison, Funk, Harper, Harriman, Hipwell, Kilburn, Lehfeldt, Ranck, Rigger, Rowen, Young—16.

The amendment was lost.

Senator Healy offered the following substitute for the amendment: Strike out all after the word "Iowa," in line 3, and insert the words "an action therefor may be instituted by the Attorney-General in the name of the State. But nothing herein shall deprive any stockholder, person or creditor of any rights now or heretofore existing from invoking the action of the court."

Adopted.

Senator Lothrop moved to amend section 32, chapter 1, by inserting after the word "Iowa," in line 3, the words "and who shall not have, nor have had, any connection with the corporation."

Lost.

President Parrott presiding.

Senator Lothrop moved to amend section 31, chapter 1, by adding the following: "Corporations organized under the provisions of this chapter shall have the right to purchase, own and convey all such real estate as may be necessary for the transaction of their business."

Laid over.

Senator Healy called up his motion to reconsider the vote of the Senate by which the amendment by Senator Harper, to

strike out the provisions in section 4 of bill, which requires submission of articles of incorporation to the Attorney-General was lost.

Senator Healy moved to reconsider the vote by which the amendment by Senator Harper to section 4, chapter 1, was lost.

On this a division was called for and the motion was lost.

Senator Cheshire withdrew his amendment inserting section 21, chapter 1, printed on page 17, Journal of April 23d, and offered the following:

“I move as a substitute for the amendment offered and printed on page 17 of the Journal of April 23 the following: Amend chapter 1 by substituting the following as section 21. ‘Sec. 21. No certificate or shares of stock shall be issued, delivered or transferred by any corporation, officer or agent thereof, or by the owner of such certificate or shares, without having endorsed on the face thereof what amount or portion of the par value has been paid to the corporation issuing the same and whether such payment has been in money or property. Any person violating the provisions of this section or knowingly making a false statement on such certificate shall be fined not less than one hundred nor more than five hundred dollars and shall stand committed to the county jail until such fine and costs are paid. The stock of all corporations for pecuniary profit heretofore created shall, on or before the first day of January, 1899, be returned to the proper officers of the corporation issuing the same and a similar endorsement made thereon, and after that date no stock of any corporation existing under the laws of Iowa shall be voted at a stockholders’ meeting or have any legal force or validity until such endorsement is placed thereon by the proper officer of the corporation issuing the same.’”

Senator Lothrop, from the special committee to prepare resolutions of condolence on the death of Mrs. L. C. Blanchard, wife of Senator L. C. Blanchard, presented the following resolutions:

MR. PRESIDENT—Your special committee, appointed for the purpose of preparing and presenting to this Senate suitable resolutions of condolence with Senator L. C. Blanchard, of Mahaska county, upon the death of his wife, beg leave to report that they have had the matter under consideration and do hereby submit the following preamble and resolutions, and ask that the same be adopted by the Senate.

WHEREAS, Our brother Senator, Hon. L. C. Blanchard, of Mahaska county, has been called upon to suffer that saddest of all afflictions by which man may be visited, in the loss of his wife, who departed this life

at their home in Oskaloosa, Mahaska county, Iowa, on the evening of the 22d inst., and

WHEREAS, The members of this Senate, as the associates of Senator Blanchard, feel for him a profound sympathy in this hour of his great bereavement, and desiring to give fitting expression of our sorrow for him, do therefore

Resolve, That while we fully appreciate the fact that words are idle, so far as the same may be intended to assuage or mitigate the grief of our brother senator, and that in the presence of a sorrow so overwhelming and crushing we are helpless to afford relief, we feel constrained to and do hereby tender to our afflicted brother our warmest sympathies, and assure him that our sorrow for him is as profound as it is unfeigned and sincere; that condoling with our brother we would gladly lift from his life the shadow that has thus fallen upon it, and we reverently commend him for comfort to the tender, loving Father of us all, whose ear is never deaf to the cry of the afflicted and of whom consolation has never been asked in vain.

Resolved, That this preamble and resolution be spread upon the records of this Senate, and that a copy thereof, duly certified by the President and Secretary, be prepared and delivered to Senator Blanchard.

Respectfully submitted,

J. S. LOTHROP,
H. L. WATERMAN,
JULIAN PHELPS,
A. B. FUNK,
T. G. HARPER,

Committee.

The resolution was adopted by a rising vote.

Senator Berry moved that the Senate do now adjourn until 10 o'clock A. M. Monday.

On this a division was called for and the motion was lost.

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

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

On request of Senator Garst leave of absence was granted Senator Waterman.

BILLS ON SECOND READING.

Senate resumed consideration of substitute for House file No. 16, the substitute by Senator Cheshire for section 21, chapter 1, being under consideration at the time of adjournment.

The substitute adding section 21 was adopted.

Senator Cheshire moved that the sections of chapter 1 be renumbered.

Carried.

Senator Healy moved to amend section 2, chapter 1, line 3, by striking out the following words: "An individual" and insert after the word "name," in said line 3, the following words: "Of individual or individuals." Also insert the word "the" before the word "name" in third line.

Adopted.

Senator Berry withdrew the four amendments to section 29, chapter 1, offered by him and printed on page 16 of the Journal of April 23d.

Senator Berry moved to amend section 29, chapter 1, line 14, by inserting after the words "this state," the words, "any corporation transacting business in this state prior to the first day of September, 1886, shall be exempt from the payment of the fees required under the provisions of this section.

Adopted.

Senator Carpenter withdrew his amendment to section 29, chapter 1, on page 17 of the Journal of April 23d.

Senator Lathrop called up his amendment adding certain words to the last paragraph of section 31, chapter 1.

Adopted.

Senator Healy moved to amend chapter 1, line 7, section 4, by adding after the word "fact," the words "within five days from the receipt thereof."

Adopted.

Senator Healy moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Ericson, Funk, Garst, Gilbertson, Gorrell, Healy, Henderson, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Sargent, Upton—32.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Carney, Druet, Ellison, Everall, Harper, Harriman, Hipwell, Kilburn, Lehfeldt, Pusey, Ranck, Rigger, Rowen, Trewin, Waterman, Young—18.

The bill having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Carpenter filed a motion to reconsider the vote by which the substitute for House file No. 16 passed the Senate.

On motion of Senator Gorrell, House file No. 38, a bill for an act to revise, amend and codify the statutes in relation to the inspection of petroleum products, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

The bill was read section by section for amendments.

Senator Gorrell moved to amend by inserting the following after the enacting clause: "Chapter 11 of Title XII."

Adopted.

Senator Gorrell moved to amend by striking out section 1 and inserting the following: "Section 1. The Governor shall appoint such number of inspectors of the products of petroleum as may be determined by the State board of health, not to exceed fourteen in number. Each inspector shall be a resident of the State and not interested directly or indirectly in the manufacture or sale of products of petroleum. His term of office shall begin on the first day of July in each even numbered year. He shall give bond to the State in the penal sum of five thousand dollars, conditioned for the faithful performance of his duties, with sureties who shall in addition to the usual justification, make oath, entered on the bond, that they are not directly or indirectly interested in the manufacture or sale of products of petroleum for illuminating purposes, which bond shall be for the benefit of all persons injured through the failure of the inspector to perform his duties, and shall be filed with, and the sureties thereon approved, by the Secretary of State."

Adopted.

Senator Gorrell moved to amend by striking out sections 1 and 2.

Senator Gorrell moved to amend by inserting as section 2 the following: "Sec. 2. Each inspector shall be furnished, at reasonable expense to the State, with the necessary instruments and apparatus for testing, and shall promptly make inspection, and test and brand all illuminating oils kept for sale, and for such purpose may enter upon the premises of any person. He shall reject all oils for illuminating purposes which will emit a combustible vapor at a temperature of one hundred and five

degrees, standard Fahrenheit thermometer, closed test, not less than one-half pint of oil to be used in the flash test. If upon test and examination the oil shall meet the requirements, he shall brand over his official signature and date the barrel or package holding the same, 'Approved, flash testdegrees,' inserting in the blank the number. Should it fail to meet the requirements, it shall be branded under his official signature and date, 'Rejected for illuminating purposes.' All inspection shall be made within the State, and paid for by the person for whom the inspection is made, at the rate of ten cents per barrel, fifty-five gallons for this purpose constituting a barrel, which charge shall be a lien upon the oil inspected, and be collected by the inspector, reported and paid into the State treasury, except as otherwise provided in this chapter. For the purposes of this act, gasoline, benzine and naphtha shall be deemed illuminating oil. No gasoline shall be sold, given away or delivered to any person in this State until the package, cask, barrel or vessel containing the same has been plainly marked 'Gasoline.'"

Senator Gorrell moved to amend section 4 by striking out the figure "4" and inserting in lieu thereof the figure "3;" also, by striking out the words in line 1, "The inspector and each deputy," and insert in lieu thereof the words "Each inspector."

Adopted.

Senator Gorrell moved to amend by inserting as section 4 the following: "Sec. 4. Each inspector shall be allowed as full compensation for his services all fees and commissions earned and collected by him up to fifty dollars per month, and twenty-five per cent of any sum collected in any one month in excess of fifty dollars, but in no case shall his compensation exceed one hundred dollars per month. He shall be allowed such other sum as he necessarily expends for prosecutions incurred in the discharge of his duties and for necessary help in branding barrels. All money collected by the inspector in excess of the allowance herein provided shall on or before the fifteenth of each month be paid to the State Treasurer."

Adopted.

Senator Gorrell moved to amend by striking out section 5 and inserting in lieu thereof the following: "Sec. 5. If any person, company or corporation, or agent thereof, shall sell, or attempt to sell, any product of petroleum for illuminating purposes which has not been inspected and branded as in this chapter

provided, or shall falsely brand any barrel or package containing such petroleum product, or shall refill with products of petroleum barrels or packages having the inspector's brand thereon, without erasing such brand and having the contents thereof inspected, and the barrel or package rebranded, or shall purchase, sell or dispose of any empty barrel or package without thoroughly removing the inspection brand, or shall knowingly or negligently sell, or cause to be sold, or shall use or cause to be used, any product of petroleum mentioned in this chapter not inspected and tested, except as otherwise authorized herein; or if any person shall adulterate with any substance for the purpose of sale or use any product of petroleum to be used for illuminating purposes in such a manner as to render it dangerous, or shall sell or offer for sale, or use any product of petroleum for illuminating purposes which will emit a combustible vapor at a temperature of less than one hundred and five degrees, standard Fahrenheit thermometer, closed test, except as otherwise provided in this section, for illuminating railway cars, boats and public conveyances, and except that the gas or vapor thereof shall be generated in closed reservoirs outside the building to be lighted thereby, and except the lighter products of petroleum when used in the Welsbach hydro-carbon incandescent lamp, and for street light by street lamps, or if any common carrier shall receive for transportation or transport in the State as freight any oil or fluid, whether composed wholly or in part of petroleum or its products, or of any substance which will ignite at a temperature of three hundred degrees, Fahrenheit thermometer, open test; or if any such carrier of passengers shall burn any oil or fluid which will ignite at a temperature of three hundred degrees, for lighting any lamp, vessel or fixture of any kind in any railway passenger, baggage, mail or express car, or boat or street railway car, stage coach, or other means of public conveyance, or if any inspector shall falsely brand any barrel or package, or shall practice any fraud or deceit in office, or be guilty of any official misconduct, or culpable negligence to the injury of another, or shall deal or have any pecuniary interest, directly or indirectly, in any oils or fluids sold for illuminating purposes while holding such office, he or such person, company, corporation or agent shall be liable in a civil action for all damages which may be sustained on account thereof, and each such inspector shall be fined in a sum not less than ten

dollars nor more than one thousand dollars, or imprisoned in the county jail not exceeding six months, or be punished by both fine and imprisonment."

Adopted.

Senator Gorrell moved to amend by striking out section 6 and inserting in lieu thereof the following: "Sec. 6. It shall be the duty of the Governor to remove from office an inspector who is unfaithful in the discharge of his official duty or, having knowledge of the violation of any of the provisions of this chapter, shall neglect or refuse to prosecute the offender."

Adopted.

Senator Gorrell moved to amend by striking out section 7 and inserting in lieu thereof the following: "Sec. 7. The Secretary of State shall make and deliver to the Governor a report for the fiscal year ending on the thirtieth day of June in each odd numbered year, of all inspections made, the receipts and expenditures therefor, and such other items as are by this chapter required to be made of record."

Adopted.

Senator Gorrell moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Sargent, Trewin—33.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Carney, Druet, Ellison, Harper, Harriman, Hipwell, Kilburn, Lehfeldt, Pusey, Ranck, Riggen, Rowen, Upton, Waterman, Young—17.

The bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORT OF CONFERENCE COMMITTEE.

Senator Carpenter presented the following report of Conference Committee on House file No. 82:

MR. PRESIDENT—Your conference committee of the House and Senate, appointed to confer upon the disagreement in relation to the amendments to House file No. 82, 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 report the same back with the recommendation that the Senate recedes from its amendment to section 7, chapter 3, page 803, by striking out the section and inserting in lieu thereof the following as section 7: "The time for appearance and pleading must not be less than two nor more than six days from the time of completed service of the notice."

That the House concur in the Senate amendment to section 23, chapter 7, page 813, by adding thereto the following: "When any mortgage is satisfied on the margin of the record of the mortgage, as herein provided, the person satisfying the same shall be identified to and his signature shall be witnessed by the county recorder or his deputy."

That the House concur in the Senate amendment to section 1, chapter 8, page 813, by inserting after the word "action" in line 3, the words "by ordinary proceedings."

That the House concur in the Senate amendment to section 11, chapter 14, page 823, by inserting after the word "thereto" in the second line, the words "as other contracts;" by striking out after the word "fraud" in line 3, the remainder of the sentence and inserting "but such award can only be enforced by an action."

Your committee further recommends that the section so amended be further amended by adding after the word "fraud" in line 3, the words "or mistake."

That the House concur in the Senate amendment to chapter 14, by striking out section 18 thereof.

C. A. CARPENTER,
C. S. RANCK,
W. H. BERRY,
A. C. HOBART,
Conferees for the Senate.
PARLEY FINCH,
JNO. MORRISON,
DAVID BRANT,
C. VOELKER,
Conferees for the House.

Senator Carpenter moved that the report of the committee be taken up for consideration now.

Carried.

Senator Carpenter moved that the Senate recede from its amendment to section 7, chapter 3.

Carried.

Senator Carpenter moved that the Senate adopt the amendment by the committee to section 11, chapter 14, line 3, inserting after the word "fraud" the words "or mistake."

Adopted.

Senator Carpenter moved that the report of conference committee be adopted.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Sargent, Trewin—35.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Carney, Druet, Ellison, Harper, Harri-
man, Hipwell, Kilburn, Lehfeltd, Ranck, Rigger, Rowen, Up-
ton, Waterman, Young—15.

The report of the conference committee was adopted.

INTRODUCTION OF BILLS.

By Senator Hobart, by unanimous consent, Senate file No. 100, a bill for an act to legalize the incorporation of the town of Larrabee, Cherokee county, Iowa; elections of its officers, acts done and ordinances passed by the council of said town.

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

Senator Carpenter moved that the Senate do now adjourn until 2 o'clock P. M., Monday.

Senator Upton moved to amend by striking out "2 o'clock P. M., and inserting "9 o'clock A. M."

On this a division was called for, and the amendment prevailed.

The question recurring on the motion as amended, the motion prevailed.

The Senate adjourned until 9 o'clock, A. M., Monday.

SENATE CHAMBER,
DES MOINES, Iowa, Monday, April 26, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. A. H. Ballard, Des Moines, Iowa.

Senator Perrin offered the following resolutions of condolence adopted by the Senate upon death of Charles Kilburn, son of Senator L. M. Kilburn:

WHEREAS, The sad intelligence has reached this body that our brother Senator, Hon. L. M. Kilburn, of Adair county, and family have been visited with a great affliction, and knowing that the parents of the family are bowed down with grief at the loss of their first born, and their children mourn the death of their eldest brother, a young man in the prime of early manhood, snatched by untimely death from the midst of a life of great usefulness and promise, and

WHEREAS, The members of this House desire to extend to their highly respected fellow Senator, and the members of his family, an expression of sympathy in their bereavement, therefore be it

Resolved, That the President and members of the Senate, realizing the great loss that Senator Kilburn and his family have sustained in the death of Charles Kilburn, and deeply sympathizing with them, pray that the gloom of the dark cloud of sorrow that envelops them may be penetrated by the beams of human sympathy and dissipated by the sun of divine love. That the sweet memory of a dutiful son and loving brother may become a rich benison to soothe and heal the hearts that now sorely ache.

Resolved, That these resolutions be spread upon the Journal of the Senate, and a copy be sent to Senator Kilburn and family.

JULIAN PHELPS.
WILLIAM EATON.
JOHN EVKRALL.
WM. B. PERRIN.

Adopted by a rising vote.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled, Senate file No. 41, a

bill for an act to revise, amend and codify the statutes in relation to regents and trustees of State institutions.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled, Senate file No. 70, a bill for an act to revise, amend and codify the statutes in relation to notes and bills.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled, House file No. 91, a bill for an act to revise, amend and codify the statutes in relation to drainage and levees.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled, House file No. 87, a bill for an act to revise, amend and codify the statutes in relation to the discipline and government of jails and penitentiaries.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled, House file No. 17, a bill for an act to revise, amend and codify the statutes in relation to agricultural and horticultural societies, stock breeders' associations and State Dairy Association.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled, Senate file No. 41, a bill for an act to revise, amend and codify the statutes in relation to regents and trustees of State institutions.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled, Senate file No. 70, a bill for an act to revise, amend and codify the statutes in relation to notes and bills.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file

The Journal of Saturday was taken up, read, corrected and approved.

Senator Gilbertson moved that the Senate do now adjourn until 2 o'clock P. M. to-day.

Carried.

Senate adjourned.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

On request of Senator Hurst, leave of absence was granted Senator Hipwell until Tuesday.

On request of Senator Carroll, leave of absence was granted Senator Upton indefinitely, on account of sickness.

REPORT OF STANDING COMMITTEE.

Senator Eaton, from the Committee on Building and Loan Associations, submitted the following report:

MR. PRESIDENT—Your Committee on Building and Loan Associations, to whom was referred Senate file No. 75, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations, 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 same be indefinitely postponed, for the reason that substitute, House file No. 20, embracing the same subject matter, is now under consideration.

WILLIAM EATON,
Chairman.

Report of the committee adopted and Senate file No. 75 indefinitely postponed.

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

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred substitute for Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to the 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 the Senate concur in House amendments as follows:

Page 2, section 2, line 22, striking out the words "one hundred chickens" and inserting "all poultry."

Page 4, section 7, line 3, inserting the words "title bond" between the words "deed" and "mortgage."

Page 5, section 9, line 3, inserting after the word "amount" the word "of."

Page 6, section 15, striking out the word "properties" in Senate amendment and inserting "personalty, moneys;" also, in same section, inserting between the words "said" and "business" the word "branch."

Page 7, section 18, line 3, inserting after the word "using" the words "or holding;" also, inserting in line 4, of same section, after the word "profit," the words "for himself or owner"

Page 23, section 69, line 6, striking out all after the word "board" down to and including the word "town" in line 7.

Page 24, section 71, line 2, striking out the word "may" and inserting "shall when apprised thereof." Same section, line 5, inserting after the word "assessed" the words "or of the heirs or administrators thereof," after striking out the words "heirs or." Same section, line 9, striking out all after the word "interest" to and including the word "brought" and inserting the words "he shall cause an action to be brought." Same section, line 12, striking out the figures "50" and inserting the word "fifty."

Page 29, section 97, line 6, striking out all after the word "vendee" to the end of section.

Page 30, chapter 2, inserting as section 4 the following, and renumbering sections: "Sec. 4. All personal property, the owner of which is a non-resident of the county, and is known, shall be assessed in the owners name, and that which is unknown or uncertain shall be assessed to 'owner unknown,' and shall be by the assessor, sufficiently described so that the same may be identified, and a lien for the tax upon said property as herein

provided shall at once attach, and if any one seeks to remove the same from the county, the tax shall immediately become due and collectible. It shall be the duty of the assessor to notify the county auditor if said property is being or is about to be removed from the county, or if the knowledge of the removal of said property shall come to him in any other authentic manner, said auditor shall at once certify under his official signature and the seal of the county to the county treasurer a full description of the property as the same appears upon the assessor's book, giving assessment district, where located, the amount of said assessment, and the amount of tax due thereon. If at that time, the levy for the year is unknown, the auditor shall ascertain the amount of tax to be collected on the basis of the levies of the previous year in the district wherein said property is assessed. Said certificate shall be sufficient warrant for the county treasurer to collect the taxes so certified to be due on said property. Upon receipt of said certificate, the county treasurer shall at once proceed to collect said tax in the manner provided in this chapter for the collection of delinquent personal property taxes."

Page 33, section 18, line 6, by inserting the word "immediately" before the word "posting;" also, after the words "a copy" by inserting the words "of the first publication."

Page 45, chapter 4, section 1, by changing the word "donor" to "donee."

Page 45, section 3, line 3, by inserting after the word "value" the following: "after deducting debts for which the estate is liable." Same section, line 5, by inserting after the word "appraisement" the words "unless a longer period is fixed by the court."

Page 47, section 9, line 3, by striking out the words "one year" where they occur and inserting "fifteen months." Same section, line 4, by inserting after the word "trustee" the words "unless a longer period is fixed by the court."

Page 47, section 11, by striking out all of section 11 and inserting the following in lieu thereof:

"Sec. 11. It is hereby made the duty of all executors, administrators or trustees charged with the management or settlement of any estate subject to the tax provided for in this chapter, to collect and pay to the treasurer of State the amount of the tax due from any devisee, grantee or donee of the decedent, except in cases falling under the provisions of sections four and five hereof, in which cases the Treasurer of State shall collect the same. Applications may be made to the district court by such executor, administrator, trustee or State Treasurer to sell the real estate subject to said tax in an equitable action, or if made to the court having charge of the settlement of said estate, the proceeding shall conform as nearly as may be to those for the sale of the real estate of a decedent for the settlements of his debts."

For House amendment to section 1, paragraph 4, striking out all of said paragraph after the word "dollar," in first line, this substitute is recommended: "but such tax shall not be levied upon any property assessable within the limits of any city of the first class, and none of such bridge tax shall be used in the construction or repair of bridges within the limits of such city."

Page 11, for House amendments to section 31, the substitute following is recommended by the committee: "Section 31. Every insurance company or association organized or incorporated under the laws of any state or nation other than the United States, and every other insurance company whose charter may be owned or a majority of whose stock may be controlled or whose business shall be carried on in the interest or for the benefit of any insurance company or association incorporated under the laws of any state or nation other than the United States, shall at the time of making the annual statements as required by law, pay into the State treasury as taxes three and one-half per cent of the gross amount of premiums received by it for business done in this State or for insurance upon property situated in this State or upon the lives of persons resident in this State during the preceding year. Every insurance company incorporated under the laws of any state of the United States other than the State of Iowa, not including associations operating under the provisions of chapter seven, title nine of this Code, or fraternal beneficiary associations doing business in the United States, shall at the time of making the annual statements as required by law, pay into the State treasury as taxes two and one-half per cent of the gross amount of premiums received by it for business done in this State or for insurance upon property situated in this State or upon the lives of persons resident in this State during the preceding year.

"Every other insurance company or association doing business in this State, not including those otherwise taxed under the provisions of this section and not including county mutuals and fraternal beneficiary associations, shall at the time of making the annual statements as required by law, pay into the State treasury as taxes one per cent of the gross amount received by it on assessments, fees, dues or premiums for business done in this State or for insurance upon property situated in this State, or upon the lives of persons resident in this State during the preceding year, after deducting amounts actually paid for losses and the amount of premiums returned.

"At the time of paying said taxes said companies and associations shall take duplicate receipts therefor, one of which shall be filed with the Auditor of State, and upon filing of said receipt and not till then, the Auditor shall issue the annual certificate as provided by law, and the taxes provided in this section shall be in full for all taxes, State and local, against such corporations or associations except taxes on real estate and special assessments."

Your Committee respectfully recommends that the Senate do not concur in House amendments following:

Page 1, chapter 1, section 1, line 5, inserting after the word "revenue" the words "including the support of the poor."

Page 2, section 2, line 39, striking out all after the word "sailor" and inserting in lieu thereof the words "who has not remarried."

Page 3, section 2, permitting boards of supervisors to contribute school and road tax to township in which poor farm is located.

Page 3, section 3, striking out figures "33 $\frac{1}{8}$ " and inserting words "twenty five."

Page 5, section 11, relative to taxing property belonging to parties outside the assessment district.

Page 5, section 13, relative to increase and decrease of grain held in store.

Page 7, section 19, line 21, striking out "33 $\frac{1}{8}$ " and inserting "twenty-five."

Striking out sections 27, 28, 29, 30, 38, 39, 43 and 44, of chapter 1, and inserting other provisions relative to the taxation of telegraph, telephone, express and sleeping car companies.

Page 16, all amendments to section 45 relative to peddlers.

Page 22, section 63, relative to change of dates for return of assessors' books.

Page 23, section 63, relative to adjusting assessments by local board of review.

Page 24, section 70, inserting at end of section "and any taxpayer taking such appeal shall file a bond for costs."

Page 38, section 40, relative to appointment of resident agent by non-resident land holder.

Page 45, chapter 4, section 1, line 6, inserting after the word "wife" the words "brother, sister, nephew or niece."

Page 45, section 4, line 3, inserting after the word "wife" the words "brother, sister, nephew or niece"

Respectfully submitted,

A. B. FUNK,
Chairman

Senator Garst, from the Ways and Means Committee, presented the following minority report:

MR. PRESIDENT—I cannot concur in the majority report of the Ways and Means Committee with reference to the amendments made by the House to the provisions of the bill in relation to the taxation of telegraph, telephone, express and sleeping car companies. The great states of Ohio, Indiana, Kentucky and Texas have adopted the method of taxation proposed by the House amendments, and the highest courts of the first three states and the supreme court of the United States have upheld this method of taxation as just, equitable and constitutional. Our constitution provides that general taxation laws shall be uniform and that the property of corporations shall be taxed like that of individuals. The House amendments conform to these mandatory requirements of the constitution. To fail to adopt them will in my judgment be a plain violation of the constitution which every member of the assembly has sworn he would support. The amendments have received careful consideration, have been adopted by the House by the decisive vote of 65 to 28. If incorporated into the law there will be no discrimination in favor of the corporation effected by them. Their property will be taxed like that of a laboring man, the farmer, the banker and the merchant, and the revenues of the State will be largely increased. For these reasons I recommend that the House amendments striking out sections 27, 28, 29, 30, 38, 39, 43 and 44 of chapter 1, and inserting other sections in lieu thereof be concurred in.

WARREN GARST.

Senator Carpenter, from the Committee on Code Revision, submitted the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments, 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 amendments heretofore recommended and accompanying this report be adopted and in addition thereto that the following be substituted for section 12, chapter 12, page 913:

“Sec. 12. If any person be found on the first day of the week commonly called Sunday engaged in carrying firearms, hunting, shooting, fishing, horse racing, dancing, or in playing foot or base ball where the same disturbs any worshipping assembly or private family, or in buying or selling property of any kind or in any labor except that of necessity and charity, he shall be fined not more than five nor less than one dollar and be imprisoned in the county jail until the fine, with costs of prosecution, shall be paid; but this shall not be construed to prohibit labor on such day by those who observe the seventh day of the week as the Sabbath, or to prevent persons traveling, or families emigrating from pursuing their journey, or keepers of toll bridges, toll gates and ferrymen from attending the same.”

And when so amended that the bill do pass.

C. A. CARPENTER,
Chairman.

Ordered passed on file.

REPORT OF CONFERENCE COMMITTEE.

Senator Eaton, from the Conference Committee on substitute for House file No. 20, submitted the following report:

MR. PRESIDENT—Your conference committee, to whom was referred substitute for House file No. 20, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations, beg leave to report that they have had the same under consideration and we the undersigned recommend that the Senate recede from its amendment to section 13 of the bill.

WILLIAM EATON,
J. M. JUNKIN,
THOS. A. CHESHIRE,
E. M. SARGENT,
Committee for Senate.
W. B. MARTIN,
J. D. MORRISON,
A. E. JACKSON,
Committee for House.

Senator Eaton moved that the report be taken up for consideration now.

Carried.

Senator Eaton moved that the report of the committee be adopted.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Carney, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Palmer, Penrose, Perrin, Phelps, Pusey, Sargent, Trewin, Young—30.

The nays were:

Senators Lothrop, Mitchell, Ranck—3.

Absent or not voting:

Senators Allyn, Blanchard, Byers, Carpenter, Druet, Ellison, Harper, Harriman, Healy, Hipwell, Junkin, Kilburn, Lehfeldt, Rigger, Rowen, Upton, Waterman—17.

The report of the conference committee 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 concurs in Senate amendments to section 1, chapter 9; section 3, chapter 9; section 9, chapter 9; section 9, chapter 9; section 21, chapter 9; section 3, chapter 10; first, second and last amendments to section 7, chapter 10; section 2, chapter 11; section 4, chapter 11; section 5, chapter 11; section 6, chapter 11; section 7, chapter 11; section 10, chapter 11; section 17, chapter 11; section 18, chapter 11; section 19, chapter 11; section 21, chapter 11.

Also, the House refuses to concur in Senate amendments to section 4, chapter 9; section 6, chapter 9; section 6, chapter 10; third and fourth amendments to section 7, chapter 10.

Also, that the House adopted the substitute for Senate amendment to section 15, chapter 11.

Also, that the House has amended Senate amendment to section 21, original bill, but now section 23 as passed, of substitute for House file No. 19, a bill for an act to revise, amend and codify the statutes in relation to banks and banking institutions.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Substitute for House file No. 19, a bill for an act to revise, amend and codify the statutes in relation to banks and banking institutions, was taken up and referred to Committee on Banks and Banking.

INTRODUCTION OF BILLS.

By Senator Cheshire, by unanimous consent, Senate file No. 101 a bill for an act to legalize certain errors and omissions of

the board of supervisors and of the county auditor of Polk county, Iowa.

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

By Senator Gilbertson, by unanimous consent, Senate file No. 102, a bill for an act to legalize the location of public highways on all section lines in townships Nos. 98 and 99 north range, No. 25 west; also townships 98 and 99 north range, No. 26 west, Winnebago county, Iowa.

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

BILLS ON SECOND READING.

On motion of Senator Funk, Senate file No. 99, a bill for an act to amend subdivision two of section seven hundred and ninety-six of the Code as amended and re-enacted by chapter forty-three of the acts of the Twenty-second General Assembly, and to amend section thirteen hundred and eighty-one of the Code as amended by chapter one hundred and forty-nine of the acts of the Sixteenth General Assembly, chapter one hundred and sixty-six of the acts of the Seventeenth General Assembly and chapter ten of the acts of the Twenty-first General Assembly, relating to the poor, was taken up and considered.

The bill was read for information.

Senator Funk moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Trewin, Waterman, Young—37.

The nays were:

None:

Absent or not voting:

Senators Allyn, Blanchard, Byers, Ellison, Harriman, Healy, Henderson, Hipwell, Kilburn, Lehfeldt, Rigger, Rowen, Upton—13.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT—Your special committee, to whom was referred substitute for Senate file No 1, a bill for an act to provide for the annotation, indexing, publication, distribution and sale of the Code and statutes hereafter enacted, and the appointment of a supervising committee and the election of an editor, and prescribing their duties, beg leave to report that they have had the same under consideration, with House amendments thereto, and recommend:

That the House amendment to section 2 be stricken out and the following be adopted as a substitute therefor: In line 6 strike out the words "the President of" and "the Speaker of;"

That the Senate do not concur in the House amendment to section 4; and,

That the Senate concur in the House amendments to sections 5, 6, 9, 12 and 24.

Respectfully submitted,

L. A. ELLIS,
Chairman.

REPORT OF STANDING COMMITTEE.

Senator Hospers, from the Committee on Banks, submitted the following report:

MR. PRESIDENT—Your Committee on Banks, to whom was referred House file No. 19, a bill for an act to revise, amend and codify the statutes in relation to banks and banking, 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 insist upon its amendment to section 4, chapter 9, striking out of the first line after the word "than" the word "five" and inserting "ten."

That the Senate insist upon its amendment to section 6, chapter 9, striking out of line 4, the word "one" and inserting "five" and adding a final "s" to the word "share;" striking out between lines 4 and 5 the words "that he will attend every meeting of the board of directors unless prevented by sickness."

That the Senate insist upon its amendment to section 6, chapter 10, striking out of line 3, the word "one" and inserting "five" and adding a final "s" to the word "share" and adding after the word "the" in line 4, the words "number of shares of "

That the Senate insist upon its amendment to section 7, chapter 10, striking out the word "fifteen" and inserting "ten;" also, insist upon its amendment to the same section and chapter, by striking out of line 4, the word "twenty" and inserting "fifteen."

That the Senate refused to concur in the House substitute for Senate amendment to section 15, chapter 11.

That the Senate refused to concur in the House amendment to section 21, original bill, but now section 23, chapter 11.

HENRY HOSPERS,
Chairman.

Ordered passed on file.

Senator Carpenter withdrew his motion filed to reconsider the vote by which substitute for House file No. 16 was passed.

Senator Carney moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, April 27, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by the Rev. H. J. Everly, of Ames.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Senate file No. 99, a bill for an act to amend subdivision two of section seven hundred and ninety-six of the Code as amended and re-enacted by chapter forty-three of the acts of the Twenty-second General Assembly, and to amend section thirteen hundred and eighty-one of the Code as amended by chapter one hundred and forty-nine of the acts of the Sixteenth General Assembly, chapter one hundred and sixty-six of the acts of the Seventeenth General Assembly and chapter ten of the acts of the Twenty-first General Assembly, relating to the poor.

JAS. D. ROWEN,
Chief Clerk.

Senator Phelps called up his concurrent resolution relative to cigarettes.

Senator Phelps moved that the House concurrent resolution be substituted for the concurrent resolution introduced by him upon the same subject.

Carried.

Senator Phelps moved that the House concurrent resolution be adopted.

On this a roll call was demanded.

On the question, "Shall the concurrent resolution be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Garst, Gilbertson, Gorrell, Healy, Henderson, Hotchkiss, Junkin, Mitchell, Palmer, Penrose, Perrin, Phelps, Sargent, Trewin—24.

Senator Ellis voted in the negative.

Absent or not voting:

Senators Allyn, Blanchard, Bonson, Byers, Carpenter, Downey, Ellison, Everall, Funk, Harper, Harriman, Hipwell, Hobart, Hospers, Hurst, Kilburn, Lehfeldt, Lothrop, Pusey, Ranck, Riggen, Rowen, Upton, Waterman, Young—25.

The concurrent resolution was adopted.

The President directed that the Journal show that the following senators were present and in their seats but not voting: Senators Carpenter, Pusey, Hobart, Bonson, Ranck and Harper, showing that there was a quorum present.

REPORTS OF STANDING COMMITTEES.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 101, a bill for an act to legalize certain errors and omissions of the board of supervisors and of the county auditor of Polk county, Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the title be amended to read as follows: A bill for an act to legalize the acts of the board of supervisors and county auditor and the vote of the people of Polk county in relation to levying a tax to raise funds to build an asylum in said county for the care of the insane, and when so amended the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 100 a bill for an act to legalize the incorporation of the town of Larrabee, Cherokee county, Iowa, election of its officers, acts done and ordinances passed by the council of said town, 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 do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 102, a bill for an act to legalize the location of public highways on all section lines in townships Nos. 98 and 99, north range, No. 25 west; also townships Nos. 98 and 99, north range, No. 26 west, Winnebago

county, Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval Senate file No. 41, a bill for an act to revise, amend and codify the statutes in relation to regents and trustees of State institutions.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 70, a bill for an act to revise, amend and codify the statutes in relation to notes and bills.

G. S. GILBERTSON,
Chairman.

Passed on file.

REPORT OF CONFERENCE COMMITTEE.

MR. PRESIDENT—Your conference committee of the House and Senate appointed to confer upon the disagreement in relation to the amendments to substitute for Senate file No. 15, 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 report the same back with the recommendation that a new conference committee be appointed for the reason that the present committee is unable to reach an agreement.

D. J. PALMER,
G. M. CRAIG,
THOS. BELL,
JOHN EVERALL,
Committee for Senate.
W. B. BELL,
R. A. SMITH,
A. L. WOOD,
C. R. PORTER,
Committee for House.

Report recommending that a new conference committee be appointed, was adopted.

Senator Hospers called up the report of the committee on Banks and Banking, on substitute for House file No. 19.

Senator Hospers moved that the report of the committee be considered now.

Adopted.

Senator Hospers moved that the report of the committee be adopted.

Carried.

Senator Ellis called up the report of the special committee on substitute for Senate file No. 1.

Senator Ellis moved that the report of the special committee be adopted.

On the question, "Shall the report of the committee be adopted?" the yeas were:

Senators Alexander, Bell, Bonson, Byers, Carney, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Trewin, Waterman—35.

The nays were:

None.

Absent or not voting:

Senators Allyn, Berry, Blanchard, Carpenter, Ellison, Ericson, Harriman, Hurst, Kilburn, Lehfelddt, Riggen, Rowen, Sargent, Upton, Young—15.

The report of the special committee was adopted.

The President announced the following committees of conference on the part of the Senate:

On Senate file No. 15, Senators Berry, Trewin, Healy and Bonson.

On substitute for House file No. 19, Senators Carpenter, Gilbertson, Bonson and Ellison.

BILLS ON SECOND READING.

The Senate resumed consideration of House file No. 85, laid over from April 10th.

Senator Carpenter moved to amend chapter 11 by striking out sections 29, 30, 31 and 32.

Adopted.

Senator Carpenter moved to amend section 12, chapter 12, by striking out the section and inserting the following: "Sec.

12. If any person be found on the first day of the week commonly called Sunday engaged in carrying fire arms, hunting, shooting, fishing, horse racing, dancing, or in playing foot or base ball where the same disturbs any worshipping assembly or private family, or in buying or selling property of any kind or in any labor except that of necessity and charity, he shall be fined not more than five nor less than one dollar and be imprisoned in the county jail until the fine, with costs of prosecution, shall be paid; but this shall not be construed to prohibit labor on such day by those who observe the seventh day of the week as the Sabbath, or to prevent persons traveling, or families emigrating from pursuing their journey, or keepers of toll bridges, toll gates and ferrymen from attending the same."

Senator Berry offered the following substitute for the amendment: "Sec. 12. If any person be found on the first day of the week commonly called Sunday engaged in carrying firearms, hunting, shooting, fishing, horse racing, dancing, or in playing games of foot ball or base ball, or in any manner disturbing a worshipping assembly or private family, or in buying or selling property of any kind or in any labor except that of necessity and charity, he shall be fined not more than five nor less than one dollar and be imprisoned in the county jail until the fine, with costs of prosecution, shall be paid, but this shall not be construed to prohibit labor on such day by those who observe the seventh day of the week as the Sabbath, or to prevent persons traveling, or families emigrating from pursuing their journey, or keepers of toll bridges, toll gates and ferrymen from attending the same."

On this a roll call was demanded.

On the question, "Shall the substitute for the amendment be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Carney, Carroll, Cheshire, Druet, Eaton, Ericson, Funk, Gorrell, Healy, Henderson, Hospers, Hotchkiss, Junkin, Mitchell, Palmer, Perrin, Phelps, Rowen, Sargent, Trewin—24.

The nays were:

Senators Bonson, Carpenter, Craig, Downey, Ellis, Everall, Garst, Gilbertson, Harper, Hipwell, Hobart, Hurst, Lothrop, Pusey, Rauck, Waterman—16.

Absent or not voting:

Senators Allen, Byers, Ellison, Harriman, Kilburn, Lehfeldt, Penrose, Rigger, Upton, Young—10.

The substitute was adopted.

The substitute for section 12, chapter 12 was adopted.

Senator Harper moved to amend section 2, chapter 8, page 892, of Black Code, by inserting after the word "on" in the fourth line of said section the words "or before;" also amend section 3 of same chapter by inserting after the word "on" in the third line thereof the words "or before."

Adopted.

Senator Funk, President, *pro tem.*, presiding.

Senator Carpenter moved to amend chapter 2, by striking out sections 40 and 41.

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Berry, Blanchard, Bonson, Carpenter, Craig, Downey, Druet, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Harper, Hipwell, Hobart, Hospers, Hurst, Junkin, Lothrop, Penrose, Pusey, Ranck, Trewin, Waterman—25.

The nays were:

Senators Bell, Carney, Carroll, Cheshire, Gorrell, Henderson, Hotchkiss, Mitchell, Palmer, Perrin, Phelps, Sargent—12.

Absent or not voting:

Senators Alexander, Allyn, Byers, Eaton, Ellison, Harriman, Healy, Kilburn, Lehfeldt, Rigger, Rowen, Upton, Young—13.

The amendment was adopted.

Senator Carpenter moved to amend section 15, chapter 2, by inserting after the word "burglary" in the fifth line, the words "and the possession of such tools or implements shall be presumptive evidence of his intent to commit burglary."

Adopted.

Senator Carpenter called up the motion to amend chapter 4, section 26, by striking out all after the word "mischievously," in line 1, down to and including the word "maliciously" in line 3.

Adopted.

Senator Henderson withdrew his amendment to chapter 7, printed in the Journal of April 10th, pages 11 and 12.

Senator Carpenter called up the amendment by Senator Cheshire to section 27, chapter 4. Insert the following as

section 27 thereof: "Section 27. If any person maliciously bruise, break, pull up, carry away, cut down, injure or destroy any fruit or ornamental tree, vine or shrub, standing or growing on the land of another for ornament or use, and of the value of twenty dollars or over, he shall be imprisoned in the penitentiary not exceeding five years; if the value thereof be less than twenty dollars he shall be imprisoned in the county jail not more than one year or be fined not exceeding five hundred dollars."

Adopted.

Senator Carpenter called up the motion filed by Senator Bonson to reconsider the vote by which sections 41, 42, 43 and 44 were added to chapter 9 were adopted.

Senator Bonson moved that the vote by which these sections 41, 42, 43 and 44 were adopted, be reconsidered.

Carried.

President Parrott presiding.

Senator Bonson moved to amend chapter 9 by striking out section 44.

Adopted.

The question recurring on the amendment by Senator Blanchard, amending chapter 9 by adding sections 41, 42 and 43, was adopted.

Senator Ellis moved to suspend the rule requiring a motion to reconsider to be filed on the same or next legislative day.

Senator Henderson moved to lay the motion on the table.

Lost.

The motion to suspend the rule prevailed.

Senator Ellis moved to reconsider the vote by which the amendment to section 1, chapter 9, was adopted.

Carried.

The hour of adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

The Journal of Monday was taken up, read, corrected and approved.

PETITIONS AND MEMORIALS.

Senator Bonson presented remonstrance of citizens of Dubuque county, against certain amendments to the insurance law.

Referred to Committee on Insurance.

Senator Carney presented remonstrance of citizens of Marshall county, on same subject.

Referred to Committee on Insurance.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House refuses to adopt report of conference committee on House file No. 26, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of telegraph companies.

The Speaker has appointed the following representatives as members of a second conference committee, McNulty, Prentis, Lambert and Garner.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists upon its amendments to Senate file No. 1, a bill for an act to provide for the annotating, indexing, publishing, distribution and sale of the Code.

The Speaker has announced as a conference committee, Representatives Dowell, Davis, Evans and Hayes.

JAS. D. ROWEN,
Chief Clerk.

BILLS ON SECOND READING.

The Senate resumed consideration of House file No. 85, at the time of adjournment the amendment to section 1 of chapter 9, being under consideration.

The question recurring on the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Berry, Blanchard, Byers, Carney, Carpenter, Carroll, Cheshire, Henderson, Hospers, Hotchkiss, Junkin—11.

The nays were:

Senators Alexander, Bell, Bonson, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Hipwell, Hobart, Hurst, Lothrop Palmer, Penrose, Pusey, Ranck, Sargent, Trewin, Waterman—28.

Absent or not voting:

Senators Allyn, Harriman, Kilburn, Lehfeldt, Mitchell, Perrin, Phelps, Riggen, Rowen, Upton, Young—11.

The amendment was lost.

Senator Carpenter moved to amend chapter 9 by striking out section 35 and renumbering the sections consecutively.

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bonson, Carpenter, Downey, Ellis, Ellison, Everall, Gilbertson, Harper, Healy, Hipwell, Hurst, Lothrop, Pusey, Ranck, Trewin, Waterman—16.

The nays were:

Senators Alexander, Bell, Berry, Blanchard, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Funk, Garst, Gorrell, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Mitchell, Palmer, Penrose, Phelps, Sargent—25.

Absent or not voting:

Senators Allyn, Harriman, Kilburn, Lehfeldt, Perrin, Riggen, Rowen, Upton, Young—9.

The amendment was lost.

Senator Pusey moved to amend section 34, chapter 9, by adding thereto the following: "But the provisions of this section shall not apply to the selling of pools on or within the enclosed grounds on which there is a track of not less than half a mile in length of any association duly organized for the purpose of improving the breeds of stock and of encouraging and promoting trials of speed and endurance of horses, when, and on the day such trials shall be made and decided, within and upon said association's own grounds between the first day of April and the first day of December in any year."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bonson, Carpenter, Downey, Ellis, Everall, Gilbertson, Harper, Healy, Hipwell, Hurst, Lothrop, Pusey, Ranck, Waterman—14.

The nays were:

Senators Alexander, Bell, Berry, Blanchard, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Garst, Gorrell, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Mitchell, Palmer, Perrin, Phelps, Rowen, Sargent—26.

Absent or not voting:

Senators Allyn, Funk, Harriman, Kilburn, Lehfeldt, Penrose, Riggen, Trewin, Upton, Young—10.

The amendment was lost.

Senator Carpenter moved to amend section 6, chapter 11, line 2, by striking out the word "cigarette."

Adopted.

Senator Carpenter moved to amend chapter 11, by striking out section 7 and inserting in lieu thereof the following sections:

"Section 7. Any person selling or giving away any cigarettes containing any injurious drug or other deleterious matter or substance foreign to tobacco except the pure paper wrapper and pure gelatinous adhesive substance required to enclose the same, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than fifty nor more than one hundred dollars for each offense, or be imprisoned in the county jail not exceeding thirty days, and any person who sells or gives away any cigarette or cigarettes of any kind whatsoever to a minor under the age of eighteen years, shall be deemed guilty of a misdemeanor.

"Sec. 8. In addition to the penalty in this act provided if any person shall by himself or agent sell or give away any cigarette or cigarettes to a minor under the age of eighteen years shall forfeit and pay the sum of one hundred dollars for each sale so made, which sum may be recovered in a civil action prosecuted in the name of the parent or guardian of such person or by his next friend, if he have no such parent or guardian, one half of which sum so recovered shall go to the plaintiff, and the remainder to the treasury of the county wherein suit is brought for the use of the school fund.

"Sec. 9. Any minor under the age of eighteen years who shall smoke, use, or have in his possession any cigarette or cigarettes shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than five, nor more than twenty dollars, and may be committed to the county jail until such fine shall be paid, not exceeding, however, thirty days, but if such minor shall disclose to the magistrate before whom he may be arraigned or tried, at any time, before conviction, the name or identity of the person from whom he obtained such cigarette or cigarettes, such proceeding may thereupon be dismissed, but no evidence so taken shall be

used against the minor in any prosecution for a violation of the provisions of this section.

“Sec. 10. It shall be unlawful for any dealer in cigarettes to sell any package of cigarettes containing any picture, photograph, button or other article than the cigarette with wrapper; or for any person, whomsoever, to sell or give to any minor under the age of eighteen years, any picture, photograph, button or other article designed to advertise cigarettes, or induce the purchase thereof. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.”

Senator Hospers moved the previous question on the pending amendment.

On the question, “Shall the main question be now put?” the motion prevailed.

On the amendment a roll call was demanded.

On the question, “Shall the amendment be adopted?” the yeas were:

Senators Bonson, Carpenter, Downey, Ellis, Ericson, Everall, Funk, Gilbertson, Harper, Hipwell, Hobart, Lothrop, Pusey, Ranck, Rowen, Waterman—16.

The nays were:

Senators Alexander, Bell, Berry, Blanchard, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Garst, Gorrell, Healy, Henderson, Hospers, Hotchkiss, Junkin, Mitchell, Palmer, Penrose, Perrin, Phelps, Rikken, Sargent, Trewin—27.

Absent or not voting:

Senators Allen, Harriman, Hurst, Kilburn, Lehfeldt, Upton, Young—7.

The amendment was lost.

Senator Funk, President *pro tem.*, presiding.

Senator Trewin moved to amend chapter 11 by inserting as section 8 thereof the following: “Sec. 8. There shall be assessed a tax of three hundred dollars per annum against every person, partnership or corporation and upon the real property, and the owner thereof, within or whereon any cigarettes, cigarette paper or cigarette wrapper, or any paper made or prepared for use in making cigarettes or for the purpose of being filled with tobacco for smoking, are sold or given away, or kept with intent to be sold, bartered or given away under any pretext whatever. Such tax shall be in addition to all

other taxes and penalties, shall be assessed, collected and distributed in the same manner as the mulct liquor tax and shall be a perpetual lien upon all property both personal and real used in connection with the business; and the payment of such tax shall not be a bar to prosecution under any law prohibiting the manufacturing of cigarettes or cigarette paper, or selling, bartering or giving away the same. But the provisions of this section shall not apply to the sales by jobbers and wholesalers in doing an interstate business with customers outside the State."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Funk, Garst, Gilbertson, Gorrell, Healy, Henderson, Hospers, Hotchkiss, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Rigger, Rowen, Sargent, Trewin—32.

The nays were:

Senators Carpenter, Downey, Harper, Hipwell, Hurst, Pusey—6.

Absent or not voting:

Senators Allyn, Bonson, Ellis, Everall, Harriman, Hobart, Kilburn, Lehfeldt, Ranck, Upton, Waterman, Young—12.

The amendment was adopted.

President Parrott presiding.

Senator Carney moved to amend chapter 11 by inserting as section 9 the following: "Sec. 9. Any minor under the age of eighteen years who shall smoke, use or have in his possession with intent to smoke or use, any cigarette or cigarettes, cigarette paper or cigarette wrapper, or any paper made or prepared for the purpose of making cigarettes or for the purpose of being filled with tobacco, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than one nor more than twenty dollars, and may be committed to the county jail until such fine shall be paid, not exceeding thirty days. If such minor shall disclose to the magistrate before whom he may be arraigned or tried at any time before conviction the name or identity of the person from whom he obtained such cigarette, cigarettes, cigarette paper or wrapper or paper made or prepared for the purpose of making cigarettes or for the purpose of being filled with

tobacco, such proceeding may thereupon be dismissed, but no evidence so taken shall be used against such minor in any prosecution for a violation of this section."

On the amendment a roll call was demanded.

Senator Cheshire moved to amend the amendment by striking out the words "minor under the age of eighteen years" and inserting the word "person." Also by striking out the word "minor" wherever it thereafter occurs in the proposed amendment.

On this the yeas and nays were demanded.

On the question, "Shall the amendment to the amendment be adopted?" the yeas were:

Senators Alexander, Bonson, Cheshire, Craig, Ellis, Garst, Gilbertson, Gorrell, Harper, Healy, Henderson, Hipwell, Hobart, Hospers, Hurst, Lothrop, Mitchell, Sargent—18.

The nays were:

Senators Bell, Berry, Blanchard, Byers, Carney, Carpenter, Carroll, Druet, Ellison, Ericson, Funk, Hotchkiss, Junkin, Palmer, Penrose, Perrin, Phelps, Rowen, Trewin, Waterman—20.

Absent or not voting:

Senators Allyn, Downey, Eaton, Everall, Harriman, Kilburn, Lehfeldt, Pusey, Ranck, Riggen, Upton, Young—12.

The amendment to the amendment was lost.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Carney, Carpenter, Carroll, Druet, Ellison, Ericson, Funk, Gilbertson, Gorrell, Hospers, Hotchkiss, Mitchell, Palmer, Phelps, Rowen, Sargent, Trewin—21.

The nays were:

Senators Bonson, Byers, Cheshire, Craig, Downey, Ellis, Everall, Garst, Harper, Healy, Henderson, Hipwell, Hurst, Junkin, Lothrop, Penrose, Perrin, Pusey, Ranck, Riggen, Waterman—21.

Absent or not voting:

Senators Allyn, Eaton, Harriman, Hobart, Kilburn, Lehfeldt, Upton, Young—8.

The amendment was lost.

Senator Carpenter moved to amend chapter 11 by renumbering the sections consecutively.

Adopted.

Senator Druet moved to amend section 24, chapter 11, by striking out the words "or bury them three feet below the surface."

Adopted.

Senator Carpenter moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Funk, Garst, Gilbertson, Gorrell, Healy, Hobart, Hospers, Hotchkiss, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Waterman—36.

The nays were:

Senators Bonson, Downey, Harper, Henderson, Hipwell, Hurst—6.

Absent or not voting:

Senators Allyn, Everall, Harriman, Kilburn, Lehfeldt, Ranck, Upton, Young—8.

The bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Bonson offered the following explanation of his vote and asked that it be printed in the Journal:

MR. PRESIDENT—Because of some of the new and intolerant features engrafted upon this bill, and believing their enactment into law is contrary to the spirit of liberty as guaranteed us by the constitution, I vote "no."

ROBT. BONSON.

Senator Funk moved that House file No. 97 be referred to the committee of conference on House file No. 9.

Carried.

Senator Funk called up the report of the committee on substitute for Senate file No. 8, for the purpose of permitting Senator Healy to offer the following amendment: "I move to substitute for House amendment as section 4 of chapter 2, the following to be known as section 4 of said chapter: 'Sec. 4. All personal property the owner of which is a non-resident of the State and which property is by the owner thereof intended for sale or consumption at a place or shipment to a place other than where said property is located shall be assessed in the owners name, if the owner is known, and if the owner is unknown or uncertain the same shall be assessed to

'unknown owner' and shall be by the assessor sufficiently described so that said property may be identified. A lien for the tax upon said property as herein provided shall relate back to and exist from the 1st day of January of the year for which it is assessed, and if any one seeks to remove the said property from the county before the tax for said year shall be paid the tax shall immediately become due and collectible. It shall be the duty of the assessor to notify the county auditor if said property is being, or is about to be removed from the county. In such event or if the knowledge of the removal of or intent to remove said property shall come to him in any other authentic manner the said auditor shall certify such fact to the county treasurer with a full description of the property as the same appears on the assessor's books, giving assessment district, where located, and the amount of said assessment, and the county treasurer shall thereupon proceed by distress to restrain the removal of said property and secure the lien of the tax due or to become due. If at the time of such distress the levy for the year is unknown the auditor is authorized to release the lien of such tax upon a good and sufficient bond, with sureties resident of the county, being filed with said auditor to be by him approved, which bond shall obligate all parties thereto to pay all taxes due on said property when same are payable. Upon the filing and approving of such bond the auditor shall make a certificate releasing the said personalty from the lien of such tax. The payment of said tax shall be a bar against the collection of taxes for same year on said property in any other county in this State.' "

Senator Trewin moved to take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 26, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of telegraph and telephone lines, was passed on file for conference committee.

Senate file No. 99, a bill for an act to amend subdivision two of section seven hundred and ninety-six of the Code as amended and re-enacted by chapter forty-three of the acts of the Twenty-second General Assembly, and to amend section thirteen hundred and eighty-one of the Code as amended by chapter one hundred and forty-nine of the acts of the Sixteenth General Assembly, chapter one hundred and sixty-six of the

acts of the Seventeenth General Assembly and chapter ten of the acts of the Twenty-first General Assembly, relating to the poor, was passed on file.

Substitute for Senate file No. 1, a bill for an act to provide for the annotation, indexing, publication, distribution and sale of the Code and statutes hereafter enacted, and the appointment of a supervising committee and the election of an editor, and prescribing their duties, was passed on file for conference committee.

The President announced the following committees of conference on the part of the Senate:

On House file No. 26, Senators Funk, Healy, Gilbertson and Bonson.

On substitute for Senate file No. 1, Senators Ellis, Trewin, Cheshire and Ranck.

INTRODUCTION OF BILLS.

By Senator Funk, by unanimous consent, Senate file No. 103, a bill for an act to legalize the incorporation of the town of Arnold's Park, Dickinson county, Iowa, and the notice for election of the officers thereof and the election of the officers of said town.

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

The hour for adjournment having arrived the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, April, 28, 1897. }

Senate met in regular session at 9 A. M., President Parrott presiding.

Prayer was offered by Rev. R. H. Shaftce, of Eagle Grove, Iowa.

PETITIONS AND MEMORIALS.

Senator Carney presented petition of citizens of Marshalltown, in relation to labor by inmates of the soldiers' home.

Referred to Committee on Military.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the Governor:

To the General Assembly:

I have received sundry communications from the department of agriculture inviting the co-operation of the State of Iowa in efforts which that department contemplates making in this and other states affected for stamping out the swine plague, the malady which has cost the people of this State so many millions of dollars. In answer to a request for further information as to the manner in which the State authorities are expected to co-operate, the Secretary of Agriculture has kindly furnished me the draft of a bill for the consideration of the General Assembly, which bill is similar, he informs me, to acts which were passed in some of the states at the time pleuro-pneumonia was prevalent among neat cattle. The plan of procedure contemplated provides for the selection of a district in which there is a large number of swine, and where the disease usually exists, to which district the regulations formulated by the department are to be made applicable through legislative action. By these regulations and by quarantining the district it is hoped to stamp out the disease therein, and thus demonstrate the practicability of doing so everywhere.

The subject is one of such large importance to the people that I thus bring it to your notice, and commend it to the attentive consideration of the General Assembly, submitting herewith the draft of the bill referred to.

F. M. DRAKE.

April 27, 1897.

Senator Trewin moved that the accompanying bill be read for information and referred to Committee on Agriculture.

Carried.

The Journal of Tuesday was taken up, read, corrected and approved.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker has appointed a further conference committee on the part of the House on substitute for Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to the militia, Representatives Bailey, Watters, Loomis and Hazen.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists on its substitute for Senate amendment to section 15, chapter 11, and section 21, chapter 11, of substitute for House file No. 19, a bill for an act to revise, amend and codify the statutes in relation to banks and banking institutions, and the Speaker has appointed the following conference committee on the part of the House as requested by the Senate, Representatives Neitert, Potter, Chapman and Wheeler.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House requests the return of substitute for Senate file No. 1, a bill for an act to provide for the annotation, indexing, publication, distribution and sale of the Code and statutes hereafter enacted, and the appointment of a supervising committee and the election of an editor, and prescribing their duties.

JAS. D. ROWEN,
Chief Clerk.

Senator Trewin moved to take up House messages.

Carried.

HOUSE MESSAGES.

Substitute for House file No. 19, a bill for an act to revise, amend and codify the statutes in relation to banks and banking, was read and passed on file for conference committee.

Substitute for Senate file No. 1, a bill for an act to provide for the annotating, indexing, publishing, distribution and sale of the Code.

Senator Trewin moved that the substitute be returned to the House.

Carried.

Substitute for Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to militia, was read and passed on file for conference committee.

Senator Funk called up the report of the Ways and Means Committee on substitute for Senate file No. 8.

Senator Funk moved that the amendments reported by the committee be acted upon separately.

Carried.

Senator Funk moved that the Senate concur in the House amendment to section 2, line 22, striking out the words "one hundred chickens" and inserting "all poultry."

Adopted.

Senator Funk moved that the Senate concur in the House amendment to section 7, line 3, by inserting the words "title bond" between the words "deed" and "mortgage."

Adopted.

Senator Funk moved that the Senate concur in the House amendments to section 9, line 3, inserting after the word "amount" the word "of."

Adopted.

Senator Funk moved that the Senate concur in House amendment to section 15, striking out the word "properties" in Senate amendment and inserting "personalty, moneys;" also, in same section, inserting between the words "said" and "business" the word "branch."

Adopted.

Senator Funk moved that the Senate concur in the House amendments to section 18, line 3, inserting after the word "using" the words "or holding;" also, inserting in line 4, of same section, after the word "profit" the words "for himself or owner."

Adopted.

Senator Funk moved that the Senate concur in House amendment to section 69, line 6, striking out all after the word "board" down to and including the word "town" in line 7.

Adopted.

Senator Funk moved that the Senate concur in the House amendment to section 71, line 2, striking out the word "may" and inserting "shall when appraised thereof." Same section, line 5, inserting after the word "assessed" the words "or of the heirs or administrators thereof," after striking out the words "heirs or." Same section, line 9, striking out all after the word "interest" to and including the word "brought" and inserting the words "he shall cause an action to be brought."

Same section, line 12, striking out the figures "50" and inserting the word "fifty."

Adopted.

Senator Funk moved that the Senate concur in the House amendment to section 97, line 6, striking out all after the word "vendee" to the end of the section.

Adopted.

Senator Funk moved that the Senate concur in the House amendment to chapter 2, inserting as section 4 the following, and renumbering sections: "Sec. 4. All personal property, the owner of which is a non-resident of the county, and is known, shall be assessed in the owners name, and that which is unknown or uncertain shall be assessed to 'owner unknown,' and shall be by the assessor, sufficiently described so that the same may be identified, and a lien for the tax upon said property as herein provided shall at once attach, and if any one seeks to remove the same from the county, the tax shall immediately become due and collectible. It shall be the duty of the assessor to notify the county auditor if said property is being or is about to be removed from the county, or if the knowledge of the removal of said property shall come to him in any other authentic manner, said auditor shall at once certify under his official signature and the seal of the county to the county treasurer a full description of the property as the same appears upon the assessor's book, giving assessment district, where located, the amount of said assessment, and the amount of tax due thereon. If at that time, the levy for the year is unknown, the auditor shall ascertain the amount of tax to be collected on the basis of the levies of the previous year in the district wherein said property is assessed. Said certificate shall be sufficient warrant for the county treasurer to collect the taxes so certified to be due on said property. Upon receipt of said certificate, the county treasurer shall at once proceed to collect said tax in the manner provided in this chapter for the collection of delinquent personal property taxes."

Senator Healy offered the following substitute for House amendment as section 4 of chapter 2, the following to be known as section 4 of said chapter: "Sec. 4. All personal property the owner of which is a non-resident of the State and which property is by the owner thereof intended for sale or consumption at a place or shipment to a place other than where said property is located shall be assessed in the owners name,

if the owner is known, and if the owner is unknown or uncertain the same shall be assessed to 'unknown owner' and shall be by the assessor sufficiently described so that said property may be identified. A lien for the tax upon said property as herein provided shall relate back to and exist from the 1st day of January of the year for which it is assessed, and if any one seeks to remove the said property from the county before the tax for said year shall be paid the tax shall immediately become due and collectible. It shall be the duty of the assessor to notify the county auditor if said property is being, or is about to be removed from the county. In such event, or if the knowledge of the removal of or intent to remove said property, shall come to him in any other authentic manner the said auditor shall certify such fact to the county treasurer with a full description of the property as the same appears on the assessor's books, giving assessment district, where located, and the amount of the said assessment, and the county treasurer shall thereupon proceed by distress to restrain the removal of said property and secure the lien of the tax due or to become due. If at the time of such distress the levy for the year is unknown the auditor is authorized to release the lien of such tax upon a good and sufficient bond, with sureties resident of the county, being filed with the said auditor to be by him approved, which bond shall obligate all parties thereto to pay all taxes due on said property when same are payable. Upon the filing and approving of such bond the auditor shall make a certificate releasing the said personalty from the lien of such tax. The payment of said tax shall be a bar against the collection of taxes for same year on said property in any other county in this State."

The substitute was adopted.

Senator Funk moved that the Senate concur in the House amendment to section 18, line 6, by inserting the word "immediately" before the word "posting;" also, after the words "a copy" by inserting the words "of the first publication."

Adopted.

Senator Funk moved that the Senate concur in the House amendment to chapter 4, section 1, by changing the word "donor" to "donee."

Adopted.

Senator Funk moved that the Senate concur in the House amendment to section 3, line 3, by inserting after the word

“value” the following: “after deducting debts for which the estate is liable.” “Same section, line 5, by inserting after the word “appraisement” the words “unless a longer period is fixed by the court.”

Adopted.

Senator Funk moved that the Senate concur in the House amendment to section 9, line 3, by striking out the words “one year” where they occur and inserting “fifteen months.” Same section, line 4, by inserting after the word “trustee” the words “unless a longer period is fixed by the court.”

Adopted.

Senator Funk moved that the Senate concur in the House amendments to section 11, by striking out all of section 11 and inserting the following in lieu thereof: “Sec. 11. It is hereby made the duty of all executors, administrators or trustees charged with the management or settlement of any estate subject to the tax provided for in this chapter, to collect and pay to the Treasurer of State the amount of the tax due from any devisee, grantee or donee of the decedent, except in cases falling under the provisions of sections four and five hereof, in which cases the Treasurer of State shall collect the same. Applications may be made to the district court by such executor, administrator, trustee or State Treasurer to sell the real estate subject to said tax in an equitable action, or if made to the court having charge of the settlement of said estate, the proceeding shall conform as nearly as may be to those for the sale of the real estate of a decedent for the settlements of his debts.”

Adopted.

Senator Funk offered the following for House amendment to section 1, paragraph 4, striking out all of said paragraph after the word “dollar,” in first line, this substitute is recommended: “but such tax shall not be levied upon any property assessable within the limits of any city of the first class, and none of such bridge tax shall be used in the construction or repair of bridges within the limits of such city.”

Adopted.

Senator Funk moved the adoption of the following substitute for House amendments to section 31: “Sec. 31. Every insurance company or association organized or incorporated under the laws of any state or nation other than the United States, and every other insurance company whose charter may be

owned or a majority of whose stock may be controlled or whose business shall be carried on in the interest or for the benefit of any insurance company or association incorporated under the laws of any state or nation other than the United States, shall at the time of making the annual statements as required by law, pay into the State treasury as taxes three and one-half per cent of the gross amount of premiums received by it for business done in this State or for insurance upon property situated in this State or upon the lives of persons resident in this State during the preceding year. Every insurance company incorporated under the laws of any state of the United States other than the State of Iowa, not including associations operating under the provisions of chapter seven, title nine of this Code, or fraternal beneficiary associations doing business in the United States, shall at the time of making the annual statements as required by law, pay into the State treasury as taxes two and one-half per cent of the gross amount of premiums received by it for business done in this State or for insurance upon property situated in this State or upon the lives of persons resident in this State during the preceding year.

“Every other insurance company or association doing business in this State, not including those otherwise taxed under the provisions of this section, and not including county mutuals and fraternal beneficiary associations, shall, at the time of making the annual statements as required by law, pay into the State treasury as taxes one per cent of the gross amount received by it on assessments, fees, dues or premiums for business done in this State or for insurance upon property situated in this State, or upon the lives of persons resident in this State during the preceding year, after deducting amounts actually paid for losses and the amount of premiums returned.

“At the time of paying said taxes said companies and associations shall take duplicate receipts therefor, one of which shall be filed with the Auditor of State, and upon filing of said receipt, and not till then, the Auditor shall issue the annual certificate as provided by law, and the taxes provided in this section shall be in full for all taxes, State and local, against such corporations or associations except taxes on real estate and special assessments.”

Senator Ellis moved to amend the substitute by striking out the words “three” in line 9, as printed in the Journal, and insert the word “two” in lieu thereof.

Laid over.

Senator Healy moved to amend the substitute by inserting after the word "association," in line 2, from bottom, the words "or against shares of stock therein."

Laid over.

Senator Berry presented the report of conference committee on Senate file No. 15.

Senator Berry moved that the report of the conference committee be adopted.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Rowen, Sargent, Trewin, Waterman, Young—44.

The nays were:

None:

Absent or not voting:

Senators Ellison, Hipwell, Hobart, Hurst, Lehfeldt, Upton—6.

The report of the conference committee was adopted.

The Senate resumed consideration of substitute for Senate file No. 8.

Senator Harper moved to amend the second paragraph of the substitute, line 3, by inserting after the word "county" the word "township."

Lost.

Senator Trewin presiding.

President Parrott presiding.

Senator Ellis called up his amendment to line 9 of section 31, by striking out the word "three" and inserting the word "two."

The hour of adjournment having arrived, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

The Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

Senate resumed consideration of substitute for Senate file No. 8, the amendment by Senator Ellis to substitute for House amendment to section 31 being under consideration at the time of adjournment.

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Blanchard, Bonson, Byers, Carney, Cheshire, Downey, Ellis, Ericson, Gorrell, Harper, Hipwell, Hospers, Junkin, Kilburn, Lothrop, Perrin, Ranck, Riggen, Rowen, Waterman, Young—22.

The nays were:

Senators Allyn, Bell, Berry, Carpenter, Carroll, Craig, Druet, Eaton, Everall, Funk, Garst, Gilbertson, Harriman, Healy, Hotchkiss, Hurst, Mitchell, Palmer, Penrose, Phelps, Pusey, Sargent, Trewin—23.

Absent or not voting:

Senators Ellison, Henderson, Hobart, Lehfeldt, Upton—5.

The amendment was lost.

Senator Healy called up his motion to amendment to substitute for House amendments to section 31, inserting certain words in second line from the bottom.

On this a roll call was demanded.

On the question, "Shall the amendment to the substitute be adopted?" the yeas were:

Senators Alexander, Allyn, Blanchard, Carney, Cheshire, Downey, Gorrell, Harper, Healy, Lothrop, Rowen—11.

The nays were:

Senators Bell, Berry, Bonson, Carpenter, Carroll, Craig,

Druet, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Harriman, Hotchkiss, Hospers, Hurst, Junkin, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Sargent, Trewin, Waterman, Young—31.

Absent or not voting:

Senators Byers, Eaton, Ellison, Henderson, Hipwell, Hobart, Lehfeldt, Upton—8.

The amendment was lost.

Senator Funk moved that the Senate do not concur in House amendment to chapter 1, section 1, line 5, inserting after the word "revenue" the words "including support of the poor."

Carried.

Senator Funk moved that the Senate do not concur in House amendment to section 2, line 39, striking out all after the word "sailor" and inserting in lieu thereof the words "who has not remarried."

Carried.

Senator Funk moved that the Senate do not concur in House amendment to section 2, permitting boards of supervisors to contribute school and road tax to township in which poor farm is located.

Carried.

Senator Funk moved that the Senate do not concur in House amendment to section 3, striking out figures "33½" and inserting words "twenty-five."

On the question a roll call was demanded.

On the question, "Shall the Senate concur in the House amendment?" the yeas were:

Senators Bell, Downey, Eaton, Ellison, Ericson, Harper, Kilburn, Rowen, Trewin—9.

The nays were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Ellis, Everall, Funk, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Sargent, Waterman, Young—37.

Absent or not voting:

Senators Garst, Hobart, Lehfeldt, Upton—4.

The House amendment was not concurred in.

Senator Funk moved that the Senate do not concur in House amendment to section 12, relative to taxing property belonging to parties outside the assessment district.

Carried.

Senator Funk moved that the Senate do not concur in House amendment to section 13, relative to increase and decrease of grain held in store.

Carried.

Senator Ranck moved to amend House amendment to section 31 by striking out the word "two" after the word "taxes," in line 17, and inserting the word "three" in lieu thereof.

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Blanchard, Bonson, Byers, Cheshire, Downey, Ellis, Gorrell, Harper, Junkin, Phelps, Ranck, Rikken, Waterman—13.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Carney, Carpenter, Carroll, Craig, Druet, Eaton, Ellison, Ericson, Everall, Funk, Gilbertson, Harriman, Healy, Henderson, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Rowen, Sargent, Young—30.

Absent or not voting:

Senators Garst, Hipwell, Hobart, Hospers, Lehfeldt, Trewin, Upton—7.

The amendment was lost.

Senator Carpenter moved to amend the substitute for House amendment to section 31 by adding to the end thereof the words "No deduction or exemption from the taxes herein provided shall be allowed for or on account of any indebtedness owing by such insurance company or association."

On this a roll call was demanded.

On the question, "Shall the amendment to the substitute for the House amendment be adopted?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Craig, Druet, Eaton, Ellison, Everall, Funk, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Hurt, Junkin, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rikken, Rowen, Trewin, Waterman, Young—37.

The nays were:

Senators Bell, Cheshire, Downey, Ericson, Harper, Kilburn—6.

Absent or not voting:

Senators Ellis, Garst, Hobart, Lehfeldt, Mitchell, Sargent, Upton—7.

The amendment was lost.

Senator Bonson moved to amend the substitute for House amendment to section 31 by striking out the second paragraph commencing with the words "every other" down to and including the word "returned."

On this a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bonson, Carney, Cheshire, Downey, Ellison, Harper, Hurst, Kilburn—8.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carpenter, Carroll, Craig, Druet, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hospers, Hotchkiss, Junkin, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Sargent, Waterman, Young—35.

Absent or not voting:

Senators Byers, Hipwell, Hobart, Lehfeldt, Lothrop, Trewin, Upton—7.

The amendment was lost.

Senator Carroll moved to amend the substitute as follows: Strike out of lines 10 and 11, 19 and 20, paragraph 1; of line 7, paragraph 2, the words "or for insurance upon property situated in this State or" and insert in lieu thereof the following: "including all insurance upon property situated in this State and."

Adopted.

On the question "Shall the substitute for the House amendment to section 31, as amended be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Byers, Carney, Carpenter, Carroll, Craig, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hospers, Hotchkiss, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rowen, Sargent, Trewin, Young—36.

The nays were:

Senators Bonson, Cheshire, Downey, Harper, Ranck, Waterman—6.

Absent or not voting:

Senators Garst, Hipwell, Hobart, Hurst, Kilburn, Lehfeldt, Rikken, Upton—8.

The amendment was adopted.

Senator Funk moved that the Senate do not concur in House amendment to section 19, line 21, striking out "33½" and inserting "twenty-five."

Carried.

Senator Funk moved that the Senate do not concur in House amendment striking out sections 27, 28, 29, 30, 38, 39, 43 and 44, of chapter 1, and inserting other provisions relative to the taxation of telegraph, telephone, express and sleeping cars.

Senator Mitchell presiding.

Senator Craig moved the previous question.

On the question, "Shall the main question be now put?" a roll call was demanded.

On the question, "Shall the main question be now put?" the yeas were:

Senators Carney, Eaton, Everall, Harriman, Hospers, Palmer, Rikken—7.

The nays were:

Senators Blanchard, Byers, Carpenter, Carroll, Cheshire, Downey, Druet, Ellison, Ericson, Gilbertson, Gorrell, Harper, Healy, Henderson, Hipwell, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Penrose, Perrin, Phelps, Ranck, Rowen, Sargent, Trewin, Young—29.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Bonson, Craig, Ellis, Funk, Garst, Hobart, Lehfeldt, Pusey, Upton, Waterman—14.

The motion was lost.

President Parrott presiding.

Senator Young moved that the time of adjournment be extended until the question under consideration is disposed of.

Carried.

On the question, "Shall the House amendment striking out sections 27, 28, 29, 30, 38, 39, 43 and 44 and inserting other provisions, be concurred in?" the yeas were:

Senators Carpenter, Cheshire, Eaton, Ellison, Garst, Gorrell, Healy, Henderson, Junkin, Kilburn, Mitchell, Phelps, Rowen, Trewin—14.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carroll, Craig, Downey, Druet, Ellis, Ericson, Everall, Funk, Gilbertson, Harper, Harriman, Hospers, Hotchkiss, Lothrop, Palmer, Penrose, Perrin, Pusey, Ranck, Rigen, Sargent, Waterman, Young—31.

Absent or not voting:

Senators Hipwell, Hobart, Hurst, Lehfeldt, Upton—5.

The House amendments were not concurred in.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the conference committee on substitute for House file No. 15, a bill for an act to revise, amend and codify the statutes in relation to the militia.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the conference committee on substitute for House file No. 19, a bill for an act to revise, amend and codify the statutes in relation to banks and banking institutions.

JAS. D. ROWEN,
Chief Clerk.

The time of adjournment having arrived, the Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Thursday, April 29, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

On request of Senator Druet leave of absence was granted Senator Lothrop until Friday.

HOUSE MESSAGES.

Substitute for House file No. 19, a bill for an act to revise, amend and codify the statutes in relation to banks and banking institutions, was read and passed on file.

Substitute for Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to militia, was read and passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Gilbertson, from the Committee on Enrolled Bill, submitted the following report:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of birds and game.

G. S. GILBERTSON,

Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 10, a bill for an act to revise, amend, and codify the statutes in relation to elections and offices.

G. S. GILBERTSON,

Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file

No. 10, a bill for an act to revise, amend, and codify the statutes in relation to elections and offices.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled Senate file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of birds and game.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Senator Hoppers called up report of Conference Committee on substitute for House file No. 19.

REPORT OF CONFERENCE COMMITTEE.

Senator Carpenter, from the Conference Committee on House file No. 19, submitted the following report:

MR. PRESIDENT—Your conference committee of the Senate and House, appointed to confer upon the disagreement in relation to the amendments to House file No. 19, a bill for an act to revise, amend and codify the statutes in relation to banks and banking, beg leave to report that they have had the same under consideration, and report the same back with the recommendation that the House concur in Senate amendment to section 4, chapter 9, striking out of the first line after the word "than" the word "five" and inserting "ten."

Your conference committee further recommend that the bill be amended by striking out of section 6, chapter 9, after the word "state" in line 4, down to and including the word "whom" in the sixth line, and substituting the following for the Senate amendment: "No person shall be eligible as director of any savings bank, nor can he qualify or serve as such, unless he owns in his own right shares of stock in such bank, as follows: In those having a capital of less than twenty thousand dollars, one share; in those having a capital of twenty thousand dollars or over, but less than thirty thousand dollars, two shares; in those having a capital of thirty thousand dollars or over, but less than forty thousand dollars, three shares; in those having a capital of forty thousand dollars or over, but less than fifty thousand dollars, four shares; in those having a capital of fifty thousand dollars or over, five shares. Each director before acting as such."

Also the same section and chapter that the House concur in the Senate amendment, striking out between lines 6 and 7 the words "that he will attend every meeting of the board of directors unless prevented by sickness."

Your conference committee further recommends that the bill be amended by striking out of section 6, chapter 10, line 3 all after the word "shareholders" down to and including the word "each" in the fifth line, and substituting the following for the Senate amendment: "No person shall be eligible as director of any State bank, nor shall he qualify or serve as such, unless he owns in his own right shares of stock in such bank, as follows: In those having a capital of twenty-five thousand dollars or over but less than thirty thousand dollars, two shares; in those having a capital of thirty thousand dollars or over but less than forty thousand dollars, three shares; in those having a capital of forty thousand dollars or over but less than fifty thousand dollars, four shares; in those having a capital of fifty thousand dollars or over, five shares. Each director before acting as such"

Also that the House concur in the Senate amendment in line 6 in same section and chapter as above, by inserting after the word "the" and before the word "stock" these words, "number of shares of."

That the House concur in the Senate amendment to section 7, chapter 10, striking out the word "fifteen" and inserting "ten"; also, concur in the Senate amendment to the same section and chapter, by striking out the word "twenty" and inserting "fifteen".

That the House recedes from its substitute for Senate amendment to section 15, chapter 11, and concurs in the Senate amendment to section 15, chapter 11, as follows: "The assignee or receiver of any such corporation, or in case there is none, or of his failure or refusal to act, any creditor thereof may maintain an action in equity to determine the liability of the stockholders, and the amount to which each creditor shall be entitled; and all parties interested shall be brought into court."

That the Senate concur in the House amendment to the Senate amendment to section 23, chapter 11, as follows: line 17 adding after the word "banks" the words "and their stockholders shall be liable to the creditors of such companies as provided in section 15 of this chapter for stockholders in savings and state banks;" also, concur in the amendment to the same section and chapter by adding at the end of the section the following: "Provided that loan and trust companies organized under the general incorporation laws of the state, which were engaged in the banking business prior to the first day of January, 1886, and have continued therein since said date may, by the proper additions to their articles of incorporation, become state banks within the provision of this title without incorporating the word "state" in the names of such corporations."

C. A. CARPENTER,
G. S. GILBERTSON,
ROBT. BONSON,
F. O. ELLISON,

Conferees for the Senate.

H. J. NIETERT,
L. F. POTTER,
W. B. CHAPMAN,
J. R. WHEELER,

Conferees for the House.

Senator Hospers moved that the report of the Committee on Conference on substitute for House file No. 19, be adopted.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Bell, Blanchard, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Mitchell, Penrose, Perrin, Phelps, Pusey, Rigger, Rowen, Sargent, Waterman—38.

The nays were:

None.

Absent or not voting:

Senators Allyn, Berry, Bonson, Eaton, Hobart, Lehfeldt, Lothrop, Palmer, Ranck, Trewin, Upton, Young—12.

The report of the conference committee 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 has amended Senate substitute for House amendment to section 2, and insists on all other amendments to substitute for Senate file No. 1, a bill for an act to provide for the annotation, indexing, publication, distribution and sale of the Code and statutes hereafter enacted, and the appointment of a supervising committee and the election of an editor, and prescribing their duties.

The Speaker has appointed as a conference committee on the part of the House, Representatives Dowell, Davis, Evans and Hayes.

JAS. D. ROWEN,
Chief Clerk.

The Journal of Wednesday was taken up, read, corrected and approved.

The Senate resumed consideration of report of committee on substitute for Senate file No. 8.

House amendment to section 45 laid over.

Senator Funk moved that the Senate do not concur in House amendment to section 63, relative to change of dates for return of assessors' books.

Carried.

Senator Funk moved that the Senate do not concur in House amendment to section 68, relative to adjusting assessments by local board of review.

Carried.

Senator Funk moved that the Senate do not concur in House amendments to section 70, inserting at end of section "and any taxpayer taking such appeal shall file a bond for costs."

Carried.

Senator Funk moved that the Senate do not concur in House amendments to section 40, relative to appointment of resident agent by non-resident land holder.

Carried.

Senator Funk moved that the Senate do not concur in House amendment to chapter 4, section 1, line 6, inserting after the word "wife" the words "brother, sister, nephew or neice."

Carried.

Senator Funk moved that the Senate do not concur in the House amendment to section 4, line 3, inserting after the word "wife" the words "brother, sister, nephew or niece."

Carried.

Senator Funk moved that the Senate do not concur in the House amendments to section 45, relative to peddlers.

Senator Cheshire moved as a substitute for section 45 and House amendments the following: "A tax for State purposes shall be levied upon peddlers of merchandise for a license to peddle throughout the State for one year as follows: Upon each peddler of watches and jewelry or either of them, thirty dollars; upon each peddler of clocks, fifty dollars; upon each peddler of dry goods, fancy articles, notions as follows: Upon each peddler thereof ten dollars; upon each peddler who pursues his occupation with a vehicle drawn by one animal, twenty-five dollars; if drawn by two and less than four, fifty dollars; if drawn by four or more animals, seventy-five dollars; but nothing in this section shall apply to wholesale dealers in any of the above enumerated articles, who use wagons for the delivery of goods sold at wholesale prices and by the box or package. Any person so peddling without a license, or after the expiration of his license, is guilty of a misdemeanor, and the person actually peddling is liable whether he be the owner of the goods or not."

Senator Carpenter offered the following substitute for the amendment by Senator Cheshire: Amend section 45 by striking out the word "twenty-five" in line 2 and inserting "five;" by striking out the word "fifty" in line 2 and inserting "ten;" by striking out the word "seventy-five" in line 3 and inserting

the word "twenty-five;" by striking out the word "one hundred" in line 4 and inserting "fifty"

Adopted.

Section 45 as amended by substitute by Senator Carpenter was adopted.

Senator Funk moved that the Secretary be authorized to see that the sections of the bill are numbered consecutively.

Carried.

Senator Funk moved that the roll be called on all the amendments concurred in by *viva voce* vote.

On the question, "Shall the amendments concurred in by *viva voce* vote be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Byers, Carpenter, Carroll, Craig, Druet, Ericson, Everall, Funk, Gilbertson, Harriman, Healy, Hobart, Hospers, Hotchkiss, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Sargent, Trewin, Waterman, Young—30.

The nays were:

Senators Carney, Cheshire, Ellison, Garst, Gorrell, Harper, Hurst, Junkin, Kilburn, Mitchell, Rowen—11.

Absent or not voting:

Senators Bonson, Downey, Eaton, Ellis, Henderson, Hipwell, Lehfeldt, Lothrop, Upton—9.

The amendments were concurred in.

Senator Ellis moved to take up House messages.

Carried.

HOUSE MESSAGES.

Substitute for Senate file No. 1, a bill for an act to provide for the annotation, indexing, publication, distribution and sale of the Code and statutes hereafter enacted, and the appointment of a supervising committee and the election of an editor, and prescribing their duties, was passed on file for conference committee.

The President announced as conference committee on the part of the Senate, Senators Ellis, Trewin, Ranck and Cheshire on substitute for Senate file No. 1.

BILLS ON SECOND READING.

On motion of Senator Cheshire, Senate file No. 101, a bill for an act to legalize certain errors and omissions of the board of supervisors and of the county auditor of Polk county, Iowa, with report of committee recommending that the title be

amended to read as follows: "A bill for an act to legalize the acts of the board of supervisors and county auditor and the vote of the people of Polk county in relation to levying a tax to raise funds to build an asylum in said county for the care of the insane," and when so amended the bill do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Cheshire moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Carney, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Rigger, Rowen, Sargent, Young—34.

Senator Waterman voted in the negative.

Absent or not voting:

Senators Berry, Bonson, Byers, Carpenter, Carroll, Eaton, Everall, Harriman, Henderson, Lehfeldt, Lothrop, Pusey, Ranck, Trewin, Upton—15.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Hobart, Senate file No. 100, a bill for an act to legalize the incorporation of the town of Larrabee, Cherokee county, Iowa, election of its officers, acts done and ordinances passed by the council of said town, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Hobart moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Byers, Carpenter, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Gilbertson, Gorrell, Harper, Harriman, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Palmer, Perrin, Phelps, Ranck, Rigger, Sargent, Trewin—29.

Senator Waterman voted in the negative.

Absent or not voting:

Senators Berry, Blanchard, Bonson, Carney, Carroll, Eaton, Funk, Garst, Healy, Henderson, Hipwell, Junkin, Lehfeldt,

Lothrop, Mitchell, Penrose, Pusey, Rowen, Upton, Young—20.

The bill having received a constitutional majority was declared to have passed the Senate and title agreed to.

On motion of Senator Gilbertson, Senate file No. 102, a bill for an act to legalize the location of public highways on all section lines in townships Nos. 98 and 99, north of range No. 25, west; also, townships Nos. 98 and 99, north, range No. 26, Winnebago county, Iowa, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Gilbertson moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carney, Carpenter, Carroll, Cheshire, Druet, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harriman, Healy, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Palmer, Perrin, Phelps, Ranck, Riggen, Sargent, Trewin—31.

The nays were:

Senators Garst and Waterman—2.

Absent or not voting:

Senators Bonson, Byers, Craig, Downey, Eaton, Harper, Henderson, Hipwell, Hurst, Lehfeldt, Lothrop, Mitchell, Penrose, Pusey, Rowen, Upton, Young—17.

The bill having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Penrose moved that the Senate do now adjourn.

Carried.

Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M.. President Parrott presiding.

INTRODUCTION OF BILLS.

By Senator Everall, by unanimous consent, Senate file No. 104, a bill for an act to legalize certain elections held in the town of Volga City, Clayton county, Iowa.

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

By Senator Downey, by unanimous consent, Senate file No. 105, a bill for an act to legalize the acts of the city of Keokuk, Iowa, curbing Blondeau street.

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

By Senator Downey, by unanimous consent, Senate file No. 106, a bill for an act to legalize acts of the city of Keokuk, Iowa, changing grade of Orleans street.

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

By Senator Hotchkiss, by unanimous consent, Senate file No. 107, a bill for an act to legalize the action of the board of supervisors of Dallas county, relating to the levy of county revenue for 1896.

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

REPORT OF STANDING COMMITTEE.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 103, a bill for an act to legalize the corporation of the town of Arnold's Park, Dickinson county, Iowa, and the notice for the election of the officers thereof and the election of the officers of said town, 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 do pass.

L. A. ELLIS,
Chairman.

BILLS ON SECOND READING.

On motion of Senator Funk, Senate file No. 103, a bill for an act to legalize the corporation of the town of Arnold's Park, Dickinson county, Iowa, and the notice for the election of the officers thereof and the election of the officers of said town, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Funk moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ericson, Everall, Funk, Gilbertson, Gorrell, Healy, Henderson, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Palmer, Penrose, Phelps, Ranck, Sargent, Trewin, Young—30.

The nays were:

Senators Garst and Waterman—2.

Absent or not voting:

Senators Bell, Berry, Blanchard, Bonson, Eaton, Ellison, Harper, Harriman, Hipwell, Hobart, Lehfeldt, Lothrop, Mitchell, Perrin, Pusey, Riggen, Rowen, Upton—18.

The bill having received a constitutional majority, was declared to have passed the Senate and title agreed to.

REPORT OF STANDING COMMITTEE.

Senator Ellis from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 104, a bill for an act to legalize certain elections in the town of Volga City, Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the bill do pass.

L. A. ELLIS,
Chairman.

BILLS ON SECOND READING.

On motion of Senator Everall, rule No. 15 was suspended and Senate file No. 104, a bill for an act to legalize certain elections held in the town of Volga City, Clayton county, Iowa, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Everall moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carney, Carpenter, Cheshire, Downey, Druet, Ellis, Ellison, Ericson, Everall, Gilbertson, Gorrell, Harper, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn,

Palmer, Penrose, Phelps, Ranck, Rigger, Sargent, Trewin, Young—34.

The nays were:

Senators Garst and Waterman—2.

Absent or not voting:

Senators Blanchard, Bonson, Carroll, Craig, Eaton, Funk, Harriman, Lehfeldt, Lothrop, Mitchell, Perrin, Pusey, Rowen, Upton—14.

The bill having received a constitutional majority was declared to have passed the Senate and its title 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 concurs in Senate amendment to title, amendment to section 5 and refuses to concur in all Senate amendments to House file No. 38, a bill for an act to revise, amend and codify the statutes in relation to inspection of petroleum products.

JAS. D. ROWEN,
Chief Clerk.

BILLS ON SECOND READING.

On motion of Senator Cheshire, Senate file No. 85, a bill for an act to repeal so much of section 1, chapter 179 of the laws of the Twenty-fifth General Assembly, as legalizes a certain contract entered into between the city of Des Moines, Iowa, and the Des Moines Brick Manufacturing Company, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Cheshire moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Cheshire, Ellis, Ellison, Garst, Henderson, Hipwell, Hotchkiss, Junkin, Kilburn, Phelps, Waterman—11.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Carney, Carpenter, Carroll, Craig, Druet, Everall, Gilbertson, Gorrell, Harper, Harriman, Healy, Hospers, Mitchell, Palmer, Penrose, Perrin, Pusey, Rigger, Sargent, Young—25.

Absent or not voting:

Senators Blanchard, Byers, Downey, Eaton, Ericson, Funk, Hobart, Hurst, Lehfeldt, Lothrop, Ranck, Rowen, Trewin, Upton—14.

The bill having failed to receive a constitutional majority, was declared lost.

REPORT OF CONFERENCE COMMITTEE.

Senator Garst presented the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred House file No. 18, a bill for an act to revise, amend and codify the statutes in relation to insurance, beg leave to report that they have had the matters of disputes between the two Houses under consideration and recommend:

That the House concur in Senate amendment to section 38, chapter 4.

That the House concur in Senate amendment to section 59, chapter 4.

That the following be adopted as a substitute for section 60, chapter 4:

“Any condition or stipulation in an application, policy or contract of insurance making the policy void before the loss occurs, shall not prevent recovery thereon by the insured, if it shall be shown by the plaintiff that the failure to observe such provision or the violation thereof did not contribute to the loss, provided, however, that any condition or stipulation referring to any other insurance valid or invalid, or to vacancy of the insured premises or the title or ownership of the property insured, or to liens or incumbrances thereon created by voluntary act of insured and within his control, or to the suspension or forfeiture of the policy during default or failure to pay any written obligation given to the insurance company for the premium or to the assignment or transfer of such policy of insurance before loss without the consent of the insurance company, or to the removal of the property insured, or to a change in the occupancy or use of the property insured, if such removal, change or use makes the risk more hazardous, or to the fraud of the insured in the procurement of the contract of insurance, shall not be changed or affected by this provision. No recovery on a policy or contract of insurance shall be defeated for failure of insured to comply, after a loss occurs, with any arbitration or appraisal stipulation as to fixing value of property unless it be plead and proven that the insurance company gave written notice to insured of its election to determine the amount of loss by appraisal or arbitration as provided in the policy, and thereafter insured failed to comply with such requirements. No arbitration shall take place except where the property was situated at the time of loss. Any agreement, stipulation or condition in any policy or contract of insurance by which any insurance company reserves or has the right to rebuild shall be void and of no effect in case of total loss. Nothing herein shall be construed to change the limitations or restrictions respecting the pleading or proving of any defense by any insurance company to which it is subject by law. The provisions of this section shall apply to all contracts of insurance on real and personal property.”

That the House concur in the Senate amendment to section 61 (as renumbered), to chapter 4, striking out all of the section following the word “sections,” in line 6, of printed bill.

That the Senate concur in the House amendment to the Senate amendment to sections 62, 63 and 64 (as renumbered), of chapter 4.

That the House concur in the Senate amendment to section 71 (as renumbered), chapter 4.

That the Senate concur in the House amendment to Senate amendment to section 8, chapter 5.

That the House concur in the Senate amendment striking out subsection 34½, in section 6, chapter 6

That the House recede from its amendments to the Senate amendment to chapter 7, where it inserts the words "or flexible" after the word "stipulated" wherever it occurs in the title or elsewhere in said chapter; and that the House do concur in the Senate amendments striking out the word "flexible" in said title and chapter and inserting the word "stipulated" wherever it occurs therein.

That the Senate recede from its amendment to section 12, chapter 7; and that the Senate concur in the House amendment to said section.

That the House concur in the Senate amendment to section 23, chapter 8.

The committee also recommend the following to be added as a new section to chapter 8: "In case this or any other State shall impose or levy any tax on any company or association, the same may be paid from any surplus or emergency fund of such company or association."

WARREN GARST,
N. M. PUSEY,
G. M. CRAIG,
T. G. HARPER,
Committee for Senate.
CHAS. L. EARLY,
W. G. LADD,
J. H. GURLEY,
WALTER I. HAYES,
Committee for House.

REPORT OF CONFERENCE COMMITTEE,

Senator Ellis presented the following conference committee report:

MR. PRESIDENT—Your committee on conference, to whom was referred substitute for Senate file No. 1, a bill for an act to provide for the annotation, indexing, publication, distribution and sale of the Code, and statutes hereafter enacted, and the appointment of a supervising committee and the election of an editor, and prescribing their duties, beg leave to report that they have had the same under consideration, and recommend:

That the Senate concur in the House amendment to Senate amendment to section 2 of the bill, which will make said section read as follows: "Section 2 The Twenty-sixth General Assembly shall, on or before the third legislative day after the passage of this act and before the day of the adjournment of the extra session thereof, convene in joint session and select by *viva voce* vote in a non-partisan manner, upon a roll call of the members, an editor of the Code, who shall perform the duties hereinafter defined. A joint committee, consisting of two members of the Senate and

three of the House, shall be elected by the Senate and the House respectively, to have general supervision of the work of annotation, indexing and publication of the Code, and the members thereof shall be allowed actual expenses for attending its meetings, which shall be at the Capitol, and such committee shall be known and designated as the Code supervising committee."

That the House amendment to section 4 be stricken out, and that the following be added at the end of said section: "also the decisions of the supreme court of the United States, of the United States circuit court of appeals, and as far as practicable, of the United States circuit and district courts, construing statutes of Iowa."

Respectfully submitted,

L. A. ELLIS,
 J. H. TREWIN,
 C. S. RANCK,
 THOS. A. CHESHIRE,
Committee for Senate.
 C. C. DOWELL,
 M. J. DAVIS,
 N. K. EVANS,
 WALTER I. HAYES,
Committee for House.

Senator Ellis moved that the report of Conference Committee on substitute for Senate file No. 1, be taken up for consideration now.

Carried.

Senator Ellis moved that the report of the conference committee be adopted.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Allyn, Blanchard, Bonson, Carney, Carroll, Cheshire, Craig, Druet, Ellis, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rikken, Sargent, Trewin, Waterman, Young—35.

Absent or not voting:

Senators Bell, Berry, Byers, Carpenter, Downey, Eaton, Funk, Harper, Hipwell, Hobart, Leheldt, Lothrop, Ranck, Rowen, Upton—15.

The report of the conference committee was adopted.

Senator Trewin asked unanimous consent to introduce a bill.

Objected to by Senator Waterman.

Senator Trewin moved that the rule be suspended and leave granted to introduce a bill.

On this a roll call was demanded.

On the question, "Shall the rule be suspended?" the yeas were:

Senators Alexander, Bell, Carney, Carroll, Cheshire, Druet, Ellis, Ellison, Everall, Gilbertson, Harriman, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Palmer, Perrin, Phelps, Riggen, Sargent, Trewin—23.

The nays were:

Senators Craig, Garst, Henderson, Mitchell, Waterman, Young—6.

Absent or not voting:

Senators Allyn, Berry, Blanchard, Bonson, Byers, Carpenter, Downey, Eaton, Ericson, Funk, Gorrell, Harper, Healy, Hobart, Lehfeldt, Lothrop, Penrose, Pusey, Ranck, Rowen, Upton—21.

The rule was suspended.

INTRODUCTION OF BILLS.

By Senator Trewin, Senate file No. 108, a bill for an act to legalize certain ordinances of the incorporated town of Waucoma, Fayette county, Iowa.

Read first and second time.

BILLS ON SECOND READING.

On motion of Senator Trewin, rule No. 15 was suspended and Senate file No. 108, a bill for an act to legalize certain ordinances of the incorporated town of Waucoma, Fayette county, Iowa, was taken up for passage.

The bill was read for information.

Senator Trewin moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Druet, Ellis, Ellison, Ericson, Everall, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Palmer, Penrose, Perrin, Phelps, Riggen, Sargent, Trewin—34.

The nays were:

Senators Garst and Waterman—2.

Absent or not voting:

Senators Byers, Downey, Eaton, Funk, Harper, Hobart, Lehfeldt, Lothrop, Mitchell, Pusey, Ranck, Rowen, Upton, Young—14.

The bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Hotchkiss, rule No. 15 was suspended and Senate file No. 107, a bill for an act to legalize the action of the board of supervisors of Dallas county, Iowa, relative to the levy for county revenue for 1896, was taken up for passage.

The bill was read for information.

Senator Hotchkiss moved that the bill be re-referred to Committee on Judiciary.

Carried.

Senator Gorrell moved to take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 38, a bill for an act to revise, amend and codify the statutes in relation to petroleum products, was read and referred to Committee on Public Health.

Senator Waterman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, IOWA, Friday, April 30, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. S. T. McKim, of Grundy Center, Iowa.

Senators Trewin and Carpenter were excused on account of work in conference committee.

On request of Senator Everall, leave of absence was granted Senator Craig until Monday.

On request of Senator Palmer, leave of absence was granted Senator Riggen until Monday on account of sickness.

REPORTS OF STANDING COMMITTEES.

Senator Gorrell, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred House file No. 38, a bill for an act to revise, amend and codify the statutes in relation to the inspection of petroleum products, 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 insist upon all of its amendments.

J. R. GORRELL,
Chairman.

Report of the committee adopted and Senate insists on its amendments.

Senator Gorrell moved that a conference committee be appointed on House file No. 38.

Carried.

Senator Waterman, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred substitute for House file No. 88, a bill for an act to provide for the payment of the four paper folders and file clerk of the Twenty-sixth General Assembly, for three days' labor performed after the adjournment of the regular session of the Twenty-sixth 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 the same do pass.

H. L. WATERMAN,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 87, a bill for an act to repeal chapter 63 of the Laws of the Twenty-third General Assembly and enact a substitute therefor, and providing for the appropriation of money to aid in procuring a library for the penitentiary at Anamosa, 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 same do pass.

H. L. WATERMAN,
Chairman.

Ordered passed on file.

CONFERENCE COMMITTEE REPORT.

Senator Ellison, from the Conference Committee on Senate file No. 48, made the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to the state library, beg leave to report that they have had the matters in dispute under consideration and are unable to agree, and ask that this committee be discharged and a new conference committee be appointed.

F. O. ELLISON,
W. H. BERRY,
A. C. HOBART,
T. G. HARPER,
For the Senate.

W. C. MCARTHUR,
C. C. DOWELL,
C. R. PORTER,
J. B. CLASSEN,
For the House.

Senator Ellison moved that the report of the conference committee be adopted.

Carried.

CONFERENCE COMMITTEES.

The President announced the following conference committees on the part of the Senate:

On Senate file No. 48, Senators Pusey, Trewin, Carpenter and Palmer.

On House file No. 38, Senators Cheshire, Ranck, Harriman and Mitchell.

Senator Hotchkiss moved to recall Senate file No. 107 from Committee on Judiciary and that the bill be indefinitely postponed for the reason that Senate file No. 96 provides for the matter therein set out.

Carried.

The Journal of Thursday was taken up, read, corrected and approved.

Senator Garst called up the report of the conference committee on House file No. 18.

Senator Garst moved that the report of the conference committee be considered now.

Carried.

Senator Garst moved that the following be adopted as a substitute for section 60, chapter 4: "Any condition or stipulation in an application, policy or contract of insurance making the policy void before the loss occurs, shall not prevent recovery thereon by the insured if it shall be shown by the plaintiff that the failure to observe such provision or the violation thereof did not contribute to the loss, provided, however, that any condition or stipulation referring to any other insurance, valid or invalid, or to vacancy of the insured premises, or the title or ownership of the property insured, or to liens or incumbrances thereon created by voluntary act of insured and within his control, or to the suspension or forfeiture of the policy during default, or failure to pay any written obligation given to the insurance company for the premium, or to the assignment or transfer of such policy of insurance before loss without the consent of the insurance company, or to the removal of the property insured, or to a change in the occupancy or use of the property insured, if such removal, change or use makes the risk more hazardous, or to the fraud of the insured in the procurement of the contract of insurance, shall not be changed or affected by this provision. No recovery on a policy or contract of insurance shall be defeated for failure of insured to comply, after a loss occurs, with any arbitration or appraisal stipulation as to fixing value of property unless it be plead and proven that the insurance company gave written notice to insured of its election to determine the amount of loss by appraisal or arbitration as provided in the policy, and thereafter insured failed to comply with such requirements. No arbitration shall take place except where the property was situated at the time of loss. Any agreement, stipulation or condition in any policy or contract of insurance by which any

insurance company reserves or has the right to rebuild shall be void and of no effect in case of total loss. Nothing herein shall be construed to change the limitations or restrictions respecting the pleading or proving of any defense by any insurance company to which it is subject by law. The provisions of this section shall apply to all contracts of insurance on real and personal property."

Adopted.

Senator Garst moved that the Senate concur in the House amendment to the Senate amendment to sections 62, 63 and 64 (as renumbered), of chapter 4.

Carried.

Senator Garst moved that the Senate concur in the House amendment to Senate amendment to section 8, chapter 5.

Carried.

Senator Garst moved that the Senate recede from its amendment to section 12, chapter 7, and that the Senate concur in the House amendment to said section.

Carried.

Senator Garst moved the following to be added as a new section to chapter 8: "In case this or any other state shall impose or levy any tax on any company or association the same may be paid from any surplus or emergency fund of such company or association."

Adopted.

Senator Garst moved that the yeas and nays be called on the adoption of the report of the conference committee.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Byers, Carney, Carroll, Cheshire, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perin, Phelps, Pusey, Rowen, Sargent, Waterman—38.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Carpenter, Craig, Eaton, Hurst, Kilburn, Lehfeldt, Ranck, Riggen, Trewin, Upton, Young—12.

The report of the conference committee 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 has concurred in all Senate amendments except sections 12, 14 and 9, subdivision 3, chapter 2; section 32, chapter 4, line 1; section 1, chapter 5; section 28, chapter 6; section 5, line 3, chapter 11; section 5, adding to sections, chapter 11; section 6, line 11, chapter 11; section 5, line 5, chapter 13.

Has amended Senate amendments to sections 21 and 30, chapter 2; section 8, subsection 8, chapter 11, section 18, chapter 11 of House file No. 96, a bill for an act to revise, amend and codify the statutes in relation to city and town government.

JAS D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

House file No. 96, a bill for an act to revise, amend and codify the statutes in relation to city and town government, was referred to Committee on Cities and Towns.

BILLS ON SECOND READING.

On motion of Senator Waterman substitute for House file No. 88, a bill for an act to provide for the payment of the four paper folders and file clerk of the Twenty-sixth General Assembly, for three days' labor performed after the adjournment of the regular session of the Twenty-sixth General Assembly, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Waterman moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Byers, Carney, Carroll, Cheshire, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Rowen, Sargent, Waterman, Young—39.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Carpenter, Craig, Eaton, Hurst, Kilburn, Lehfeltdt, Phelps, Riggen, Trewin, Upton—11.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

On motion of Senator Waterman Senate file No. 87, a bill for an act to repeal chapter 63 of the laws of the Twenty-third General Assembly and enact a substitute therefor, and providing for the appropriation of money to aid in procuring a library for the penitentiary at Anamosa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Harriman moved to amend section 2 by adding thereto the words, "The Governor shall appoint a committee of three suitable persons to select the books for said library, who shall serve without compensation."

Adopted

Senator Waterman moved that the rule be suspended and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Byers, Carney, Carroll, Cheshire, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pushey, Ranck, Rowen, Sargent, Waterman, Young—40.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Carpenter, Craig, Eaton, Healy, Hurst, Lehfeldt, Riggen, Trewin, Upton—10.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Waterman filed a motion to reconsider the vote by which substitute for House file No. 88 passed the Senate.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the conference committee on substitute for Senate file No. 1, a bill for an act to provide for the annotation, indexing, publication, distribution and sale of the Code, and statutes hereafter enacted, and the appointment of a supervising committee, and the election of an editor, and prescribing their duties.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker has appointed a further conference committee on the part of the House, consisting of Messrs. Griswold, Jay, Ladd and Wells, on Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to the State library.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker has appointed Representatives Bowen, Doubleday, Brady and Baker as Conference Committee on House file No. 38, a bill for an act to revise, amend and codify the statutes in relation to petroleum products.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to State libraries, was read and passed on file for conference committee.

House file No. 38, a bill for an act to revise, amend and codify the statutes in relation to petroleum products, was read and passed on file for conference committee.

Substitute for Senate file No. 1, a bill for an act to provide for the annotation, indexing, publication, distribution and sale of the Code and statutes hereafter enacted, and the appointment of a supervising committee and the election of an editor, and prescribing their duties, was read and passed on file.

Senator Gilbertson moved that the Senate take a recess until 11 o'clock A. M. to-day.

Carried.

Senate reconvened.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No 10, a bill for an act to revise, amend and codify the statutes in relation to elections and offices.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate

file No. 35, a bill for an act to revise, amend and codify the statutes in relation to the care and propagation of fish and the protection of birds and game.

G. S. GILBERTSON,
Chairman.

Passed on file.

INTRODUCTION OF BILLS.

By Senator Palmer, by unanimous consent, Senate file No. 109, a bill for an act to co-operate with the United States in the eradication of swine plague.

Read first and second time and ordered printed in Journal.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House file No. 108, a bill for an act to eradicate hog cholera and swine plague in the State of Iowa.

JAS. D. ROWEN,
Chief Clerk.

Senator Palmer moved to take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 108, a bill for an act to eradicate hog cholera and swine plague in the United States.

Senator Palmer moved that the bill be read for information.

Carried.

The bill was read.

Senator Palmer moved that rule 15 be suspended and that the bill be taken up for consideration.

Carried.

Senator Harriman moved to amend the bill by substituting the title of Senate file No. 109 for the title of the bill under consideration.

Senator Carney moved as a substitute by adding to the title the words "to authorize the quarantine or destruction of swine affected thereby, and to confer certain powers upon the Governor and the inspector of the Bureau of Animal Industry of the United States Department of Agriculture in relation thereto."

Lost.

The amendment to the title was adopted.

Senator Mitchell moved to amend the bill by adding a publication clause.

Adopted.

Senator Palmer moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Byers, Carney, Carpenter, Carroll, Downey, Ellis, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Ranck, Sargent, Young—35.

The nays were:

None.

Absent or not voting:

Senators Bell, Bonson, Cheshire, Craig, Druet, Eaton, Funk, Hurst, Lehfeldt, Pusey, Rigger, Rowen, Trewin, Upton, Waterman—15.

The bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORT OF CONFERENCE COMMITTEE.

Senator Cheshire, from the committee on conference, submitted the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred House file No. 66, 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 matter in dispute between the two houses under consideration and recommend:

That the Senate recede from the amendment to section 4 of chapter 5, which struck out so much of said section from the word "grantee" in third line to end of section.

That the House concur in the Senate amendment to section 5 of chapter 9 by striking out all after the word "term" in fifth line thereof.

That the House concur in the Senate amendment to section 5 of chapter 9 by adding an amendment at the end of said section with reference to liens on stocks of merchandise.

THOS. A. CHESHIRE,

THOS. D. HEALY,

F. O. ELLISON,

C. S. RANCK,

Committee for Senate.

H. O. WEAVER,

W. B. MARTIN,

B. M. MCQUIN,

CHRIS MARTI,

Committee for House.

Senator Healy moved that the report of the conference committee be taken up for consideration now.

Carried.

Senator Healy moved that the report of the conference committee be adopted.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Downey, Ellis, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harper, Harri- man, Healy, Henderson, Hipwell, Hobart, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Ranck, Sargent, Trewin, Young—35.

The nays were:

None.

Absent or not voting:

Senators Bell, Cheshire, Craig, Druet, Eaton, Funk, Hospers, Hurst, Lehfeldt, Phelps, Pusey, Rigger, Rowen, Upton, Waterman—15.

The report of the conference committee was adopted.

Senator Berry from the Conference Committee on Senate file No. 20, presented the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of railways, beg leave to report that they have had the same under consideration, and, being unable to agree, report the same back and recommend that another conference committee be appointed.

W. H. BERRY,
D. J. PALMER,
C. S. RANCK,
J. H. TREWIN,

Conferees for the Senate.

M. L. TEMPLE,
PARLEY FINCH,
M. K. WHELAN,
T. J. SULLIVAN,

Conferees for the House.

Senator Berry moved that the report of the conference committee be adopted.

Carried.

CONCURRENT RESOLUTION.

Senator Ellis offered the following concurrent resolution:

WHEREAS, The act providing for the printing, publication, annotation etc., of the Code, also provides for the election by the Senate and House in

joint convention of an editor to edit the Code and perform all the duties in said act prescribed, therefore be it

Resolved by the Senate, the House concurring, That the election of an editor of the Code take place at 10 o'clock A. M., Tuesday of May 4th, A. D. 1897, in the hall of the House of Representatives.

Adopted.

REPORT OF STANDING COMMITTEE.

Senator Waterman, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 98, a bill for an act to amend chapter 136, of the laws of the Twenty-fifth General Assembly, and chapter 140 of the laws of Twenty-sixth General Assembly, relating to appropriations for the hospital for the insane at Cherokee and to expedite the completion of its first buildings, 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 same be indefinitely postponed.

H. L. WATERMAN,
Chairman.

The report of the committee was adopted and the bill indefinitely postponed.

Senator Harper moved that the Senate do now adjourn.

Carried.

Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

President announced the following conference committee on part of the Senate on Senate file No. 20, Senators Pusey, Waterman, Lothrop and Harper.

Senator Waterman withdrew the motion filed to reconsider the vote by which substitute for House file No. 88 passed the Senate.

Senator Healy presented report of Conference Committee on House file No. 26.

REPORT OF CONFERENCE COMMITTEE.

Senator Funk, from the committee on conference, submitted the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred House file No. 26, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of telegraph and telephone lines, beg leave to report that they have had the same under consideration and report the same back with the recommendation that the House concur in the Senate amendment to said bill, striking out section 8.

A. B. FUNK,
THOS. D. HEALY,
ROBT. BONSON,
G. S. GILBERTSON,
Committee for Senate.
F. McNULTY,
P. L. PRENTIS,
THOS. LAMBERT,
Committee for House.

Senator Healy moved that the report of the conference committee be adopted.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bonson, Byers, Carney, Carroll, Cheshire, Downey, Ellis, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Pusey, Rowen, Sargent, Waterman, Young—35.

The nays were:

None.

Absent or not voting:

Senators Berry, Carpenter, Craig, Druet, Eaton, Funk, Henderson, Lehfeltdt, Mitchell, Perrin, Phelps, Ranck, Rigen, Trewin, Upton—15.

The report of the conference committee was adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 77, a bill for an act to revise, amend and codify the statutes in relation to criminal procedure.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 99, a bill for an act to amend subdivision two of section seven hundred and ninety-six of the code as amended and re-enacted by chapter forty-three of the acts of the Twenty-second General Assembly and to amend section thirteen hundred and eighty-one of the code as amended by chapter one hundred and forty-nine of the acts of the Sixteenth General Assembly, chapter one hundred and sixty-six of the acts of the Seventeenth General Assembly and chapter ten of the acts of the Twenty-first General Assembly, relating to the poor.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 84, a bill for an act to revise, amend and codify the statutes in relation to evidence.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 99, a bill for an act to amend subdivision two, of section seven hundred and ninety-six, of the Code as amended and re-enacted by chapter forty-three of the acts of the Twenty-second General Assembly, and to amend section thirteen hundred and eighty-one of the Code as amended by chapter one hundred and forty-nine of the acts of the Sixteenth General Assembly, chapter one hundred and sixty-six of the acts of the Seventeenth General Assembly and chapter ten of the acts of the Twenty-first General Assembly, relating to the poor.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 77, a

bill for an act to revise, amend and codify the statutes in relation to criminal procedure.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF STANDING COMMITTEE.

Senator Cheshire, from the Committee on Cities and Towns, submitted the following report:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House file No. 96, a bill for an act to revise, amend and codify the statutes in relation to city and town 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 the Senate recede from its amendments to sections 12 and 14, of chapter 2, and section 1, of chapter 5.

That the Senate insist on its amendments to sub-section 3, section 9, of chapter 2; section 32, of chapter 4; section 28, of chapter 6; sections 5 and 6, of chapter 11, and section 5, of chapter 13.

That the Senate concur in House amendments to Senate amendments to sub-section 5, section 21, of chapter 2; section 30, of chapter 2, and sub-section 8, section 8, of chapter 11.

That the Senate do not concur in House amendment to section 13, of chapter 11.

THOS. A. CHESHIRE,
Chairman.

Senator Cheshire moved that the report be taken up for consideration now.

Carried.

Senator Cheshire moved that the Senate recede from its amendments to section 12, chapter 2.

Carried.

Senator Cheshire moved that the Senate recede from its amendment to section 14, chapter 2.

Carried.

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

Carried.

Senator Cheshire moved that the Senate insist upon its amendments to subsection 3, of section 9, chapter 2; section 32, chapter 4; section 28, chapter 6; sections 5 and 6, chapter 11; section 5, chapter 13.

Carried.

Senator Cheshire moved that the Senate concur in House amendments to subsection 5, section 21, chapter 2.

Carried.

Senator Cheshire moved that the Senate concur in House amendment to section 30, chapter 2.

Carried.

Senator Cheshire moved that the Senate concur in House amendment to subsection 8, section 8, chapter 11.

Carried.

Senator Cheshire moved that the Senate do not concur in House amendments to section 18, chapter 11.

Carried.

On the question, "Shall all the House amendments recommended by the committee be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carroll, Cheshire, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Henderson, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Penrose, Perrin, Pusey, Ranck, Sargent, Waterman, Young—37.

The nays were:

None.

Absent or not voting:

Senators Carpenter, Craig, Eaton, Harriman, Hipwell, Lehfeldt, Mitchell, Palmer, Phelps, Rigger, Rowen, Trewin, Upton—13.

All the amendments recommended by the committee were concurred in.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Senate file No. 87, a bill for an act to repeal chapter 63 of the laws of the Twenty-third General Assembly, and enact a substitute therefor providing for the appropriation to aid in procuring a library for the penitentiary at Anamosa.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 87, a bill for an act to repeal chapter 63 of the laws of the Twenty-third General Assembly, and enact a substitute therefor providing for the appropriation to aid in procuring a library for the penitentiary at Anamosa was passed on file.

Senator Palmer moved that Senate file No. 109 be indefinitely postponed for the reason that House file No. 108, covering the same subject had passed the Senate.

Carried.

REPORT OF CONFERENCE COMMITTEE.

Senator Carpenter presented the following report of conference committee:

MR. PRESIDENT—Your conference committee, to whom was referred House file No. 9, a bill for an act to revise, amend and codify the statutes in relation to the executive department, beg leave to report that they have had the same under consideration, and have met with a committee of the House composed of Representatives Funk, Cornwall, Wood, Baker and Byington, appointed by the Speaker to formulate a bill to carry out the recommendations of the investigating committee appointed by the House on the eighth day of February, 1897. There was referred by the Senate to your conference committee House file No. 97, introduced by Representative Merriam, relating to the subject under consideration. After duly considering the report of said investigating committee, House file No. 97, and the various matters in House file No. 9, in dispute between the two Houses, your committee of conference submit the following recommendations.

That House file No. 97 be indefinitely postponed, for the reason that its provisions are incorporated in amendments herein reported.

That the House concur in the following Senate amendments to House file No. 9:

Section 20, page 21, line 4, by striking out all of the section after the word "cents."

By striking out section 2, chapter 7, page 37, and inserting the following as section 2: "Sec. 2. The executive council shall choose a secretary to hold office during its pleasure. The secretary shall keep a journal in which shall be entered all the doings of the council."

Section 1, chapter 8, page 37, by striking out all after the word "militia" in the fourth line, down to and including the word "sold" in the tenth line.

That the Senate recede from its amendments, as follows:

To section 1, chapter 6, page 35.

To section 5, chapter 6, line 8, page 36.

To section 7, chapter 6, page 36

To section 10, chapter 6, page 37.

Your committee further recommend that the bill be reconsidered by the Senate, and that the following amendments thereto be adopted:

Amend chapter 6 of title 2 by striking out sections 4, 5, 6, 7 and 8 and by substituting the following in lieu thereof:

"Sec. 4. He is hereby authorized and empowered, subject to the limitations contained in this title, to employ such labor as shall be required in carrying out the duties imposed by this chapter, to have, at all times, charge of and supervision over the police and janitors in and about the capitol not otherwise provided for, and to employ and discharge the same as the public

interest may demand, and with the advice and consent of the attorney-general to institute in the name of the State civil or criminal proceedings against any person for injury or threatened injury to any public property under his control.

"Sec. 5. The persons employed by him, as above authorized, shall at no time exceed the maximum number, and their compensation shall not exceed the maximum amount allowed by law. At the end of each month he shall make out a list of the expenses incurred under this chapter, specifying the names of the persons employed, the time employed, the kind of labor performed, and the amount due to each, which report shall be subscribed and sworn to by him, and filed with the Executive Council, and when approved by it the auditor shall issue a warrant to each person for the amount to which he is entitled.

"Sec. 6. He shall keep in his office a complete record containing an itemized list of all property of the State under his care and control with accurate plans and surveys of the public grounds at the seat of government, and shall make a quarterly report to the Executive Council on the last days of March, June, September and December, and a biennial report to the Governor on the last day of December preceding each regular session of the General Assembly. He shall perform all other duties imposed by law, or order of the Executive Council.

"Sec. 7. Such reports shall show in detail all expenditures of every kind made by him fully itemized, the condition of all real and personal property of the State under his care or control together with any loss or destruction of, or injury to any such property with the causes thereof, and measures necessary for the care and preservation of the same, and recommendations as to methods which would tend to render the service more efficient and economical. They shall also embrace any other matter ordered by the Executive Council. Each biennial report shall contain an inventory of all State property under his control. All reports of the custodian shall be subscribed and sworn to by him.

"Sec. 8. Either house of the General Assembly may employ such officers and janitors as it shall deem necessary for the conduct of its business; and every officer, board, court, or commission may control the official apartments assigned to them by the Executive Council, but shall have no right to employ any janitor, clerk, or person, except as authorized by joint resolution as provided in this title. The Senate chamber, the hall of the House of Representatives, and the committee rooms shall be used only for legislative purposes, and official apartments shall be used only for the purpose of conducting the business of the State."

Amend chapter 7, page 37, by adding thereto the following sections:

"Sec. 5. At least once each year, and oftener if deemed expedient, the Executive Council shall cause the books, accounts, vouchers, expenditures and conduct of each of the State institutions to be examined into by a skilled accountant and examiner not otherwise in the employ of the State, who shall make report to the Executive Council of such matters and in such form as it may prescribe.

"Sec. 6. Such examiner shall receive actual necessary expenses and such compensation as the Executive Council may allow not to exceed six dollars per day for each calendar day actually employed. The examiner

shall itemize his bills for expenses and services and they shall be subscribed and sworn to by him.

"Sec. 7. The Executive Council shall annually, and oftener in its discretion, make a full settlement between the State of Iowa and the officers of the State, officers and superintendents of State institutions, and all persons receiving, handling or expending State funds.

"Sec. 8. All officers of the State, officers and superintendents of State institutions, and all persons drawing funds from the treasury of the State, shall file with the Auditor of State an itemized statement setting forth the object for which money is sought to be drawn, before a warrant is issued upon the State treasury. When the law permits the drawing of funds in advance of their expenditure, the persons drawing such funds shall file such itemized statement within one hundred days after the issuance of any such warrant. The statements provided for in this section shall be presented to the Executive Council by the auditor.

"Sec. 9. The Executive Council shall publish, annually, as soon after January 1st as is practicable, an itemized statement of all warrants issued and of all moneys paid out by the State Treasurer. Said report shall be so arranged as to show the itemized cost of each department or office of the State and of each State institution, and the disposition by items of all State funds and supplies.

"Sec. 10. The Executive Council is empowered to assign apartments in the Capitol building to the several State officers, commissions and boards; and such assignment shall be subject to change by it, from time to time, when required in the interest of the public service. It shall also make for the State all contracts for lighting and repairing the Capitol building and grounds, and for the necessary telephone, telegraph and water service therein; but the cost of such service shall not exceed the minimum amounts paid by private parties for like service. The bills for such service shall be itemized, subscribed and sworn to, by the person entitled thereto, and filed with the Council, who shall audit the same and order a warrant drawn upon the treasury therefor, payable out of the amount appropriated by the General Assembly for that purpose and not otherwise.

"Sec. 11. The Council is also empowered and authorized to purchase the necessary furniture, fuel, stores, and supplies for the Capitol building and grounds, and the use of the General Assembly, public offices at the seat of government, and the supreme court; and all paper needed for the public printing. All paper purchased for the use of the State shall have a distinguishing mark or water line by which it can be identified, and all furniture, stores or supplies for use in and about the Capitol shall, when practicable, be marked with the word 'Iowa.'

"Sec. 12. The Council shall, from time to time, make estimates of the kind, quantity, and quality of the articles needed and authorized to be purchased by it as provided in the preceding section, and shall cause the secretary thereof to advertise for sealed proposals therefor in two newspapers published at the seat of government, and such others as it may deem expedient. Such advertisement shall state the kind, quantity, and quality and time and place of delivery of the articles to be purchased, and that such proposals shall be filed with the secretary of the Council, the time and place where all bids will be opened, and such other matters as the

council may direct. Bills for such advertising shall be subscribed and sworn to by the person entitled thereto, and when the same are audited by the Executive Council the auditor shall draw warrants therefor.

"Sec. 13. All bids shall be opened by the Council at the time and place fixed in the advertisement, and it shall award the contracts to the lowest responsible bidder therefor, who shall give security to be approved by it for the performance of such contracts, or it may reject any or all bids and advertise anew. Upon the delivery of the articles contracted for in compliance with the terms of the contract, the person so furnishing the articles shall file with the Council an itemized bill therefor, and it shall thereupon audit the same and order a warrant drawn upon the treasury for the amount due, payable out of the sum appropriated by the General Assembly for that purpose and not otherwise.

"Sec. 14. The Executive Council shall take charge of all property purchased under the provisions of this chapter, and shall keep a full, accurate, complete and itemized account of all such property, with the cost and disposition thereof. The Council shall supply the Governor, Secretary, Auditor, Treasurer, Judges of the Supreme Court and Clerk thereof, Attorney-General, Supreme Court Reporter, Superintendent of Public Instruction, Railroad Commissioners, Adjutant-General, and other officers entitled thereto by law, the General Assembly, its committees and the clerks, secretaries, and special and standing committees of either house thereof, with all such articles required for the public use and necessary to enable them to perform the duties imposed upon them by law. Postage shall not be furnished to the General Assembly, its officers, employes, or to any committee of either branch thereof. It shall also furnish the public printer with all paper required for the various kinds of public printing in such quantities as may be needed for the prompt discharge of his duties. Supplies, including postage and stationery, shall be furnished to the officers and persons entitled thereto by law, only in the manner provided in this chapter.

"Sec. 15. In order to draw supplies each officer or person entitled thereto or the chairman of the respective committees shall make a written requisition on the secretary of the Council specifying the amount and kind that is necessary and upon presentation thereof to said secretary, he shall deliver the articles to the person entitled thereto taking a receipt therefor to be filed and preserved with the records of the Council. The Council shall keep an account so as to show the amount, cost and kind of supplies purchased, the amount and kind on hand and the disposition of the balance. It shall keep an accurate itemized account with each office, board, commission, or person drawing supplies, charging thereto the several articles furnished at the cost price. The Council shall also keep an account with the public printer charging him with all paper drawn for public use at the cost price. All printed matter shall be returned to the secretary of the Council for distribution, and the printer shall be credited with the cost price of the paper so returned and required to account for the balance.

"Sec. 16. The Executive Council is authorized to draw warrants upon any contingent fund set apart for its use for the purpose of paying the expenses of suppressing any insurrection or riot, actual or threatened, when State aid has been rendered by order of the Governor, and for repairing,

rebuilding or restoring any State property injured, destroyed or lost by fire, storm, theft or unavoidable cause, and for no other purpose whatever.”

Amend chapter 9, page 40, by inserting after section 5 the following:

“Sec. 6. The chairmen of the committees on Ways and Means, Judiciary and Appropriations of the Senate and House respectively shall constitute a standing committee, to be known as the Joint Committee on Retrenchment and Reform.”

“Sec. 7. Said committee shall examine into the reports and official acts of the Executive Council and each officer, board, commission and department of the state at the seat of government in respect to the conduct and expenditures thereof, and the receipts and disbursements of public funds thereby. It shall report to the general assembly a joint resolution fixing the number of employes and the salary of each for the several offices, boards, commissions and departments for the ensuing biennial period and recommend such appropriations and legislation as shall promote public interests and an efficient and economical administration of the affairs of the State.

“Sec. 8. Said committee shall have the same power to summon and examine witnesses, administer oaths, compel the production of books, papers and evidence, and to punish for contempt, as the district court.”

Also amend chapter 9, pages 38 and 39, by striking out sections 1 and 2 thereof.

Amend chapters 6, 7 and 9 by numbering the sections consecutively.

Respectfully submitted,

C. A. CARPENTER,
J. H. TREWIN,
A. B. FUNK,
W. H. BERRY,
Conferees for the Senate.
M. L. TEMPLE,
D. H. SCOTT,
J. T. P. POWER,
C. C. DOWELL,
Conferees for the House.

Senator Cheshire moved that the Senate take a recess for 15 minutes.

Carried.

Senate reconvened.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists on its amendments to Senate amendments to House file No. 96, a bill for an act to revise, amend and codify the statutes in relation to city and town government. The Speaker has appointed the following conference committee on the part of the House: Representatives Dowell, Thompson, Parker and Wilson.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following concurrent resolution, in which the concurrence of the House was asked:

Relative to joint convention for election of editor for the Code.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Amended concurrent resolution, relative to joint convention to elect editor of Code, was read and passed on file.

House file No. 96, a bill for an act to revise, amend and codify the statutes in relation to city and town government, was read and passed on file.

The President announced the following conference committee on the part of the Senate on House file No. 96, Senators Cheshire, Waterman, Pusey and Trewin.

Senator Ericson moved to take up the concurrent resolution now.

Carried.

Senator Waterman moved that the Senate concur in the House amendment to the concurrent resolution.

Carried.

REPORT OF STANDING COMMITTEE.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate file No. 106, a bill for an act to legalize the acts of the city of Keokuk in changing grade of certain streets, 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 same be amended as follows:

Add to the end of section 1 the following: "But nothing herein shall affect pending litigation or the right of any owner of abutting property to recover for any damage sustained because of excavation or filling in such streets," and when so amended the bill do pass.

L. A. ELLIS,
Chairman.

On motion of Senator Harper, the report of the committee and amendment recommended was adopted.

BILLS ON SECOND READING

On motion of Senator Harper, Senate file No. 106, a bill for an act to legalize the acts of the city of Keokuk in changing

grades of certain streets, with report of committee recommending it be amended by adding to the end of section 1 the following: "But nothing herein shall affect pending litigation or the right of any owner of abutting property to recover for any damage sustained because of excavation or filling in such streets," was taken up, considered, and the report of the committee including the amendment was adopted.

Senator Harper moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carpenter, Carroll, Downey, Druet, Ellis, Ellison, Ericson, Everall, Gilbertson, Gorrell, Harper, Harriman, Healy, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Palmer, Penrose, Perrin, Ranck, Sargent, Trewin, Young—32.

Senator Garst voted in the negative.

Absent or not voting:

Senators Alexander, Carney, Cheshire, Craig, Eaton, Funk, Henderson, Hipwell, Junkin, Lehfeldt, Mitchell, Phelps, Pusey, Riggen, Rowen, Upton, Waterman—17.

The bill having received a constitutional majority was declared to have passed the Senate and title agreed to.

REPORT OF STANDING COMMITTEE.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 105, a bill for an act to legalize the acts and resolutions of the city of Keokuk relative to curbing, guttering and paving Eleventh street in said city, from the north line of Main street to the south line of Blondeau street, and the issuance of certificates therefor, 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 same be amended as follows: Add to the end of section 1 the following: "But nothing herein shall affect pending litigation or the right of any owner of abutting property to recover for any damage sustained because of excavation or filling in such streets;" and when so amended the bill do pass.

L. A. ELLIS,
Chairman.

BILLS ON SECOND READING.

On motion of Senator Harper, Senate file No. 105, a bill for an act to legalize the acts of the city of Keokuk, Iowa, curbing

Blondeau street, with report of committee recommending amendment to section 1 by adding to the end thereof, "But nothing herein shall affect pending litigation or the right of any owner of abutting property to recover for any damage sustained because of excavations or filling in such streets," was taken up, considered, and the report of the committee including the amendment was adopted.

The bill was read for information.

Senator Harper moved that the rule be suspended, and that the bill be considered engrossed, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Berry, Blanchard, Bonson, Byers, Carroll, Downey, Druet, Ellison, Ericson, Everall, Gilbertson, Gorrell, Harper, Harriman, Healy, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Palmer, Perrin, Ranck, Sargent, Young—27.

Senator Garst voted in the negative.

Absent or not voting:

Senators Alexander, Bell, Carney, Carpenter, Cheshire, Craig, Eaton, Ellis, Funk, Henderson, Hipwell, Junkin, Lehfeldt, Mitchell, Penrose, Phelps, Pusey, Rigger, Rowen, Trewin, Upton, Waterman—22.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Harriman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Saturday, May 1, 1897. }

Senate met in regular session at 9 o'clock A. M. President Parrott presiding.

Prayer was offered by Rev. U. S. Smith of Batavia, Iowa.

On request of Senator Everall, leave of absence was granted Senators Harper and Ranck until Monday.

On request of Senator Gilbertson, leave of absence was granted Senator Pusey until Monday.

On request of Senator Gilbertson, leave of absence was granted Senator Hospers until Wednesday.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor, for his approval, Senate file No. 99, a bill for an act to amend subdivision two of section seven hundred and ninety-six of the Code as amended and re-enacted by chapter forty-three of the acts of the Twenty-second General Assembly, and to amend section thirteen hundred and eighty-one of the Code as amended by chapter one hundred and forty-nine of the acts of the Sixteenth General Assembly, chapter one hundred and sixty-six of the acts of the Seventeenth General Assembly, and chapter ten of the acts of the Twenty-first General Assembly, relating to the poor.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 77, a bill for an act to revise, amend, and codify the statutes in relation to criminal procedure.

G. S. GILBERTSON,
Chairman.

Passed on file

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 108, a bill for an act to eradicate hog cholera and swine plague in the State of Iowa.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 88, a bill for an act to provide for the payment of the four paper folders and file clerk of the Twenty-sixth General Assembly for three days' labor performed after the adjournment of the regular session of the Twenty-sixth General Assembly.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Senator Berry moved that the Senate take a recess until 10 o'clock A. M.

Carried.

Senate reconvened.

The Journal of Friday was taken up, read, corrected and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has rejected the following bill, in which the concurrence of the House was asked:

Senate file No. 105, a bill for an act to legalize the acts and resolutions of the city of Keokuk, relative to the curbing, guttering and paving of Eleventh street in said city, from the north line of Main street to the south line of Blondeau street, and the issuance of certificates therefor.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has rejected the following bill in which the concurrence of the House was asked:

Senate file No. 106, a bill for an an act to legalize the acts of the city of Keokuk, Iowa, in changing the grade of Orleans street from

Fourth street to the top of the piling between Third and Fourth streets in said city, and in improving said street, and in levying the tax against the abutting property for the costs of said improvements and in issuing certificates therefor.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 105, a bill for an act to legalize the acts of the city of Keokuk, Iowa, curbing Blondeau street, was passed on file.

Senate file No. 106, a bill for an act to legalize the acts of the city of Keokuk in changing grades of certain streets, was passed on file.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the conference committee report on House file No. 96, a bill for an act to revise, amend and codify the statutes in relation to city and town government.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

House file No. 96, a bill for an act to revise, amend and codify the statutes in relation to city and town government was taken up.

REPORT OF CONFERENCE COMMITTEE.

Senator Cheshire presented the following report of conference committee:

MR. PRESIDENT—Your conference committee, to which was referred House file No. 96, beg leave to report that they have had the same under consideration, and have agreed on the following report:

That the Senate recede from its amendments to sub-section 3, section 9, chapter 2, page 12 of the bill.

That the Senate recede from its amendments to section 32, chapter 3, page 28 of the bill.

That the following be substituted as section 28 of chapter 6, page 40 of the bill in lieu of said section as amended: "Section 28. They shall have power to provide for the construction, reconstruction and repair of permanent sidewalks upon any street, highway, avenue, public ground, wharf, landing, or market place within the limits of such city or town; but the construction of permanent sidewalks shall not be made until the bed of the same shall have been graded so that, when completed, such sidewalks will be at the established grade, and to assess the cost thereof on the lots or parcels of land in front of which the same shall be constructed. Towns shall have the power to make the street improvements provided for in chapter seven of this title and pay for the same, or any part thereof, out of

the general fund, or to assess, levy, and collect special taxes for the cost, or any part thereof, against the abutting property in the manner provided in said chapter. But unless the owners of a majority of the linear feet of the property fronting on the improvements referred to in this section, petition the council therefor, the same shall not be made unless three-fourths of all the members of the council shall, by vote, order the making thereof."

That section 29, chapter 6, page 40 of the bill be amended by striking out the word "They" in the first line and inserting in lieu thereof the words "Cities and towns."

This amendment is made necessary by reason of the substitute agreed upon for section 28, as amended.

That the House concur in Senate amendments to section 5 and line 10 of section 6, chapter 11, as amended on page 65 of the bill.

That line 11, section 6, chapter 11, page 65 of the bill be further amended by striking out the word "November" and inserting the word "December."

That section 7, chapter 11, page 65 of the bill be amended by striking out in line 3 the word "October" and inserting in lieu thereof the word "December."

That the House and Senate amendments to section 18, chapter 11, page 70 of the bill be stricken out, and the section be amended as follows: By inserting after the word "levied" in the fourth line of the section the words "except as provided in subsection seven, of section eight, of chapter eleven of this Title."

That the House concur in Senate amendments to section 5, chapter 13, page 74 of the bill.

That section 34, of chapter 4, page 29 of the bill be amended by striking out the word "They" in the first line and inserting in lieu thereof the words "Cities and towns."

THOS. A. CHESHIRE,
H. L. WATERMAN,
J. H. TREWIN,
N. M. PUSEY,

Conferees on the part of the Senate.

C. C. DOWELL,
J. A. THOMPSON,
JOHN PARKER,
J. L. WILSON,

Conferees on the part of the House.

Senator Cheshire moved that the report of the conference committee be taken up for concurrence.

Carried.

Senator Cheshire moved that the Senate recede from its amendment to subsection 3, section 9, chapter 2.

Carried.

Senator Cheshire moved that the Senate recede from its amendments to section 32, chapter 3.

Carried.

Senator Cheshire moved that section 34, chapter 4, be amended by striking out the word "They" in line 1 and inserting the words "Cities and towns" in lieu thereof.

Carried.

Senator Cheshire moved the following substitute for section 28 of chapter 6: "Section 28. They shall have power to provide for the construction, reconstruction and repair of permanent sidewalks upon any street, highway, avenue, public ground, wharf, landing, or market place within the limits of such city or town; but the construction of permanent sidewalks shall not be made until the bed of the same shall have been graded so that, when completed, such sidewalks will be at the established grade, and to assess the cost thereof on the lots or parcels of land in front of which the same shall be constructed. Towns shall have the power to make the street improvements provided for in chapter seven of this title and pay for the same, or any part thereof, out of the general fund, or to assess, levy and collect special taxes for the cost, or any part thereof, against the abutting property in the manner provided in said chapter. But unless the owners of a majority of the linear feet of the property fronting on the improvements referred to in this section petition the council therefor, the same shall not be made unless three-fourths of all the members of the council shall by vote order the making thereof."

Adopted.

Senator Cheshire moved to amend section 29, chapter 6, by striking out the word "They" in line 1, and inserting the words "Cities and towns" in lieu thereof.

Adopted.

Senator Cheshire moved the adoption of the committee recommendations to section 5, and line 10 of section 6, chapter 11, by striking out the word "November" and inserting the word "December."

Carried.

Senator Cheshire moved to amend section 7, chapter 11, line 3, by striking out word "October," and inserting the word "December" in lieu thereof.

Adopted.

Senator Cheshire moved to amend section 18, chapter 11, by striking out the House and Senate amendments and inserting

in line 4, after the word "levied," the words "except as provided in subsection seven, of section eight of chapter eleven of this title."

Adopted.

Senator Cheshire moved that the report of the conference committee be adopted.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carroll, Cheshire, Downey, Druet, Ellis, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hobart, Hotchkiss, Hurst, Junkin, Lothrop, Palmer, Penrose, Perrin, Sargent, Trewin, Upton, Waterman—33.

The nays were:

None.

Absent or not voting:

Senators Alexander, Carney, Carpenter, Craig, Eaton, Funk, Harper, Hospers, Kilburn, Lehfeldt, Mitchell, Phelps, Pusey, Ranck, Rigger, Rowen, Young—17.

The report of the conference committee was adopted.

Senator Cheshire moved that Senate file No. 101 be recalled from the House.

Carried.

Senator Healy moved that the Senate do now adjourn until 11 o'clock A. M. Monday.

Senator Trewin moved to amend the motion by making the hour 2:15 P. M. to-day.

Carried.

The motion as amended prevailed.

Senate adjourned until 2:15 to-day.

AFTERNOON SESSION.

Senate met at 2:15 o'clock P. M., President Parrott presiding

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to the militia.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to the militia.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 20, a bill for an act to revise, amend and codify the statutes in relation to building and loan associations.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns Senate file No. 101, a bill for an act to legalize certain errors and omissions of the board of supervisors and of the county auditor of Polk county, Iowa.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has named as further conference committee on Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of railways, Messrs. Lauder, Brighton, Bell and Hayes.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 101, a bill for an act to legalize certain errors and omissions of the board of supervisors and of the county auditor of Polk county, Iowa, was passed on file.

Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to construction and operation of railways was passed on file for conference 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 has concurred in Senate amendments to section 2, chapter 2; sections 4, 5 and 50, chapter 2; section 15, chapter 3; section 18, chapter 3; section 23, chapter 3; section 24, chapter 3; section 8, chapter 4; section 17, chapter 4; section 18, chapter 4; section 19, chapter 4 (two amendments); section 26, chapter 4; section 22, chapter 5; section 1, chapter 7; section 18, chapter 8; section 28, chapter 9; section 29, chapter 9; inserting a new section at end of chapter 9; section 14, chapter 10; to renumber sections in chapter 11; section 6, chapter 11; striking out sections 12 to 20 inclusive, chapter 11; striking out sections 29, 30, 31, 32, 34, 35, 40, 41 and 43, chapter 11; striking out section 6, chapter 12; section 1, chapter 13; section 2, chapter 13; section 10, chapter 13; section 7, chapter 14.

The House refuses to concur in Senate amendments to sections 2 and 3, chapter 8; section 12, chapter 12; section 31, chapter 2; sections 40 and 41, chapter 2; section 19, inserting as new section chapter 4; section 1, chapter 5; section 10, chapter 5; section 4, chapter 7; section 23, chapter 7; section 2, chapter 8; section 5, chapter 9; section 24, chapter 11; section 39, chapter 11; section 14, chapter 10; section 27, chapter 4.

The House also amends Senate amendments to section 15, chapter 10, and section 11, chapter 12 of House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments, was taken up.

Senator Penrose moved that when the Senate adjourn it be until 10:30 A. M. Monday.

Carried.

Senator Berry moved that the Senate insist on its amendments to House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments.

Carried.

The President announced as a conference committee on House file No. 85, Senators Carpenter, Blanchard, Berry and Trewin.

Senator Cheshire moved that the Senate do now adjourn.

Carried.

Senate adjourned until 10:30 A. M. Monday.

SENATE CHAMBER,
DES MOINES, Iowa, Monday, May 3, 1897. }

Senate met in regular session at 10:30 A. M., President Parrott presiding.

Prayer was offered by Rev. W. R. Searcy of Iowa City, Iowa.

The Journal of Saturday was taken up, read, corrected and approved.

Senator Carpenter moved that the Senate do now adjourn.
Carried.

On request of Senator Gilbertson leave of absence was granted Senator Junkin until Wednesday.

Senate adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 87, a bill for act to repeal chapter 63 of the laws of the Twenty-third General Assembly, and enact a substitute therefor and providing for the appropriation of money to aid in procuring a library for the penitentiary at Anamosa.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 1, a bill for an act to provide for the annotation, indexing, publication, distribution and sale of the Code, and statutes hereafter enacted, and the appointment of a supervising committee and the election of an editor and prescribing their duties.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 87, a bill for an act to repeal chapter 63 of the laws of the Twenty-third General Assembly, and enact a substitute therefor and providing for the appropriation of money to aid in procuring a library for the penitentiary at Anamosa.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 15, a bill for an act to revise, amend and codify the statutes in relation to the militia.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 1, a bill for an act to provide for the annotation, indexing, publication, distribution and sale of the Code, and statutes hereafter enacted, and the appointment of a supervising committee and the election of an editor and prescribing their duties.

G. S. GILBERTSON,
Chairman.

Passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 87, a bill for an act to repeal chapter 63 of the laws of the Twenty-third General Assembly, and enact a substitute therefor and providing for

the appropriation of money to aid in procuring a library for the penitentiary at Anamosa.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 1, a bill for an act to provide for the annotation, indexing, publication, distribution and sale of the Code, and statutes hereafter enacted, and the appointment of a supervising committee and the election of an editor, and prescribing their duties.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 26, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of telegraph and telephone lines.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

MESSAGE FROM THE GOVERNOR.

To the Honorable the Senate:

I have the honor to inform the Senate that I have approved, signed and deposited with the Secretary of State, the following bills passed during the present session of the General Assembly:

Senate file No. 3, an act to revise, amend and codify the statutes in relation to county and township government; approved April 16.

Senate file No. 19, an act to revise, amend and codify the statutes in relation to the board of railroad commissioners; approved April 6.

Senate file No. 29, an act to revise, amend and codify the statutes in relation to mines and mining; approved April 9.

Senate file No. 30, an act to revise, amend and codify the statutes in relation to the dairy commissioner and imitation dairy products; approved March 26.

Senate file No. 37, an act to revise, amend and codify the statutes in relation to the practice of medicine; approved April 23.

Senate file No. 36, an act to revise, amend and codify the statutes in relation to the practice of dentistry; approved April 22.

Senate file No. 40, an act to revise, amend and codify the statutes in relation to the Soldiers' Home; approved April 6.

Senate file No. 41, an act to revise, amend and codify the statutes in relation to regents and trustees of state institutions; approved April 29.

Senate file No. 50, an act to revise, amend and codify the statutes in relation to the educational board of examiners; approved March 13.

Senate file No. 90, an act to revise, amend and codify the statutes in relation to the School for the Deaf; approved April 6.

Senate file No. 58, an act to revise, amend and codify the statutes in relation to county high schools; approved February 11.

Senate file No. 49, an act to revise, amend and codify the statutes in relation to county superintendents; approved February 25.

Senate file No. 94, an act to revise, amend and codify the statutes in relation to the system of common schools; approved April 24.

Senate file No. 70, an act to revise, amend and codify the statutes in relation to notes and bills; approved April 29.

Senate file No. 66, an act to revise, amend and codify the statutes in relation to sureties; approved February 11.

Senate file No. 43, an act to revise, amend and codify the statutes in relation to the domestic relations; approved February 25.

Senate file No. 72, an act to revise, amend and codify the statutes in relation to estates of decedents; approved April 9.

Senate file No. 4, an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction; approved April 24.

Senate file No. 76, an act to revise, amend and codify the statutes in relation to attachments, garnishments, executions and supplementary proceedings; approved April 6.

Senate file No. 78, an act to revise, amend and codify the statutes in relation to procedure to reverse, vacate or modify judgments; approved April 24.

Senate file No. 86, an act to amend sections 289 and 290, of the Code of 1873, as amended by chapter 76, of the acts of the Twenty-sixth General Assembly of the State of Iowa, relating to the bonding of county indebtedness; approved March 17.

Senate file No. 84, an act to amend section 3756, of the Code of 1873, as amended by chapter 118 and chapter 125, acts of the Twenty-first General Assembly, relative to collection of fees by the Secretary of State; approved March 17.

Senate file No. 93, an act to apply to cities of the first class, the provisions of chapter 78, laws of the Twenty-first General Assembly, as amended by chapter 17, laws of the Twenty-second General Assembly, chapter 15, laws of the Twenty-fourth General Assembly, chapter 3, laws of the Twenty-fifth General Assembly, and chapter 3, laws of the Twenty-sixth General Assembly, regular session, relating to indebtedness of cities and towns; approved April 22.

Senate file No. 82, an act to exonerate from penalties under the prohibitory law in cities acting under special charters and to make valid acts of city councils and boards of supervisors; approved February 27.

Senate file No. 89, an act authorizing the Executive Council to purchase or condemn a site on which to erect a memorial, historical and art building, to procure plans and specifications therefor, and take other preliminary steps toward its construction, and making an appropriation there-

for, and to repeal chapter 115, laws of the Twenty-sixth General Assembly, regular session; approved March 30.

Senate file No. 92, an act to authorize cities of the second class to issue bonds for extending the time of payment of its indebtedness; approved April 22.

Senate file No. 88, an act to provide for the payment of the mileage of the committee appointed to visit the Institution for the Feeble Minded at Glenwood; approved March 29.

Senate file No. 83, an act to legalize acknowledgments or instruments in writing heretofore taken by notaries public; approved February 26.

Senate file No. 96, an act to legalize the levy and collection of poor taxes and taxes for ordinary county revenue in counties of the State; approved April 17.

I have also caused to be deposited with the Secretary of State, Senate joint resolution No. 3.

F. M. DRAKE.

May 3, 1897.

REPORT OF STANDING COMMITTEE.

Senator Carpenter, from the committee on Code Revision, submitted the following report:

MR. PRESIDENT—Your committee on Code Revision, to whom was referred House file No. 6, a bill for an act providing for the publication and construction of the statutes, 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 amendments be adopted:

Amend section 7, chapter 3, page 11, line 3, by striking out the following after the word "index:" "Also on the margin or at the bottom of each section of this Code a reference to the section of the Code of 1873 or acts of General Assemblies since 1873 incorporated in said section, also a reference to the revision of 1860 and Code of 1851 if practicable."

Amend section 8, chapter 3, page 11, line 2, by inserting before the word "edition" the word "official."

Amend section 11, chapter 3, page 11, line 4, by inserting before the word "University" the word "State."

Also, amend the same section, line 3, by inserting after the words "of record" the words "including United States circuit and district judges whose districts lie within this State."

Also, amend the same section, line 4, by striking out the word "one" after the word "University" and inserting the word "ten;" also, in line 5, change the first word "copy" to "copies."

Also, further amend the same section, line 5, by inserting after "society" the words "one to each public library within the State."

Amend section 17, chapter 3, page 14, by striking out subsection 27.

Your committee further recommend that when so amended the bill do pass.

C. A. CARPENTER,
Chairman.

Senator Carpenter moved to take up the report for consideration now.

Carried.

BILLS ON SECOND READING.

On motion of Senator Carpenter House file No. 6, a bill for an act providing for the publication and construction of the statutes, with report of committee recommending amendments, was taken up and considered.

The bill was read for the purpose of amendment.

Senator Carpenter moved to amend section 7, chapter 3, line 3, by striking out the following after the word "index:" "Also on the margin or at the bottom of each section of this Code a reference to the section of the Code of 1873 or acts of the General Assembly since 1873 incorporated in said section. Also a reference to the revision of 1860 and Code of 1851 if practicable."

Adopted.

Senator Carpenter moved to amend section 8, chapter 3, line 2, by inserting before the word "edition" the word "official."

Adopted.

Senator Carpenter moved to amend chapter 3, section 11, line 4, by inserting before the word "university" the word "State;" also line 3, by inserting after the words "of record" the words, "including United States circuit and district judges whose districts lie within this State;" also, amend line 4, by striking out the word "one" after the word "university" and insert the word "ten;" also, line 5, strike out the first word "copy" and insert the word "copies;" also, amend line 5, by inserting after the word "society" the words, "one to each public library within the State."

Adopted.

Senator Carpenter moved to amend section 11, chapter 3, line 5, by inserting the word "bound" between the words "be" and "in."

Adopted.

Senator Carpenter moved to amend section 17, chapter 3, by striking out subsection 27.

Adopted.

Senator Carpenter moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hipwell, Hobart, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Rowen, Sargent, Trewin, Upton, Waterman, Young—39.

The nays were:

None.

Absent or not voting:

Senators Allyn, Craig, Eaton, Garst, Healy, Hospers, Junkin, Lehfeldt, Pnelps, Ranck, Riggen—11.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

REPORTS OF STANDING COMMITTEES.

Senator Carpenter, from the Committee on Code Revision, submitted the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred House file No. 7, a bill for an act relating to the Code and its operation, 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 amendments be adopted:

Amend section 1, chapter 4, page 14, line 2, by inserting after the word "present" the word "extra."

Also, amend the same section and chapter by adding after the word "assembly" the words "except acts appropriating money when the same has not been fully paid out," in the third line thereof.

Amend section 2, chapter 4, page 14, line 1, by striking out the word "this" and inserting in lieu thereof the word "the."

Also, amend the same section and chapter by striking out the words "on the first day of....., A. D. 1896, until" and inserting in lieu thereof these words "ninety days after the final adjournment of the extra session of the Twenty-sixth General Assembly" in line one thereof.

Also, amend the same section, line 3, by striking out the word "this" and inserting the word "the."

Amend section 3, chapter 4, page 14, line 4, by striking out the word "this" and inserting the word "the."

Amend section 5, chapter 4, page 14, line 3, by striking out the word "this" and inserting the word "the."

Amend section 6, chapter 4, page 14, line 1, by striking out the word "this" and inserting the word "the."

And when so amended your committee further recommend that the bill do pass.

C. A. CARPENTER,
Chairman.

Passed on file.

Senator Carpenter moved to take up the report of the Conference Committee on House file No. 9.

Carried.

The report of the committee recommending indefinite postponement of House file No. 97, was adopted.

Senator Carpenter moved that the Senate recede from its amendments as follows: To section 1, chapter 6, page 35; to section 5, chapter 6, line 8, page 36; to section 7, chapter 6, page 36; to section 10, chapter 6, page 37.

Carried.

Senator carpenter moved that the vote by which House file No. 9 passed the Senate be reconsidered.

Carried.

Senator Carpenter moved that the vote by which the bill was ordered to a third reading be reconsidered.

Carried.

Senator Carpenter moved to amend chapter 6, of title 2, by striking out sections 4, 5, 6, 7 and 8 and by substituting the following in lieu thereof: "Sec. 4. He is hereby authorized and empowered, subject to the limitations contained in this title, to employ such labor as shall be required in carrying out the duties imposed by this chapter, to have, at all times, charge of and supervision over the police and janitors in and about the capitol not otherwise provided for, and to employ and discharge the same as the public interest may demand, and with the advice and consent of the attorney-general to institute in the name of the State civil or criminal proceedings against any person for injury or threatened injury to any public property under his control.

"Sec. 5. The persons employed by him, as above authorized, shall at no time exceed the maximum number, and their compensation shall not exceed the maximum amount allowed by law. At the end of each month he shall make out a list of the expenses incurred under this chapter, specifying the names of the persons employed, the time employed, the kind of labor performed, and the amount due to each, which report shall be subscribed and sworn to by him, and filed with the Executive Council, and when approved by it the auditor shall issue a warrant to each person for the amount to which he is entitled.

"Section 6. He shall keep in his office a complete record containing an itemized list of all property of the State under his care and control with accurate plans and surveys of the public grounds at the seat of government, and shall make a

quarterly report to the Executive Council on the last days of March, June, September and December, and a biennial report to the Governor on the last day of December preceding each regular session of the General Assembly. He shall perform all other duties imposed by law, or order of the Executive Council.

“Sec. 7. Such reports shall show in detail all expenditures of every kind made by him fully itemized, the condition of all real and personal property of the State under his care or control together with any loss or destruction of, or injury to any such property with the causes thereof, and measures necessary for the care and preservation of the same, and recommendations as to methods which would tend to render the service more efficient and economical. They shall also embrace any other matter ordered by the Executive Council. Each biennial report shall contain an inventory of all State property under his control. All reports of the custodian shall be subscribed and sworn to by him.

“Sec. 8. Either house of the General Assembly may employ such officers and janitors as it shall deem necessary for the conduct of its business; and every officer, board, court, or commission may control the official apartments assigned to them by the Executive Council, but shall have no right to employ any janitor, clerk, or person, except as authorized by joint resolution as provided in this title. The Senate chamber, the hall of the House of Representatives, and the committee rooms shall be used only for legislative purposes, and official apartments shall be used only for the purpose of conducting the business of the State.”

Adopted.

Senator Carpenter moved to amend chapter 7, page 37, by adding thereto the following sections:

“Sec. 5. At least once each year, and oftener if deemed expedient, the Executive Council shall cause the books, accounts, vouchers, expenditures and conduct of each of the State institutions to be examined into by a skilled accountant and examiner not otherwise in the employ of the State, who shall make report to the Executive Council of such matters and in such form as it may prescribe.

“Sec. 6. Such examiner shall receive actual necessary expenses and such compensation as the Executive Council may allow not to exceed six dollars per day for each calendar day actually employed. The examiner shall itemize his bills for

expenses and services and they shall be subscribed and sworn to by him.

"Sec. 7. The Executive Council shall annually, and oftener in its discretion, make a full settlement between the State of Iowa and the officers of the State, officers and superintendents of State institutions, and all persons receiving, handling or expending State funds."

Adopted.

Senator Carpenter moved to add the following as section 8: "Sec. 8. All officers of the State, officers and superintendents of State institutions, and all persons drawing funds from the treasury of the State, shall file with the Auditor of State an itemized statement setting forth the object for which money is sought to be drawn, before a warrant is issued upon the State treasury. When the law permits the drawing of funds in advance of their expenditure, the persons drawing such funds shall file such itemized statement within one hundred days after the issuance of any such warrant. The statements provided for in this section shall be presented to the Executive Council by the Auditor."

Senator Carpenter moved to amend section 8, chapter 7, by striking out the period after the word "treasury" in line 5, and insert a comma, and insert the word "except;" also, after the word "expenditure," in line 6, insert the words "in which case."

Adopted.

The section as amended was adopted.

Senator Carpenter moved to add as section 9 the following: "Sec. 9. The Executive Council shall publish, annually, as soon after January 1st as practicable, an itemized statement of all warrants issued, and of all moneys paid out by the State Treasurer. Said report shall be so arranged as to show the itemized cost of each department or office of the State and of each State institution, and the disposition by items of all State funds and supplies."

Adopted.

Senator Carpenter moved to add as section 10 the following: "Sec. 10. The Executive Council is empowered to assign apartments in the Capitol building to the several State officers, commissions and boards; and such assignment shall be subject to change by it from time to time, when required in the interest of the public service. It shall also make for the State all contracts for lighting and repairing the Capitol building and

grounds, and for the necessary telephone, telegraph and water service therein; but the cost of such service shall not exceed the minimum amounts paid by private parties for like service. The bills for such service shall be itemized, subscribed and sworn to, by the person entitled thereto, and filed with the Council, who shall audit the same and order a warrant drawn upon the treasury therefor, payable out of the amount appropriated by the General Assembly for that purpose and not otherwise."

Senator Carpenter moved to amend section 10 by adding thereto the following: "The council may purchase such postage stamps and stamped envelopes and wrappers as may be necessary for the several officers, commissioners and departments entitled thereto, and an account thereof shall be kept in the books in the supply department."

Adopted.

The section as amended was adopted.

Senator Carpenter moved the following as section 11: "Sec. 11. The council is also empowered and authorized to purchase the necessary furniture, fuel, stores, and supplies for the capitol building and grounds, and the use of the General Assembly, public offices at the seat of government, and the supreme court; and all paper needed for the public printing. All paper purchased for the use of the State shall have a distinguishing mark or water line by which it can be identified, and all furniture, stores or supplies for use in and about the capitol shall, when practicable, be marked with the word 'Iowa.'"

Adopted.

Senator Carpenter moved the following as sections 12, 13 and 14.

"Sec. 12. The Council shall, from time to time, make estimates of the kind, quantity and quality, of the articles needed and authorized to be purchased by it as provided in the preceding section, and shall cause the secretary thereof to advertise for sealed proposals therefor in two newspapers published at the seat of government, and such others as it may deem expedient. Such advertisement shall state the kind, quantity, and quality and time and place of delivery of the articles to be purchased, and that such proposals shall be filed with the secretary of the Council, the time and place where all bids will be opened, and such other matters as the Council may direct. Bills for such advertising shall be subscribed and sworn to by the person entitled thereto, and when the same are audited by

the Executive Council the auditor shall draw warrants therefor.

“Sec. 13. All bids shall be opened by the Council at the time and place fixed in the advertisement, and it shall award the contracts to the lowest responsible bidder therefor, who shall give security to be approved by it for the performance of such contracts, or it may reject any or all bids and advertise anew. Upon the delivery of the articles contracted for in compliance with the terms of the contract, the person so furnishing the articles shall file with the Council an itemized bill therefor, and it shall thereupon audit the same and order a warrant drawn upon the treasury for the amount due, payable out of the sum appropriated by the General Assembly for that purpose and not otherwise.

“Sec. 14. The Executive Council shall take charge of all property purchased under the provisions of this chapter, and shall keep a full, accurate, complete and itemized account of all such property, with the cost and disposition thereof. The Council shall supply the Governor, Secretary, Auditor, Treasurer, judges of the supreme court and clerk thereof, Attorney-General, supreme court reporter, Superintendent of Public Instruction, Railroad Commissioners, Adjutant-General and other officers entitled thereto by law, the General Assembly, its committees and the clerks, secretaries and special and standing committees of either House thereof, with all such articles required for the public use and necessary to enable them to perform the duties imposed upon them by law. Postage shall not be furnished to the General Assembly, its officers, employes, or to any committee of either branch thereof. It shall also furnish the public printer with all paper required for the various kinds of public printing in such quantities as may be needed for the prompt discharge of his duties. Supplies including postage and stationery, shall be furnished to the officers and persons entitled thereto by law, only in the manner provided in this chapter.”

Adopted.

Senator Carpenter moved the following as section 15: “Sec. 15. In order to draw supplies each officer or person entitled thereto or the chairman of the respective committees shall make a written requisition on the secretary of the Council specifying the amount and kind that is necessary and upon presentation thereof to said secretary, he shall deliver the articles to the

person entitled thereto taking a receipt therefor to be filed and preserved with the records of the Council. The Council shall keep an account so as to show the amount, cost and kind of supplies purchased, the amount and kind on hand and the disposition of the balance. It shall keep an accurate itemized account with each office, board, commission, or person drawing supplies, charging thereto the several articles furnished at the cost price. The Council shall also keep an account with the public printer charging him with all paper drawn for public use at the cost price. All printed matter shall be returned to the secretary of the Council for distribution, and the printer shall be credited with the cost price of the paper so returned and required to account for the balance."

Senator Kilburn moved to amend section 15, by inserting in the fifth line, after the word "council" the following: "and said secretary shall, prior to the close of each session of the General Assembly, report to each house thereof the value of supplies drawn by each of its committees and officers during the session, which report shall be printed in the Journal of said house."

Adopted.

The section as amended was adopted.

Senator Carpenter moved as section 16 the following: "Sec. 16. The Executive Council is authorized to draw warrants upon any contingent fund set apart for its use for the purpose of paying the expenses of suppressing any insurrection or riot, actual or threatened, when State aid has been rendered by order of the Governor, and for repairing, rebuilding or restoring any State property injured, destroyed or lost by fire, storm, theft or unavoidable cause, and for no other purpose whatever."

Adopted.

Senator Carpenter moved that the sections from 5 to 16 inclusive as amended be adopted.

Carried.

Senator Carpenter moved to amend chapter 9, page 40, by inserting after section 5, the following:

"Sec. 6. The chairmen of the Committees on Ways and Means, Judiciary and Appropriations of the Senate and House respectively, shall constitute a standing committee, to be known as the Joint Committee on Retrenchment and Reform.

"Sec. 7. Said committee shall examine into the reports and official acts of the Executive Council and each officer, board,

commission and department of the State at the seat of government in respect to the conduct and expenditures thereof, and the receipts and disbursements of public funds thereby. It shall report to the General Assembly a joint resolution fixing the number of employes and the salary of each for the several offices, boards, commissions and departments for the ensuing biennial period and recommend such appropriations and legislation as shall promote public interests and an efficient and economical administration of the affairs of the State.

"Sec. 8. Said committee shall have the same power to summon and examine witnesses, administer oaths, compel the production of books, papers and evidence, and to punish for contempt, as the district court."

Adopted.

Senator Carpenter moved to amend chapter 9, page 40, by striking out sections 1 and 2 thereof. Amend chapters 6, 7 and 9 by numbering the sections consecutively.

Adopted.

Senator Carpenter moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Carney, Carpenter, Carroll, Downey, Druet, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Henderson, Hobart, Hotchkiss, Hurst, Kilburn, Lothrop, Palmer, Penrose, Perrin, Pusey, Sargent, Trewin, Upton, Waterman, Young—31.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Byers, Cheshire, Craig, Eaton, Ellis, Garst, Harriman, Healy, Hipwell, Hospers, Junkin, Lehfeldt, Mitchell, Phelps, Ranck, Riggen, Rowen—19.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

The undersigned were absent on conference committee when the vote was taken on the substitute for House file No. 9. Would have voted "aye" if present.

THOS. A. CHESHIRE.

C. S. RANCK.

Senator Trewin offered the following relative to the recess of the General Assembly:

JOINT RESOLUTION NO. 5.

WHEREAS, The constitution provides that acts passed at an extra session of the General Assembly shall take effect ninety days after the adjournment thereof; and,

WHEREAS, It is not practicable to index, annotate and publish the Code within such time; therefore, be it

Resolved, By the General Assembly of the State of Iowa that the General Assembly take a recess until the first day of July, A. D. 1897, and that final adjournment be had as soon thereafter as may be.

Resolved, That all the employes of the General Assembly be and are hereby discharged, and that no member or employe shall receive any compensation or mileage for service or attendance after the beginning of such recess.

Laid over.

Senator Carney offered the following resolution:

Resolved, That on May 4th, 1897, at 2 o'clock P. M., the Senate proceed by secret ballot to select two members of the joint committee to supervise the work of annotating, indexing and publishing the Code, and that such members shall be elected one at a time.

Adopted.

Senator Funk, President *pro tem.*, presiding.

Senator Bonson moved to take up House file No. 98, laid over from April 22, for the purpose of offering the following amendments:

Amend chapter 14, title 5, as follows: Section 8, line 2, after the word "officers" insert the words "hereafter elected;" strike out all of line 5, and change comma to period after the word "years," line 4.

Section 20, strike out of line 2 the words, "and twenty-seven to thirty-nine inclusive" and insert in lieu thereof the words, "twenty-eight to thirty-six inclusive and section thirty-eight." Insert a comma after the word "twenty-five," in line 2.

Insert after section 20 a new section as follows: "Sec. 21. The board of library trustees, before the first day of August in each year, shall determine and fix the amount or rate, not exceeding one-half mill on the dollar, in any one year, of the taxable valuation of such city, to be levied, collected and appropriated for the ensuing year for the maintenance of such library, and shall cause the same to be certified to the council, which shall levy the tax with the other taxes for such year."

Insert after section 22 a new section as follows: "Section 23. The council may order any of the questions, including the granting to individuals or corporations authority to erect, maintain or purchase water or gas works, electric light or power plants, or street railway or telephone systems, provided in the preceding section submitted to a vote at a general election, or at one specially called for that purpose; or the mayor shall submit said question to such vote, upon the petition of twenty-five property owners of each ward in the city or of fifty property owners of any incorporated town. Notice of such election shall be given in two newspapers published in said city or town, if there are two, if not, then in one,

once each week for at least four consecutive weeks. The party asking for a renewal or extension of such franchise, shall pay the cost incurred in holding such election."

Amend section 24, line 1, by striking out the words "forty-one to forty-eight" and insert in lieu thereof the words "forty to forty-seven inclusive." In line 2, same section, strike out the word "forty" and insert the word "forty-one."

Section 32, lines 1 and 2, strike out the words "twenty-three, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-two" and insert in lieu thereof the words "twenty-four, twenty-eight, twenty-nine, thirty, thirty-one and thirty-three."

Section 45, line 1, strike out the words "thirty-six and forty" and insert "thirty-seven," and in the same line after the word "forty-three" insert "forty-four." Insert comma after the word "forty-two," change the word "and" so that it will follow the word "forty-three" in the same line.

Section 22, line 1, strike out the word "and" and insert the word "or;" same section, line 8, strike out the word "and" and insert the word "or."

Strike out section 64 and insert the following in lieu thereof: "Sec. 64. Such cities shall have power to establish a board of public works consisting of not more than three members. The members of the board shall consist of one commissioner appointed by the mayor with the approval of the council; when the board consists of two members, the associate member shall be the city engineer, when the board consists of three members, the associate members shall be the city engineer and street commissioner, and shall be appointed for such length of time, possess such qualifications, receive such compensation, be removed for such causes, possess such powers, perform such duties, be governed by such rules and regulations as may be prescribed by ordinance."

Amend chapter 14 by renumbering the sections.

Laid over.

Senator Blanchard moved that the Senate take a recess until 4 o'clock P. M.

Carried.

Senate reconvened.

MESSAGE FROM THE GOVERNOR.

Senator Blanchard moved that the Senate go into executive session.

Carried.

Senate went into executive session at 4 o'clock P. M.

Senate arose from executive session at 4:07.

Senator Harriman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, May 4, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by the Rev. Richard Garton, of Burlington, Iowa.

The Journal of Monday was taken up, read, corrected and approved.

BILLS ON SECOND READING.

Senate resumed consideration of House file No. 98.

Senator Bonson moved to amend chapter 14 as follows: Section 8, line 2, after the word "officers" insert the words "hereafter elected;" strike out all of line 5, and change comma to period after the word "years," line 4.

Adopted.

Senator Bonson moved to amend section 20 by striking out of line 2 the words "and twenty-seven to thirty-nine inclusive" and insert in lieu thereof the words "twenty-eight to thirty-six inclusive and section thirty-eight." Insert a comma after the word "twenty-five" in line 2.

Adopted.

Senator Bonson moved to amend chapter 14 as follows: Insert after section 20 a new section as follows: "Sec. 21. The board of library trustees, before the first day of August in each year, shall determine and fix the amount or rate, not exceeding one half mill on the dollar, in any one year, of the taxable valuation of such city, to be levied, collected and appropriated for the ensuing year for the maintenance of such library, and shall cause the same to be certified to the council, which shall levy the tax with the other taxes for such year."

Adopted.

Senator Bonson moved to insert after section 22 a new section as follows: "Section 23. The council may order any

of the questions, including the granting to individuals or corporations authority to erect, maintain or purchase water or gas works, electric light or power plants, or street railway or telephone systems, provided in the preceding section submitted to a vote at a general election, or at one specially called for that purpose; or the mayor shall submit said question to such vote, upon the petition of twenty-five property owners of each ward in the city or of fifty property owners of any incorporated town. Notice of such election shall be given in two newspapers published in said city or town, if there are two, if not, then in one, once each week for at least four consecutive weeks. The party asking for a renewal or extension of such franchise, shall pay the cost incurred in holding such election.

Adopted.

Senator Bonson moved to amend section 24, line 1, by striking out the words "forty-one to forty-eight" and insert in lieu thereof the words "forty to forty-seven inclusive." In line 2, same section, strike out the word "forty" and insert the word "forty one."

Adopted.

Senator Bonson moved to amend section 32, lines 1 and 2, by striking out the words "twenty-three, twenty-seven, twenty-eight, twenty-nine, thirty, and thirty-two," and insert in lieu thereof the words "twenty-four, twenty-eight, twenty-nine, thirty, thirty one and thirty-three."

Adopted.

- Senator Bonson moved to amend section 45, line 1, by striking out the words "thirty-six and forty" and insert "thirty-seven," and in the same line after the word "forty-three" insert "forty-four." Insert comma after the word "forty-two,"
- change the word "and" so that it will follow the word "fifty-three" in the same line.

Adopted.

Senator Bonson moved to amend section 22, line 1, strike out the word "and" and insert the word "or;" same section line 8, strike out the word "and" and insert the word "or."

Adopted.

Senator Bonson moved to amend by striking out section 64 and inserting the following in lieu thereof: "Section 64. Such cities shall have power to establish a board of public works consisting of not more than three members. The members of the board shall consist of one commissioner appointed by the

mayor with the approval of the council; when the board consists of two members, the associate member shall be the city engineer; when the board consists of three members, the associate members shall be the city engineer and street commissioner, and shall be appointed for such length of time, possess such qualifications, receive such compensation, be removed for such causes, possess such powers, perform such duties, be governed by such rules and regulations as may be prescribed by ordinance."

Adopted.

Senator Bonson moved to amend chapter 14 by renumbering the sections.

Adopted.

Senator Bonson moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Carney, Carroll, Cheshire, Craig, Downey, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harri-man, Henderson, Hipwell, Hobart, Hotchkiss, Hurst, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rigen, Sargent, Trewin, Upton, Waterman, Young—40.

The nays were:

None.

Absent or not voting:

Senators Byers, Carpenter, Druet, Eaton, Healy, Hospers, Junkin, Lehfeldt, Mitchell, Rowen—10.

The bill having received a constitutional majority was declared to have passed the Senate and title agreed to.

REPORT OF CONFERENCE COMMITTEE.

Senator Pusey, from the Conference Committee on Senate file No. 20, presented the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred Senate file No. 20, a bill for an act to revise, amend, and codify the statutes in relation to the construction and operation of railways, beg leave to report that they have had the same under consideration and unanimously recommend that the Senate recede from its substitute for the House

amendment to section 38 of the bill, and that the House recede from its amendment to said section.

N. M. PUSEY,
H. L. WATERMAN,
J. S. LOTHROP,
T. G. HARPER,
Conferees for the Senate.

J. W. LAUDER,
W. B. BELL,
HENRY H. BRIGHTON,
WALTER I. HAYES,
Conferees for the House.

Senator Pusey moved that the report of the conference committee be adopted.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Craig, Downey, Druet, Ellis, Ericson, Garst, Harper, Henderson, Hipwell, Hotchkiss, Hurst, Kilburn, Palmer, Penrose, Phelps, Pusey, Ranck, Riggen, Sargent, Trewin, Upton, Waterman, Young—32.

The nays were:

Senators Cheshire, Ellison, Everall, Funk, Gilbertson, Gorrill, Harriman, Healy, Hobart, Perrin, Rowen—11.

Absent or not voting:

Senators Byers, Eaton, Hospers, Junkin, Lehfeldt, Lothrop, Mitchell—7.

The report of the conference committee was adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Substitute for House file No. 16, a bill for an act to revise, amend and codify the statutes in relation to corporations.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker has appointed the following conference committee on the part of the House: Representatives Johnston, Bell, McArthur and Spaulding on House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Substitute for House file No. 16, a bill for an act to revise, amend and codify the statutes in relation to corporations, was read first and second time and referred to Committee on Corporations.

House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments, was passed on file for conference committee.

Senator Waterman moved that the Senate take a recess until called to order by the President.

Carried.

Senate reconvened.

INTRODUCTION OF BILLS.

By Senator Ellis, by unanimous consent, Senate file No. 110, a bill for an act to authorize boards of supervisors to transfer funds derived from the mulct tax to the county road fund.

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

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the conference committee report on Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to the construction and operating of railways.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of railways was passed on file.

REPORT OF STANDING COMMITTEE.

Senator Healy, from the Committee on Corporations, submitted the following report:

MR. PRESIDENT—Your Committee on Corporations, to whom was referred substitute for House file No. 16, 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 have instructed me to report the same back to the Senate with the recommendation that the Senate refuse to concur in all the House amendments and insist on all Senate amendments

THOS. D. HEALY,
Chairman.

Report of the committee was adopted.

President announced as conference committee on the part of the Senate on substitute for House file No. 16, Senators Healy, Ellis, Upton and Cheshire.

Senator Waterman moved that the Senate do now adjourn. Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 P. M., President Parrott presiding.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and concurred in the Senate amendments to House file No. 98, a bill for an act to revise, amend and codify the statutes in relation to cities acting under special charter.

Amend Senate amendment, section 23, by striking out the words "or of fifty property owners of any incorporated town." Also strike out the words "or town" after the word "city" and before the word "if."

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Relative to certain duties required of the supervising committee on publication of the Code.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Relative to the employment of inmates of the Soldiers' Home at Marshalltown.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has named the following conference committee on part of the House on substitute for House file No. 16, a bill for an act to revise, amend and codify the statutes in relation to corporations, Representatives Cornwall, Temple, Mayne and Porter.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Concurrent resolution relative to employment of old soldiers of Soldiers' Home at Marshalltown, was read first and second time and referred to Committee on Military.

Concurrent resolution relative to certain duties required of the supervisory committee on publication of the Code.

Senator Trewin moved that the Senate concur in the resolution.

Carried.

Substitute for House file No. 16, a bill for an act to revise, amend and codify the statutes in relation to corporations.

Passed on file for conference committee.

House file No. 98, a bill for an act to revise, amend and codify the statutes in relation to cities under special charter.

Senator Bonson moved that the Senate concur in the House amendment to Senate amendment to House file No. 98.

On the question, "Shall the Senate concur in House amendments?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Upton, Waterman—44.

The nays were:

None.

Absent or not voting:

Senators Eaton, Hospers, Junkin, Lohfeldt, Phelps, Young—6.

The House amendments were concurred in.

The hour for the election of Senate members on committee to supervise editing and publishing the Code having arrived, Senator Blanchard moved that the President appoint two tellers.

President appointed Senators Blanchard and Ranck as tellers.

Senator Berry moved that the first ballot be an informal ballot.

Lost.

Senator Waterman moved that the roll be called and each Senator deposit his ballot when his name is called.

Carried.

Whole number of votes cast 45, of which Senator Ellis received 25 votes, Senator Trewin received 16 votes and Senator Carroll received 4 votes. Senator Carroll moved that the rule be suspended and that Senators J. H. Trewin and L. A. Ellis be declared duly elected members of the supervisory committee on publication of the Code.

On the question, "Shall Senators J. H. Trewin and L. A. Ellis be elected members of the supervisory committee on publishing the Code?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Hipwell, Hobart, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rikken, Rowen, Sargent, Upton, Waterman, Young—42.

The nays were:

None.

Absent or not voting:

Senators Eaton, Ellis, Harriman, Henderson, Hospers, Junkin, Lehfeldt, Trewin—8.

Senators Trewin and Ellis were declared duly elected members of the supervisory committee on publication of the Code.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in all Senate amendments recommended by conference committee, with an amendment to section 14, chapter 7, as amended by the Senate, and has also adopted the report of Conference Committee on House file No. 9, a bill for an act to revise, amend and codify the statutes in relation to the Executive Department.

JAS. D. ROWEN,
Chief Clerk.

REPORT OF CONFERENCE COMMITTEE.

Senator Cheshire presented report of Conference Committee on House file No. 38.

MR. PRESIDENT—Your conference committee, to whom was referred House file No. 38, a bill for an act to revise, amend and codify the statutes in relation to the inspection of petroleum products, beg leave to submit that they have had the same under consideration and have instructed me to report the same back to the Senate with the following recommendations:

That the House concur in Senate substitute for section 1 of the bill.

That the following be substituted as section 2 of the bill:

"Sec. 2. The State board of health shall make rules and regulations for the inspection of petroleum products, for the government of inspectors, and prescribe the instruments and apparatus to be used. Such rules and regulations shall be approved by the Governor, and when so approved shall be binding upon all inspectors."

That the House concur in Senate amendments striking out section 3 of the bill, and that section 2 as adopted by the Senate be numbered section 3.

That Senate recede from its amendments to section 4, striking out the figure "4" and inserting the figure "3," thus leaving the number stand as in the original bill.

That the House concur in the Senate amendment to section 4, striking out the words "The inspector and each deputy" in the first line of the section and inserting in lieu thereof the words "Each inspector."

That section 4 as adopted by the Senate be amended by striking out the figure "4" and inserting in lieu thereof the figure "5" and that there be added to the end of the section the following: "Should any inspector pay out more money in any one month for necessary expenses incurred, for prosecutions for the violation of the provisions of this chapter, or for necessary help in branding barrels than fees collected, such excess shall be refunded to him on his filing a sworn itemized statement with the Governor, showing fees collected and expenses paid or incurred, which statement must be approved by the Governor."

That the Senate concur in House amendment to section 5 as adopted by the Senate, and that section 5 be further amended by striking out the figure "5" and inserting the figure "6."

That the substitute for section 6 adopted by the Senate be amended by changing the figure "6" to figure "7" and by inserting after the word "is" and before the word "unfaithful" the words "incompetent or," and when so amended it shall become section 7 of the bill.

That Senate substitute for section 7 be amended by striking out the figure "7" and inserting in lieu thereof the figure "8," and when so amended it shall be adopted as section 8 of the bill.

THOS. A. CHESHIRE,
C. S. RANCK,
W. O. MITCHELL,
W. F. HARRIMAN,

Conferees on the part of the Senate.

D. H. BOWEN,
O. E. DOUBLEDAY,
E. M. BRADY,
GEO. BAKER,

Conferees on the part of the House.

Senator Cheshire moved that the report be taken up for consideration.

Carried.

Senator Cheshire moved that the Senate concur in the committee recommendations to section 1.

Carried.

Senator Cheshire moved that the Senate concur in the recommendations of committee to section 2.

Carried.

Senator Cheshire moved that the Senate concur in the committee's recommendations to section 3.

Carried.

Senator Cheshire moved that the Senate concur in all the recommendations of the committee to section 4.

Carried.

Senator Cheshire moved that the Senate concur in all the recommendations of the committee to section 5.

Carried.

Senator Cheshire moved that the Senate concur in all the recommendations to section 6.

Carried.

Senator Cheshire moved that the Senate concur in all the recommendations of the committee to section 7.

Carried.

Senator Cheshire moved that the roll be called upon the adoption of the report of the committee.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Allyn, Bell, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ericson, Everall, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Upton, Waterman, Young—38.

The nays were:

Senators Alexander and Ellison—2.

Absent or not voting:

Senators Berry, Eaton, Ellis, Funk, Hospers, Junkin, Lehfeldt, Riggen, Rowen, Trewin—10.

The report of the conference committee was adopted.

HOUSE MESSAGES.

House file No. 9, a bill for an act to revise, amend and codify the statutes in relation to the Executive Department.

Senator Carpenter moved that the Senate concur in the House amendment to section 14, chapter 7.

On the question, "Shall the Senate concur in the House amendments?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Hipwell, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Sargent, Upton, Waterman—36.

Senator Harriman voted in the negative.

Absent or not voting:

Senators Blanchard, Eaton, Ellis, Harper, Healy, Henderson, Hobart, Hospers, Junkin, Lehfeldt, Rowen, Trewin, Young—13.

The House amendments were concurred in.

REPORT OF CONFERENCE COMMITTEE.

Senator Pusey, from the Committee on Conference on Senate file No. 48, submitted the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to the State library, beg leave to report that they have had the matters in dispute under consideration and report the same back with recommendation as follows:

That the House recede from its amendment to section 1, line 3, striking out "a librarian and" after the word "appoint," and that the following be substituted therefor, viz:

Amend section 1, line 3, by inserting before the word "appoint" the words "on and after May the first, nineteen hundred;" and that said section be further amended by adding to the end thereof the words, "The Governor, in eighteen hundred and ninety-eight, may appoint the librarian and curator to continue in office until May the first, nineteen hundred."

That the House recede from its amendment to section 3, line 1, striking out the word "librarian" and inserting in lieu thereof the words "State library shall be in the custody of the librarian who shall be appointed by the Governor and who."

That the House recede from its amendment to section 3, line 4, inserting after the word "dollars" and before the word "conditioned" the words "in such form as the Governor shall approve."

That the House recede from its amendment to section 3, line 5, striking out the word "and" after the word "with."

That the House recede from its amendment to section 3, line 6, striking out the words "approved by."

N. M. PUSEY,
J. H. TREWIN,
C. A. CARPENTER,
D. J. PALMER,

Conferees on part of Senate.

H. J. GRISWOLD,
N. A. WELLS,
J. T. JAY,
W. G. LADD,

Conferees on part of House.

Senator Pusey moved that the report of the committee be taken up for consideration.

Carried.

Senator Pusey moved that the recommendations of the committee to section 1, line 3, be adopted.

Carried.

Senator Pusey moved that the report of the Conference Committee on Senate file No. 48 be adopted.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Byers, Carney, Carroll, Cheshire, Craig, Downey, Ericson, Everall, Funk, Garst, Gilbertson, Harper, Healy, Hipwell, Hotchkiss, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Sargent, Waterman—31.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Carpenter, Druet, Eaton, Ellis, Ellison, Gorrell, Harriman, Henderson, Hobart, Hospers, Hurst, Junkin, Lehfeldt, Lothrop, Rowen, Trewin, Upton, Young—19.

The report of the conference committee was adopted.
Senator Funk, President *pro tem.*, presiding.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the Conference Committee on Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to State libraries.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to State libraries, was passed on file.

Senator Penrose moved that the Senate do now adjourn.

Carried.

Senate adjourned until 7:55 P. M. to-day.

EVENING SESSION.

Senate met pursuant to adjournment at 7:55 P. M., President Parrott presiding.

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

The President directed the sergeant-at-arms to summon the Senate to go with him in a body to meet with the House in joint convention.

JOINT CONVENTION.

The Senate appearing in a body took seats vacated for them on the west side of the chamber.

President Parrott took the chair and called the joint convention to order.

The roll was called and the following members were present:

Messrs. Alexander, Allen of Van Buren, Allyn of Ringgold, Bailey, Baker, Bell of Washington, Berry, Bird, Blanchard, Bonson, Brant, Brighton, Brinton, Byers of Lucas, Byers of

Shelby, Byington, Carney, Carpenter, Carroll, Clark, Classen, Cook, Cornwall, Craig, Crow, Davis, Doubleday, Downey, Druet, Early, Edwards, Ellis, Ellison, Ericson, Evans, Everall, Finch, Frazee, Frink, Funk of Dickinson, Garner, Gilbertson, Good, Gorrell, Grote, Gurley, Harriman, Haugen, Hauger, Hayes, Hazen, Healy, Hendershot, Henderson, Hotchkiss, Huntley, Jackson, Johnson of Webster, Johnston of Franklin, Junkin, Kilburn, Klemme, Ladd, Lauder, Loomis, Lothrop, Lowry, McDowell, Manahan, Martin, Merriam, Miller of Buena Vista, Miller of Cherokee, Miller of Warren, Mitchell, Morrison of Grundy, Morrison of Keokuk, Mullin, Nietert, Nolan, Palmer, Parker, Penrose, Perrin, Perrott, Potter, Power, Prentis, Pusey, Putnam, Ranck, Ray, Reed, Rigger, Scott, Smith, Spaulding, St. John, Temple, Thompson, Tibbitts, Trewin, Van Houten, Weaver, Wells, Wheeler, Whelan, Whittier, Williams, Wood, Young—111.

There being a quorum present, President Parrott announced the object of the joint convention was the election of an editor of the Code.

Senator Trewin nominated for editor, Mr. E. C. Ebersole of Tama county.

The nomination was seconded by Mr. Jackson of Tama county.

There being no further nominations the President declared the nominations closed.

The roll was called and those voting for Mr. E. C. Ebersole were:

Messrs. Alexander, Allen of Van Buren, Allyn of Ringgold, Bailey, Baker, Bell of Washington, Berry, Bird, Blanchard, Bonson, Brant, Brighton, Brinton, Byers of Lucas, Byers of Shelby, Byington, Carney, Carpenter, Carroll, Clark, Classen, Cook, Cornwall, Craig, Crow, Davis, Doubleday, Downey, Druet, Early, Edwards, Ellis, Ellison, Ericson, Evans, Everall, Finch, Frazee, Frink, Funk of Dickinson, Gilbertson, Good, Gorrell, Grote, Harriman, Haugen, Hauger, Hayes, Hazen, Healy, Hendershot, Henderson, Hotchkiss, Huntley, Jackson, Johnson of Webster, Johnston of Franklin, Junkin, Kilburn, Klemme, Ladd, Lauder, Loomis, Lothrop, Lowry, McDowell, McQuin, Manahan, Martin, Merriam, Miller of Buena Vista, Miller of Cherokee, Miller of Warren, Mitchell, Morrison of Grundy, Morrison of Keokuk, Mullin, Nietert, Nolan, Palmer, Parker, Penrose, Perrin, Perrott, Porter, Potter, Power,

Prentis, Pusey, Putnam, Ranck, Ray, Reed, Sargent, Scott, Smith, Spaulding, Sullivan, Thompson, Tibbitts, Trewin, Upton, Van Houten, Weaver, Wells, Wheeler, Whelan, Whittier, Williams, Wood, Young—111.

Mr. E. C. Ebersole receiving 111 votes, was declared duly elected.

The Journal of the joint convention was read and approved.

Senator Penrose moved that the joint convention be now dissolved.

Carried.

The Senate returned from joint covention.

Senator Blanchard moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Wednesday, May 5, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. Robert Beer of Des Moines, Iowa.

Senator Carpenter asked that the members of the conference committee on House file No. 85 be excused from the morning session.

REPORT OF STANDING COMMITTEE.

Senator Harriman, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate file No. 110, a bill for an act to authorize boards of supervisors to transfer funds derived from the mulct tax to the county road fund, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendments:

Amend the title as follows: "A bill for an act to authorize boards of supervisors to transfer to the county road fund, so much of the surplus of the general fund as arises from the taxation of the traffic in intoxicating liquors."

Also substitute the following for section 1 which is hereto attached, and when so amended that the same do pass.

Section 1. In counties where a tax on the traffic in intoxicating liquors is paid into and belongs to the county treasury, and when there is a surplus in the general fund, the board of supervisors may transfer such surplus not exceeding the amount of such liquor taxes to the county road fund and expend the same upon the roads in the county.

W. F. HARRIMAN,
Chairman.

BILLS ON SECOND READING.

On motion of Senator Harriman, Senate file No. 110, a bill for an act to authorize boards of supervisors to transfer funds derived from the mulct tax to the county road fund, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted. The bill was read for information.

Senator Harriman moved to amend the bill by striking out section 1, and substituting the following in lieu thereof: Section 1. In counties where a tax on the traffic in intoxicating liquors is paid into and belongs to the county treasury, and where there is a surplus in the general fund, the board of supervisors may transfer such surplus not exceeding the amount of such liquor taxes to the county road fund, and expend the same upon the roads in the county.

Adopted.

Senator Harriman moved to amend the title by substituting the following: "A bill for an act to authorize boards of supervisors to transfer to the county road fund, so much of the surplus of the general fund as arises from the taxation of the traffic in intoxicating liquors."

Senator Hipwell moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Blanchard, Bonson, Carney, Carpenter, Craig, Downey, Druet, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Hipwell, Hobart, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Ranck, Rowen, Sargent, Trewin, Waterman, Young—35.

The nays were:

Senators Henderson and Kilburn—2.

Absent or not voting:

Senators Alexander, Berry, Byers, Carroll, Cheshire, Eaton, Ellis, Healy, Hospers, Lehfeldt, Pusey, Riggen, Upton—13.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled House file No. 33, a bill for an act to revise, amend and codify the statutes in relation to intoxicating liquors.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled House file No. 82, a bill for an act to revise, amend, and codify the statutes in relation to procedure in particular cases.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 19, a bill for an act to revise, amend, and codify the statutes in relation to banks and banking institutions.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Senator Trewin offered the following:

JOINT RESOLUTION NO. 6.

Relative to the use of committee room by the supreme court.

WHEREAS, It has been the custom of the supreme court at each term to use one of the committee rooms for the examination of the applicants for admission to the bar, and

WHEREAS, The supreme court has no suitable place at its disposal for that purpose, therefore, be it

Resolved by the General Assembly of the State of Iowa, That the custodian be authorized to provide the supreme court with a suitable room for the purpose of such examination at each term of the supreme court.

Read first and second time and laid over.

Senator Harriman offered the following relating to the use of committee room:

SUBSTITUTE FOR JOINT RESOLUTION NO. 6.

WHEREAS, It has been the custom of the supreme court at each term to use one of the committee rooms for the examination of the applicants for admission to the bar; and,

WHEREAS, The court has no suitable place at its disposal for that purpose, therefore,

Be it Resolved by the General Assembly of the State of Iowa, That the custodian be authorized to assign committee room No. 1 for the purpose of such examination at each term of the supreme court.

Laid over.

The journal of Tuesday was taken up, read, corrected and approved.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Senate file No. 110, a bill for an act to authorize boards of supervisors to transfer to the county road fund so much of the surplus of the general fund as arises from the taxation of the traffic in intoxicating liquors.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists on its amendments, striking out sections 27, 28, 29, 30, 38, 39, 43 and 44 of chapter 1; section 45, chapter 1; sections 3, 12, 13, 19, 63, 68, chapter 1; section 4, chapter 2; section 4, chapter 4.

Also, the House concurs in Senate substitute for House amendment to paragraph 4, section 1, chapter 1; Senate substitute for House amendment to section 31, chapter 1; Senate substitute for section 4, chapter 2.

That the House recedes from its amendments to section 1, chapter 1, line 5; section 2, chapter 1, line 39; section 2, chapter 1, relating to taxes where poor farm is situated; section 70, chapter 1; substitute for Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to the revenue, and that the Speaker appoints the following conference committee on the part of the House: Representatives Funk, Smith, Nolan and Early.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 110, a bill for an act to authorize boards of supervisors to transfer funds derived from the mullet tax to the county road fund, was passed on file.

Substitute for Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to the revenue, was passed on file for conference committee.

The President appointed, as conference committee on the part of the Senate on substitute for Senate file No. 8, Senators Funk, Carroll, Waterman and Ranck.

INTRODUCTION OF BILLS.

By Senator Craig, by unanimous consent, Senate file No. 111, a bill for an act to legalize the election held at Summer, Iowa, October 15, 1894, for the issuance of bonds for water works.

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

Senator Craig moved that the Senate take a recess until called to order by the President.

Carried.

Senate reconvened.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Senate file No. 101, a bill for an act to legalize certain errors and omissions of the board of supervisors, and of the county auditor of Polk county, Iowa.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 101, a bill for an act to legalize certain errors and omissions of the board of supervisors, and of the county auditor of Polk county, Iowa, read and passed on file.

Senator Carroll moved that the Senate do now adjourn.

Carried.

Senate adjourned until 2 o'clock P .M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

Senator Trewin offered the following:

JOINT RESOLUTION NO. 7.

Relating to the use of committee rooms by the Code supervising committee and allowing stationery, stamps and supplies for its use.

Be it resolved by the General Assembly of the State of Iowa, That the Code supervising committee be allowed the use of necessary committee rooms in the capitol for its meetings and work and for the use of the editor, annotators and clerks. That the committee be allowed to draw necessary stationery, stamps and supplies from the supply department upon written requisition, and shall render with its report an itemized statement of the cost thereof.

Read first and second time.

Senator Trewin moved that the rules be suspended, and that the joint resolution No. 7 be read a third time now.

Carried.

On the question, "Shall joint resolution No. 7 be adopted?" the yeas were:

Senators Alexander, Bell, Berry, Bonson, Byers, Carpenter, Cheshire, Craig, Downey, Druet, Ellison, Ericson, Everall, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hotchkiss, Hurst, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Sargent, Trewin, Upton, Young—33.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Carney, Carroll, Eaton, Ellis, Funk, Garst, Hipwell, Hobart, Hospers, Junkin, Lehfeldt, Ranck, Rigger, Rowen, Waterman—17.

Joint resolution No. 7, having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

House file No. 99, a bill for an act to legalize the acts of and to establish the independent school district of Washington Mills.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

House file No. 111, a bill for an act to legalize the action of the clerk of the district court and the auditor of Tama county, Iowa, in preparing and depositing in boxes the ballots of the grand and petit jurors and talesmen for use in Tama county for the year 1897.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Senate file No. 100, a bill for an act to legalize the incorporation of the town of Larrabee, Cherokee county, Iowa, election of its officers, acts done and ordinances passed by the council of said town.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

House file No. 104, a bill for an act to legalize the acts of C. A. O'Harrow, a justice of the peace in and for Owen township, Cerro Gordo county, Iowa.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House desires to recall Senate file No. 105 and Senate file No. 106.

JAS. D. ROWEN,
Chief Clerk.

Senator Mitchell offered the following concurrent resolution:

WHEREAS, the Executive Council has authorized the wild rose of Iowa as one of the decorations on the silver service presented to the battle ship "Iowa;" therefore be it

Resolved, by the Senate the House concurring, That the wild rose shall be officially designated as the flower of the State.

Laid over.

HOUSE MESSAGES.

House file No. 104, a bill for an act to legalize the acts of C. A. O'Harrow, a justice of the peace in and for Owen township, Cerro Gordo county, Iowa, was read first and second time and referred to Committee on Judiciary.

Senate file No. 100, a bill for an act to legalize the incorporation of the town of Larrabee, Cherokee county, Iowa, election of its officers, acts done and ordinances passed by the council of said town, was passed on file.

Senate files Nos. 105 and 106, bills for an act to legalize work done on certain streets in the city of Keokuk.

Senator Harper moved that the bills be returned to the House.

Carried.

House file No. 99, a bill for an act to legalize the acts of and to establish the independent school district of Washington

Mills, was read first and second time and referred to Committee on Judiciary.

House file No. 111, a bill for an act to legalize the action of the clerk of the district court and the auditor of Tama county, Iowa, in preparing and depositing in boxes the ballots of the grand and petit jurors and talesmen for use in Tama county for the year 1897, was read first and second time.

Senator Penrose moved that the bill be considered now.

Carried.

The bill was read for information.

Senator Penrose moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Byers, Carney, Carpenter, Cheshire, Craig, Downey, Druet, Ellison, Ericson, Everall, Gilbertson, Gorrell, Harper, Healy, Hobart, Hotchkiss, Hurst, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rowen, Sargent, Trewin, Upton, Young—34.

Senator Garst voted in the negative.

Absent or not voting:

Senators Blanchard, Carroll, Eaton, Ellis, Funk, Harriman, Henderson, Hipwell, Hospers, Junkin, Kilburn, Lehfelddt, Ranck, Riggin, Waterman—15.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 101, a bill for an act to legalize the acts of the board of supervisors, and the county auditor and the vote of the people of Polk county, in relation to levying a tax to raise funds to build an asylum in said county for the care of the insane.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 101, a bill for an act to legalize the acts of the board of supervisors and county auditor, and the vote of the people of Polk county in relation to levying a tax to raise funds to build an assylum in said county for the care of the insane.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Senator Waterman offered the following:

JOINT RESOLUTION NO. 8.

Relating to the certification of the Journals to the Secretary of State and providing for indexing the same:

Be it resolved by the General Assembly of the State of Iowa, That the Secretary of the Senate and the Chief Clerk of the House of Representatives shall, on the adjournment of this session of the General Assembly, file with the Secretary of State copies of the printed daily Journals of their respective bodies, as corrected, certifying to the same.

The Secretary of State shall thereupon cause an index of each of said Journals to be made, printed and bound with the Journals.

Read first and second time.

Senator Waterman moved that the rules be suspended and the joint resolution No. 8 considered now.

Carried.

Joint resolution No. 8 was read for information.

Senator Waterman moved that the rule be suspended, and that the joint resolution be considered engrossed and the reading just had be the third reading, which motion prevailed.

On the question, "Shall joint resolution No. 8 be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Carney, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harper, Healy, Henderson, Hobart, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rowen, Upton, Waterman, Young—37.

The nays were:

None.

Absent or not voting:

Senators Byers, Carpenter, Carroll, Eaton, Funk, Harriman, Hipwell, Hospers, Hurst, Lehfeldt, Riggen, Sargent, Trewin

The joint resolution No. 8 having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

REPORT OF CONFERENCE COMMITTEE.

Senator Healy, from the committee on conference, submitted the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred House file No. 16, 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 have instructed me to report the same back to the Senate with the recommendation that the House recede from its amendment to the Senate substitute in line 3 of section 2 of said substitute, so section 2 will now read as follows: "Except as otherwise provided by law a single person may incorporate under the provisions of this chapter thereby entitling himself to all the privileges and immunities provided herein, but if he adopts the name of an individual or individuals as that of the corporation he must add thereto the word 'incorporated.'"

That the Senate concur in the House amendment to section 4 of the Senate substitute by striking out so much as requires the submission of the articles to the Attorney-General. After the word "found," in the fifth line of section 4 of said substitute, said section will now read: "said articles thus endorsed shall then be forwarded to the Secretary of State, and be by him recorded in a book kept for that purpose."

That the House recede from its other amendment to section 4 of the Senate substitute, which amendment was as follows: "The provisions of this section shall not apply to farmers' mutual co-operative creamery associations, workmen's co-operative associations nor farmers' mutual insurance companies," so that no exemption shall be made to the named associations from the payment of the franchise fee.

That the House recede from its amendment to the Senate substitute, which amendment was to strike out the words "or street railway" wherever they appear in section 5 thereof.

That the Senate concur in the House amendment to section 9 of the Senate substitute so that line 4 of said substitute will now read as follows: "Such changes, however, need only be signed and acknowledged by such officers of the corporation as may be designated to perform such act by the stockholders."

That the House recede from its amendment to strike the words "and street railway" from line 3 of section 10, in the Senate substitute.

That the Senate concur in the House amendment to Senate substitute in line 5 of section 12, by inserting after the word "election" the following words "or special election called" so that said section 12 of said substitute after the word "thereof" in the fifth line shall read as follows: "If a majority of the votes cast at any regular election or special election called for that purpose be in favor of such renewal, and if those wishing such renewal will purchase the stock of those opposed thereto at its real value."

That the Senate concur in the House amendment to Senate substitute by inserting the words "shall be a misdemeanor and" at the beginning of the third line of section 14, so that said section 14 down to and including the

word "court" in the fourth line thereof shall read as follows: "intentional fraud in failing to comply substantially with the articles of incorporation or in deceiving the public or individuals in relation to their means or their liabilities shall be a misdemeanor and shall subject those guilty thereof to fine or imprisonment or both at the discretion of the court."

That the House recede from its amendment to line 10, of section 15, of the Senate substitute which sought to insert after the word "existing" the following words: "and for all that shall thereafter be contracted while they shall respectively continue in office."

That the Senate concur in the House amendment to section 21, of the Senate substitute which House amendment struck from said section 21 the following words: "the stock of all corporations for pecuniary profit heretofore created shall, on or before the first day of January, 1899, be returned to the proper officers of the corporation issuing the same and a similar endorsement made thereon, and after that date no stock of any corporation existing under the laws of Iowa shall be voted at a stockholders' meeting or have any legal force or validity until such endorsement is placed thereon by the proper officers of the corporation issuing the same."

That the House recede from its amendment to strike sections 29, 30 and 31, with the Senate amendments thereto, so that said sections 29, 30 and 31 of the Senate substitute, with the Senate amendments thereto, shall now remain and constitute a part of the bill. Except the Senate amendment to section 31, referred to in the next succeeding paragraph of this report, and from which the Senate recedes.

That the Senate recede from the amendment to section 31 of the Senate substitute, which sought to add thereto the following: "Corporations organized under the provisions of this chapter shall have the right to purchase, own and convey all such real estate as may be necessary for the transaction of their business."

That section 32 of the Senate substitute shall be amended after the word "Iowa," in the third line thereof, so that the balance of said section 32 of the Senate substitute after the word "Iowa" shall read as follows: "An action therefor may be instituted by the Attorney-General in the name of the State, reserving, however, to the stockholders and creditors all rights now possessed by them."

That as an additional section to chapter 1, to be placed at the end thereof, the following shall be incorporated: "Corporations organized in any foreign country or corporations organized in this country the stock of which is owned in whole or in part by aliens or non-residents shall have the same rights, powers and privileges with regard to the purchase and ownership of real estate in this State as are granted to non-resident aliens in section 2, chapter 1, title 14, of this Code."

THOS. D. HEALY,
C. C. UPTON,
L. A. ELLIS,
THOS. A. CHESHIRE,

Committee for the Senate.

W. W. CORNWALL,
SAMUEL MAYNE,
CLAUDE R. PORTER,
M. L. TEMPLE,

Committee for the House.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

House file No. 112, a bill for an act to legalize the incorporation of Rathburn, Iowa, and the ordinances and acts of the town council.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Senate file No. 104, a bill for an act to legalize certain elections held in the incorporated town of Volga City, Clayton county, Iowa.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

House file No. 100, a bill for an act to legalize the board of supervisors of Dallas county, Iowa, relating to the levy for county revenue for 1896.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Senate file No. 108, a bill for an act to legalize certain ordinances of the incorporated town of Waucoma, Fayette county, Iowa.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Senate file No. 102, a bill for an act to legalize the location of public highways on all section lines in townships Nos. 98 and 99 north, range 25 west; also, townships Nos. 98 and 99 north, range No. 26 west, Winnebago county, Iowa.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 108, a bill for an act to legalize certain ordinances of the incorporated town of Waucoma, Fayette county, Iowa, was passed on file.

Senate file 102, a bill for an act to legalize the location of public highways on section lines in townships Nos. 98 and 99 north, range No. 25 west; also townships Nos. 98 and 99 north, range No. 26 west, Winnebago county, Iowa, was passed on file.

Senate file No. 104, a bill for an act to legalize certain elections held in the incorporated town of Volga City, county of Clayton, State of Iowa, was passed on file.

House file No. 100, a bill for an act to legalize the acts of the board of supervisors of Dallas county, relating to levy for county revenue for 1896, was read first and second time and referred to Committee on Judiciary.

House file No. 112, a bill for an act to legalize the incorporation of Rathburn, Iowa, and the ordinances and acts of the town council, was read first and second time and referred to Committee on Judiciary.

Senator Pusey moved that the Senate take a recess until called to order by the President.

Senate reconvened.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to adopt the report of the Conference Committee on House file No. 16, a bill for an act to revise, amend and codify the statutes in relation to corporations.

The House asks for, and the Speaker has appointed a further conference committee on the part of the House, consisting of Representatives St. John, Allen, Lambert and Putnam.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

House file No. 16, a bill for an act to revise, amend and codify the statutes in relation to corporations, was read and passed on file for conference committee.

President Parrott announced as further conference committee on the part of the Senate on House file No. 16, Senators Junkin, Gilbertson, Garst and Healy.

Senator Upton moved that the Senate do now adjourn.

Lost.

Senator Waterman moved that the Senate take a recess until called to order by the President.

Carried.

Senate reconvenes.

REPORT OF STANDING COMMITTEE.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 111, a bill for an act to legalize the election held at Sumner, Iowa, on October 15, 1894, for the issuance of bonds for water works, 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 adding to section 2 the following words: "without expense to the State," and when so amended the bill do pass.

L. A. ELLIS,

Chairman.

BILLS ON SECOND READING.

On motion of Senator Craig, rule No. 15 was suspended and Senate file No. 111, a bill for an act to legalize the election held at Sumner, Iowa, on October 15, 1894, for issuance of bonds, for water works, with report of committee recommending amendment, was taken up, considered, and report of the committee adopted.

The bill was read for information.

Senator Craig moved to amend section 2 by adding thereto the words "without expense to the State."

Adopted.

Senator Craig moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bonson, Carney, Carpenter, Craig, Downey, Druet, Ellis, Ericson, Everall, Gilbertson, Gorrell, Harper, Harriman, Healy, Hipwell, Hobart, Hotchkiss, Lothrop, Palmer, Penrose, Riggen, Sargent, Trewin, Young—28.

Senator Garst voted in the negative.

Absent or not voting:

Senators Berry, Byers, Carroll, Cheshire, Eaton, Ellison, Funk, Henderson, Hospers, Hurst, Junkin, Kilburn, Lehfeldt,

Mitchell, Perrin, Phelps, Pusey, Ranck, Rowen, Upton, Waterman—21.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

REPORT OF STANDING COMMITTEE.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 104, a bill for an act legalizing the acts of C. A. O'Harrow, 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 making the publication clause section 2, and when so amended the bill do pass.

L. A. ELLIS,
Chairman.

BILLS ON SECOND READING.

On motion of Senator Harriman, rule 15 was suspended and House file No. 104, a bill for an act legalizing the acts of C. A. O'Harrow, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Harriman moved to amend the bill by adding as section 2 the publication clause.

Senator Harriman moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Carney, Carpenter, Craig, Downey, Druet, Ellis, Ericson, Everall, Gilbertson, Gorrell, Harriman, Hipwell, Hobart, Hotchkiss, Hurst, Lothrop, Palmer, Penrose, Rigger, Sargent, Young—26.

Senator Garst voted in the negative.

Absent or not voing:

Senators Bell, Byers, Carroll, Cheshire, Eaton, Ellison, Funk, Harper, Healy, Henderson, Hospers, Junkin, Kilburn, Lehfeldt, Mitchell, Perrin, Phelps, Pusey, Ranck, Rowen, Trewin, Upton, Waterman—23.

The bill having received a constitutional majority was declared to have passed the Senate and title agreed to.

REPORT OF STANDING COMMITTEE.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 99, a bill for an act to legalize the acts of and to establish the independent school district of Washington Mills, 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 do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

BILLS ON SECOND READING.

On motion of Senator Bonson, rule 15 was suspended and House file No. 99, a bill for an act to legalize the acts to establish the independent school district of Washington Mills, with report of committee, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Bonson moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bonson, Carney, Carpenter, Craig, Downey, Druet, Ellis, Ericson, Everall, Gilbertson, Gorrell, Harriman, Hipwell, Hobart, Hotchkiss, Hurst, Lothrop, Palmer, Penrose, Perrin, Riggen, Sargent, Trewin, Young—28.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Byers, Carroll, Cheshire, Eaton, Ellison, Funk, Garst, Harper, Healy, Henderson, Hospers, Junkin, Kilburn, Lehfeldt, Mitchell, Phelps, Pusey, Ranck, Rowen, Upton, Waterman—22.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

REPORT OF STANDING COMMITTEE.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 100, a bill for an act to legalize the board of supervisors of

Dallas county, Iowa, relating to the levy for county revenue for 1896, 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 indefinitely postponed for the reason that the subject matter has already been incorporated in a bill which has passed both Houses.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 112, a bill for an act to legalize the incorporation of Rathburn, Iowa, and the ordinances and acts of the town council, 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 do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

BILLS ON SECOND READING.

On motion of Senator Carroll, rule 15 was suspended and House file No. 112, a bill for an act to legalize the incorporation of Rathburn, Iowa, and the ordinances and acts of the town council, with report of committee, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Carroll moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Craig, Downey, Druet, Ellis, Ericson, Everall, Gilbertson, Gorrell, Harriman, Hipwell, Hobart, Hotchkiss, Hurst, Kilburn, Lothrop, Palmer, Penrose, Perrin, Rigger, Sargent, Trewin, Upton—30.

The nays were:

None.

Absent or not voting:

Senators Bell, Byers, Cheshire, Eaton, Ellison, Funk, Garst, Harper, Healy, Henderson, Hospers, Junkin, Lehfeldt, Mitchell, Phelps, Pusey, Ranck, Rowen, Waterman, Young—20.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

REPORT OF CONFERENCE COMMITTEE.

Senator Carpenter presented the following conference committee report on House file No. 85:

MR. PRESIDENT—Your conference committee of the Senate and House, appointed to confer upon the disagreement in relation to the amendments to House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments, beg leave to report that they have had the same under consideration and report the same back with the recommendation that the Senate recede from its amendment to section 31, chapter 2, page 869, striking out the following:

“No person shall be convicted under the provisions of this section unless the evidence of the prosecuting witness be corroborated by other evidence tending to connect the defendant with the commission of the crime.”

That the following be adopted as a substitute for sections 40 and 41, chapter 2, page 870:

“Sec. 40. Every man who shall marry any woman for the purpose of escaping prosecution for seduction, and shall afterwards desert her without good cause, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished accordingly.”

Also, renumber the remaining sections of the chapter to correspond.

That the Senate recede from its amendment adding section 19 to chapter 4, page 876.

That the Senate recede from its amendment to chapter 4, page 878, inserting the following as section 27 thereof: “Sec. 27. If any person maliciously bruise, break, pull up, carry away, cut down, injure or destroy any fruit or ornamental tree, vine or shrub, standing or growing on the land of another for ornament or use, and of value of twenty dollars or over, he shall be imprisoned in the penitentiary not exceeding five years; if the value thereof be less than twenty dollars, he shall be imprisoned in the county jail not more than one year or be fined not exceeding five hundred dollars.”

Your committee further recommend that the following be inserted after section 26 of the bill as section 27, and that the sections of the chapter be renumbered. “Sec. 27. If any person maliciously or mischievously bruise, break, pull up, carry away, cut down, injure, destroy or sever from the land, any fruit, ornamental or other tree, vine, or shrub standing or growing on the land of another for ornament or use; he shall upon conviction thereof be punished by imprisonment in the county jail not more than one year or by fine not more than five hundred dollars or both.”

That the House concur in the Senate amendment to section 1, chapter 5, page 879, striking out the word “fifteen” and inserting “five.”

That the Senate recede from its amendment to section 10, chapter 5, line 12, page 880, striking out the word “fifteen” and inserting “five;” and that the said section be amended by striking out of line 12 the word “fifteen” and inserting in lieu thereof the word “ten.”

That the House concur in the Senate amendment to section 4, line 3, chapter 7, page 886, striking out the words “or in any manner threatens or intimidates ”

That the House concur in the Senate amendment to section 23, chapter 7, page 889, striking out of the third line after the word "custody" the words "with or without a warrant."

That the Senate recede from its amendment to section 2, chapter 8, page 892, inserting after the word "on" in line 4, the words "or before."

Also, that the Senate recede from its amendment to section 3, chapter 8, page 892, inserting after the word "on" in third line the words "or before."

That the House concur in the Senate amendment to section 5, line 6, chapter 9, page 895, striking out the words "if any man or woman marry within the fourth degree of consanguinity."

That the House concur in Senate amendment to section 14, line 10, chapter 10, page 903, inserting after the word "such" the words "and in the, manner and subject to the regulation prescribed in this chapter."

That the Senate concur in the House amendment to Senate amendment to section 15, chapter 10, striking out the word "pounds" in the next to the last line and inserting the words "per cent;" also, strike out in the same line "to the one hundred pounds."

That the House and Senate recede from its amendment to section 6, chapter 11, page 906, striking out of line 2 the word "cigarette."

That the House concur in the Senate amendment to chapter 11, after section 7, inserting the following as section 8:

"Sec 8. There shall be assessed a tax of three hundred dollars per annum against every person, partnership, or corporation and upon the real property, and the owner thereof, within or whereon any cigarettes, cigarette paper or cigarette wrapper, or any paper made or prepared for use in making cigarettes or for the purpose of being filled with tobacco for smoking, are sold, or given away, or kept with intent to be sold, bartered or given away under any pretext whatever. Such tax shall be in addition to all other taxes and penalties, shall be assessed, collected and distributed in the same manner as the mulct liquor tax and shall be a perpetual lien upon all property, both personal and real, used in connection with the business; and the payment of such tax shall not be a bar to prosecution under any law prohibiting the manufacturing of cigarettes or cigarette paper, or selling, bartering or giving away the same. But the provisions of this section shall not apply to the sales by jobbers and wholesalers in doing an interstate business with customers outside the State."

That the Senate recede from its amendment to section 24, chapter 11, page 909, striking out the words "or bury three feet beneath the surface"

That the Senate recede from its amendment to section 39, chapter 11, page 910, striking out the words "or any other thistle."

That the House concur in the Senate amendment to section 39, chapter 11, page 910, adding at the end of the section the following: "and shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not more than thirty days."

That the Senate concur in the House amendment to Senate amendment to section 10, chapter 12, page 913, striking out the word "horses" after the word "driving."

That the House concur in the Senate amendment to section 31, chapter 13, page 918, striking out all after the word "states," in the second line, down to and including the word "button."

That the House concur in the Senate amendment to section 7, line 3, chapter 13, page 914, striking out the word "nor" and inserting the word "not."

That the House concur in the Senate amendment to section 12, chapter 12, page 913, as follows:

"Sec. 12. If any person be found on the first day of the week commonly called Sunday engaged in carrying firearms, hunting, shooting, fishing, horse racing, dancing, or in playing games of foot ball or base ball or in any manner disturbing a worshipping assembly or private family, or in buying or selling property of any kind or in any labor except that of necessity or charity, he shall be fined not more than five nor less than one dollar and be imprisoned in the county jail until the fine, with costs of prosecution, shall be paid; but this shall not be construed to prohibit labor on such day by those who observe the seventh day of the week as the Sabbath, or to prevent persons traveling, or families emigrating from pursuing their journey, or keepers of toll bridges, toll gates and ferrymen from attending the same.

Respectfully submitted,

C. A. CARPENTER,
L. C. BLANCHARD,
J. H. TREVIN,
W. H. BERRY,
Conferees for the Senate.
C. F. JOHNSTON,
W. B. BELL,
E. C. SPAULDING,
Conferees for the House.

REPORT OF COMMITTEE.

Senator Carpenter, from the Committee on Code Revision, submitted the following report:

MR. PRESIDENT—Your Committee on Code Revision beg leave to report for your consideration the following joint resolution, with the recommendation that the same do pass.

C. A. CARPENTER,
Chairman.

Ordered passed on file.

JOINT RESOLUTION NO. 9.

Fixing the number of employes at the seat of government and their compensation.

Be it Resolved by the General Assembly of the State of Iowa, Until otherwise ordered by the General Assembly, the number of employes for the various offices at the seat of government, when not otherwise provided for by law, shall at no time exceed the number named herein, and their compensation shall not exceed the amount herein fixed.

For the Adjutant-General's office.

	PER ANNUM,
One clerk at a salary of.....	\$1,200.00
One stenographer at a salary of.....	600.00
One ordnance sergeant who shall also act as a janitor, at a salary of	720.00

For the Attorney-General's Office.

	PER ANNUM.
One legal assistant until code takes effect at a salary of.....	\$ 1,200.00
One stenographer at a salary of	900.00
And he may employ extra help at an expense of not exceeding..	400.00

For the office of Auditor of State.

	PER ANNUM.
One chief clerk and examiner of the insurance department at a salary of	\$1,500.00
One clerk in insurance department at a salary of	1,200.00
One chief clerk in revenue department at a salary of	1,500.00
One clerk of building and loan department at a salary of	1,200.00
One clerk for general work at a salary of	900.00
One stenographer at a salary of	900.00
One janitor, who shall also act as a messenger at a salary of.....	720.00
And he may employ extra help at an expense not exceeding.....	500.00

For the office of Clerk of the Supreme Court.

	PER ANNUM.
One clerk at a salary of	\$1,200.00
One janitor, who shall also act as messenger and who shall also act as janitor for the supreme court room, at a salary of..	720.00
And he may employ extra help at an expense not exceeding.....	300.00

For the office of Dairy Commissioner.

	PER ANNUM.
One Clerk at a salary of	\$ 720.00

For the office of Governor.

	PER ANNUM.
One pardon clerk at a salary of	\$ 1,500.00
One chief clerk at a salary of	1,500.00
One clerk at a salary of	1,000.00
One stenographer at a salary of	900.00
One stenographer at a salary of	600.00
One janitor, who shall also act as usher at a salary of.....	900.00

For the State Librarian's office.

	PER ANNUM.
One janitor, who shall also act as messenger at a salary of	\$ 720.00
The State mine inspector's office shall be allowed to expend for necessary help not to exceed.....	400.00

For the Railroad Commissioners' office.

	PER ANNUM.
One clerk at a salary of	\$1,000.00

For the office of Secretary of State.

	PER ANNUM.
One chief clerk at a salary of	\$1,100.00
One stenographer at a salary of	900.00
One corporation clerk at a salary of	900.00
One assistant corporation clerk at a salary of	720.00
One janitor, who shall also act as messenger at a salary of	720.00
One clerk, who shall have charge of the document room and act as janitor for Executive Council rooms at a salary of.....	720.00

For the office of Superintendent of Public Instruction.

	PER ANNUM.
One stenographer, who shall also act as clerk at a salary of.....	\$ 900.00
One janitor, who shall also act as assistant at a salary of.....	720.00
He may also expend for necessary extra clerical assistance not to exceed.....	500.00

For the Supreme Court Rooms.

	PER ANNUM.
One bailiff, who shall also act as janitor for the consultation and judges' rooms and as messenger at a salary of.....	\$ 900.00

For the office of Treasurer of State.

	PER ANNUM.
One stenographer who shall also act as assistant at a salary of.....	\$1,000.00
One night guard, who shall also act as janitor at a salary of.....	900.00
He may also employ extra help at an expense not exceeding.....	500.00

For the Historical Department.

	PER ANNUM.
One clerk at a salary of.....	\$ 780.00
One stenographer at a salary of.....	600.00
One janitor, who shall also act as assistant at a salary of.....	600.00

For the Executive Council.

	PER ANNUM.
One secretary at a salary of	\$1,500.00
One clerk of the supply department at a salary of	1,000.00
One mail carrier with team and wagon, who shall perform the duties assigned by the Executive Council at a salary of....	1,100.00

For the Department of Geological Survey.

One stenographer at a salary of	600 00
For the offices of Attorney-General, Railroad Commissioners and State Agricultural Society there shall be one janitor to be selected by them, who shall receive a salary of.....	720.00

The Custodian shall provide the necessary janitor service for all parts of the Capitol building not otherwise provided for, and may employ janitors and other assistants as follows:

	PER ANNUM.
One engineer at a salary of.....	\$1,100.00
One carpenter at a salary of.....	1,100.00
One chief of police at a salary of	900.00
Two night watchmen at a salary of.....	900.00
Eight janitors at a salary of.....	600.00
One janitress for ladies' toilet rooms when needed at a salary at the rate of.....	600.00
Two laborers for capitol grounds and walks at a salary of	600.00
The necessary firemen for boiler rooms at a salary of.....	720.00
One elevator tender at a salary of.....	600.00
He shall also be allowed to expend for extra labor not to exceed	500 00

The Custodian shall dispose of all plants and flowers by ornamenting apitol grounds with such as can be used, and shall dispose of the

remainder with the greenhouse for the benefit of the State, and the maintenance of a greenhouse is hereby ordered to be discontinued.

All salaries provided for herein shall be paid in equal monthly installments.

When appropriations are made for the various offices and departments such salaries shall be paid therefrom.

This act, being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers printed and published at Des Moines, Iowa.

Senator Ellis moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Thursday, May 6, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. S. T. Weaver of Minburn, Iowa.

On request of Senator Gilbertson, leave of absence was granted Senator Hospers indefinitely.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 101, a bill for an act to legalize the acts of the board of supervisors and county auditor and the vote of the people of Polk county in relation to levying a tax to raise funds to build an asylum in said county for the care of the insane.

G. S. GILBERTSON,
Chairman.

Passed on file.

Senator Mitchell called up concurrent resolution relative to the adoption of the wild rose as the emblem of the State.

On the question, "Shall the wild rose be the flower emblem of Iowa?" the yeas were:

Senators Blanchard, Cheshire, Garst, Harper, Henderson, Hurst, Junkin, Mitchell, Palmer, Phelps—10.

The nays were:

Senators Alexander, Carney, Craig, Downey, Ellison, Everall, Gilbertson, Gorrell, Harriman, Hobart, Kilburn, Lothrop, Penrose, Perrin, Pusey, Rigggen, Rowen, Sargent, Trewin, Upton—20.

Absent or not voting:

Senators Allen, Bell, Berry, Bonson, Byers, Carpenter, Carroll, Druet, Eaton, Ellis, Ericson, Funk, Healey, Hipwell, Hospers, Hotchkiss, Lehfeldt, Ranck, Waterman, Young—20.

The resolution was lost.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

Senate file No. 105, a bill for an act to legalize the acts and resolutions of the city of Keokuk, relating to the curbing, guttering and paving of Eleventh street, in said city, from the north line of Main street to the south line of Blondeau street, and the issuance of certificates therefor.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Senate file No. 106, a bill for an act to legalize the acts of the city of Keokuk, Iowa, in changing grade of certain streets of said city.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

House file No. 103, a bill for an act to legalize the action of the electors of the incorporated town of Audubon, Iowa, in voting to sell the electric light plant and the action of the common council of said town in selling said property.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Relating to the use of committee rooms by the Code supervising committee and allowing the committee stationery, stamps, etc.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Senate file No. 111, a bill for an act to legalize the election held at Sumner, Iowa, on October 12, 1894, for the issuance of bonds for water works.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 105, a bill for an act to legalize the acts and resolutions of the city of Keokuk, relating to the curbing, guttering and paving of Eleventh street in said city from the north line of Main street to the south line of Blondeau street, and the issuance of certificates therefor, was passed on file.

Senate file No. 106, a bill for an act to legalize the acts of the city of Keokuk, Iowa, in changing grade of certain streets of said city, was passed on file.

House file No. 103, a bill for an act to legalize the action of the electors of the incorporated town of Audubon, Iowa, in voting to sell the electric light plant and the action of the common council of said town in selling said property, was read first and second time and referred to Committee on Judiciary.

Senate joint resolution No. 7, relating to the use of committee rooms by Code supervisory committee and allowing the committee stationery, stamps, etc., was passed on file.

Senate file No. 111, a bill for an act to legalize the election held at Sumner, Iowa, on October 12, 1894, for the issuance of bonds for water works, was passed on file.

Senator Craig moved that the Senate take a recess until called to order by the president.

Senate reconvened.

The Journal of Wednesday was taken up, read, corrected and approved.

REPORT OF CONFERENCE COMMITTEE.

Senator Junkin, from the committee on conference, submitted the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred House file No. 16, 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 have instructed me to report the same back to the Senate with the recommendation that the House recede from its amendment to the Senate substitute in line 3, of section 2, of said substitute, so section 2 will now read as follows: "Except as otherwise provided by law a single person may incorporate under the provisions of this chapter thereby entitling himself to all the privileges and immunities provided herein, but if he adopts the name of an individual or individuals as that of the corporation he must add thereto the word 'incorporated.'"

That the Senate concur in the House amendment to section 4, of the Senate substitute, by striking out so much as requires the submission of the articles to the Attorney-General. After the word "found," in the fifth

line of section 4, of said substitute, said section will now read, "said articles thus endorsed shall then be forwarded to the Secretary of State and be by him recorded in a book kept for that purpose."

That section 4 of chapter 1 of Senate substitute be amended by adding at the end thereof the following: "Farmers mutual co-operative creamery associations shall be exempt from the payment of the incorporation fee provided herein," which amendment shall be in lieu of the following House amendment to said section 4 of said Senate substitute: "But the provisions of this section shall not apply to farmers mutual co-operative creamery associations, workingmen's co-operative associations, nor farmers mutual insurance companies."

Section 4, Senate substitute, when thus amended shall read: "Before commencing any business except their own organization they must adopt articles of incorporation which must be signed and acknowledged by the incorporators, recorded in the office of the recorder of deeds of the county where the principal place of business is to be, in a book kept therefor, and the recorder must within five days thereafter endorse thereon the time when the same were filed and the book and page where the record will be found. Said articles thus endorsed shall then be forwarded to the Secretary of State and be by him recorded in a book kept for that purpose. Such corporation shall pay to the Secretary of State before a certificate of incorporation is issued, a fee of twenty-five dollars, and for all authorized stock in excess of ten thousand dollars an additional fee of one dollar per thousand. Should any corporation thereafter increase its capital stock it shall pay a fee to the Secretary of State of one dollar for each one thousand dollars of such increase, but in no event shall a fee in excess of three hundred and fifty dollars be charged under the provisions of this section. The recording fee shall be paid in all cases. Farmers mutual co-operative creamery associations shall be exempt from the payment of the incorporation fee provided herein."

That the House recede from its amendment to the Senate substitute, which amendment was to strike out the words "or street railway" wherever they appear in section 5 thereof.

That the Senate concur in the House amendment to section 9 of the Senate substitute so that line 4 of said substitute will now read as follows: "Such changes, however, need only be signed and acknowledged by such officers of the corporation as may be designated to perform such act by the stockholders."

That the House recede from its amendment to strike the words "and street railway" from line 3 of section 10 in the Senate substitute.

That the Senate concur in the House amendment to Senate substitute in line 5 of section 12 by inserting after the word "election" the following words "or special election called" so that said section 12 of said substitute after the word "thereof" in the fifth line shall read as follows: "If a majority of the votes cast at any regular election or special election called for that purpose be in favor of such renewal, and if those wishing such renewal will purchase the stock of those opposed thereto at its real value."

That the Senate concur in the House amendment to Senate substitute by inserting the words "shall be a misdemeanor and" at the beginning of the third line of section 14, so that said section 14 down to and including

the word "court" in the fourth line thereof shall read as follows: "Intentional fraud in failing to comply substantially with the articles of incorporation or in deceiving the public or individuals in relation to their means or their liabilities shall be a misdemeanor and shall subject those guilty thereof to fine or imprisonment or both at the discretion of the court."

That the House recede from its amendment to line 10 of section 15 of the Senate substitute which sought to insert after the word "existing" the following words: "and for all that shall thereafter be contracted while they shall respectively continue in office."

That the Senate concur in the House amendment to section 21 of the Senate substitute, which House amendment struck from said section 21 the following words: "The stock of all corporations for pecuniary profit heretofore created shall on or before the first day of January, 1899, be returned to the proper officers of the corporation issuing the same and a similar endorsement made thereon, and after that date no stock of any corporation existing under the laws of Iowa shall be voted at a stockholders' meeting or have any legal force or validity until such endorsement is placed thereon by the proper officers of the corporation issuing the same"

That the House recede from its amendment to strike out sections 29, 30 and 31 with the Senate amendments thereto so that said sections 29, 30 and 31 of the Senate substitute with the Senate amendments thereto shall now remain and constitute a part of the bill, except the Senate amendment to section 31 referred to in the next succeeding paragraph of this report and from which the Senate recedes.

That the Senate recede from the amendment to section 31 of the Senate substitute which sought to add thereto the following: "corporations organized under the provisions of this chapter shall have the right to purchase, own and convey all such real estate as may be necessary for the transaction of their business."

That section 32 of the Senate substitute shall be amended after the word "Iowa," in the third line thereof, so that the balance of said section 32 of the Senate substitute after the word "Iowa" shall read as follows: An action therefor may be instituted by the Attorney-General in the name of the State, reserving, however, to the stock-holders and creditors all rights now possessed by them."

That as an additional section to chapter 1, to be placed at the end thereof, the following shall be incorporated: "Corporations organized in any foreign country or corporations organized in this country the stock of which is owned in whole or in part by aliens or non-residents shall have the same rights, powers and privileges with regard to the purchase and ownership of real estate in this State as are granted to non-resident aliens in section 2, chapter 1, title 14, of this Code."

J. M. JUNKIN,
G. S. GILBERTSON,
WARREN GARST,
THOS. D. HEALY,

Committee for Senate.

R. T. ST. JOHN,
G. M. PUTNAM,
THOS. LAMBERT,
W. S. ALLEN,

Committee for House.

Senator Junkin moved that the report be taken up for consideration.

Carried.

Senator Healy moved that the Senate adopt the following recommendation that the House recede from its amendment to the Senate substitute in line 3, of section 2, of said substitute, so section 2 will now read as follows: "Except as otherwise provided by law a single person may incorporate under the provisions of this chapter, thereby entitling himself to all the privileges and immunities provided herein, but if he adopts the name of an individual or individuals as that of the corporation he must add thereto the word 'incorporated.'"

Adopted.

Senator Healy moved that the Senate concur in the House amendment to section 4, of the Senate substitute, by striking out so much as requires the submission of the articles to the Attorney-General. After the word "found" in the fifth line of section 4 of said substitute, said section will now read: "said articles thus endorsed shall then be forwarded to the Secretary of State, and be by him recorded in a book kept for that purpose."

Carried.

Senator Healy moved that the Senate adopt the recommendation of the committee that section 4, chapter 1, of Senate substitute be amended by adding at the end thereof the following: "Farmers' mutual co-operative creamery associations shall be exempt from the payment of the incorporation fee provided herein," which amendment shall be in lieu of the following House amendment to said section 4, of said Senate substitute: "But the provisions of this section shall not apply to farmers' mutual co-operative creamery associations, workmen's co-operative associations nor farmers' mutual insurance companies." Section 4, Senate substitute, when thus amended shall read: "Before commencing any business except their own organization they must adopt articles of incorporation which must be signed and acknowledged by the incorporators, recorded in the office of the recorder of deeds of the county where the principal place of business is to be, in a book kept therefor, and the recorder must within five days thereafter endorse thereon the time when the same were filed and the book and page where the record will be found. Said articles thus endorsed shall then be forwarded to the Secretary of State and

be by him recorded in a book kept for that purpose. Such corporation shall pay to the Secretary of State before a certificate of incorporation is issued, a fee of twenty-five dollars and for all authorized stock in excess of ten thousand dollars an additional fee of one dollar per thousand. Should any corporation thereafter increase its capital stock it shall pay a fee to the Secretary of State of one dollar for each one thousand dollars of such increase, but in no event shall a fee in excess of three hundred and fifty dollars be charged under the provisions of this section. The recording fee shall be paid in all cases. Farmers' mutual co-operative creamery associations shall be exempt from the payment of the incorporation fee provided herein."

Adopted.

Senator Healy moved that the Senate adopt the recommendation of committee to section 5.

Carried.

Senator Healy moved that the Senate concur in House amendment to section 4, of the Senate substitute by striking out so much as requires the submission of the articles to the Attorney-General. After the word "found," in the fifth line of section 4 of said substitute, said section will now read: "said articles thus endorsed shall then be forwarded to the Secretary of State, and be by him recorded in a book kept for that purpose."

Adopted.

Senator Healy moved that the Senate adopt the recommendation of committee to line 3, section 10.

Carried.

Senator Healy moved that the House recede from its other amendment to section 4 of the Senate substitute, which amendment was as follows: "The provisions of this section shall not apply to farmer's mutual co-operative creamery associations, workingmen's co-operative associations nor farmer's mutual insurance companies," so that no exemption shall be made to the named associations from the payment of the franchise fee.

Carried.

Senator Healy moved that the Senate concur in the House amendment to Senate substitute by inserting the words "shall be a misdemeanor and" at the beginning of the third line of section 14, so that said section 14 down to and including the word

“court” in the fourth line thereof shall read as follows: “intentional fraud in failing to comply substantially with the articles of incorporation or in deceiving the public or individuals in relation to their means or their liabilities shall be a misdemeanor and shall subject those guilty thereof to fine or imprisonment or both at the discretion of the court” That the House recede from its amendment to line 10, of section 15, of the Senate substitute which sought to insert after the word “existing” the following words: “and for all that shall thereafter be contracted while they shall respectively continue in office.”

Adopted.

Senator Healy moved that the Senate adopt the recommendation of the committee to section 15.

Carried.

Senator Healy moved that the Senate concur in the House amendment to section 21, of the Senate substitute which House amendment struck from said section 21 the following words: “the stock of all corporations for pecuniary profit heretofore created shall, on or before the first day of January, 1899, be returned to the proper officers of the corporation issuing the same and a similar endorsement made thereon, and after that date no stock of any corporation existing under the laws of Iowa shall be voted at a stockholders’ meeting or have any legal force or validity until such endorsement is placed thereon by the proper officers of the corporation issuing the same.”

Carried.

Senator Healy moved that the Senate adopt the recommendation of the committee to sections 29, 30 and 31 of the bill.

Carried.

Senator Healy moved that the Senate recede from the amendment to section 31 of the Senate substitute, which sought to add thereto the following: “Corporations organized under the provisions of this chapter shall have the right to purchase, own and convey all such real estate as may be necessary for the transaction of their business.”

Carried.

Senator Healy moved that the Senate adopt the following amendment: That section 32 of the Senate substitute shall be amended after the word “Iowa,” in the third line thereof, so that the balance of said section 32 of the Senate substitute after the word “Iowa” shall read as follows: “An action therefor

may be instituted by the Attorney-General in the name of the State, reserving, however, to the stockholders and creditors all rights now possessed by them."

Carried.

Senator Healy moved that the Senate concur in the following: That as an additional section to chapter 1, to be placed at the end thereof, the following shall be incorporated: "Corporations organized in any foreign country or corporations organized in this country the stock of which is owned in whole or in part by aliens or non-residents shall have the same rights, powers and privileges with regard to the purchase and ownership of real estate in this State as are granted to non-resident aliens in section 2, chapter 1, title 14 of this Code."

Carried.

Senator Healy moved that the yeas and nays be called on the adoption of the report of the committee.

Carried.

On the question, "Shall the conference committee report on House file No. 16 be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Rigger, Sargent, Trewin, Upton, Waterman, Young—43.

The nays were:

None.

Absent or not voting:

Senators Eaton, Hospers, Kilburn, Lehfeldt, Pusey, Ranck, Rowen—7.

The report of the conference committee was adopted.

Senator Ellis asked that House file No. 100 be returned to Committee on Judiciary.

So ordered.

Senator Trewin called up the report of the Conference Committee on House file No. 85.

Senator Trewin moved that the report be considered now.

Carried.

Senator Trewin moved that the Senate recede from its amendment to section 31, chapter 2, page 869, striking out the following: "No person shall be convicted under the provisions

of this section unless the evidence of the prosecuting witness be corroborated by other evidence tending to connect the defendant with the commission of the crime.”

Carried.

Senator Trewin moved that the following be adopted as a substitute for sections 40 and 41, chapter 2, page 870: “Sec. 40. Every man who shall marry any woman for the purpose of escaping prosecution for seduction, and shall afterward desert her without good cause, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished accordingly.” Also, renumber the remaining sections of the chapter to correspond.

Carried.

Senator Trewin moved that the Senate recede from its amendment adding section 19 to chapter 4.

Carried.

Senator Trewin moved that the Senate recede from its amendment to chapter 4, page 878, inserting the following as section 27 thereof: “Sec. 27. If any person maliciously bruise, break, pull up, carry away, cut down, injure or destroy any fruit or ornamental tree, vine or shrub, standing or growing on the land of another for ornament or use, and of value of twenty dollars or over, he shall be imprisoned in the penitentiary not exceeding five years; if the value thereof be less than twenty dollars, he shall be imprisoned in the county jail not more than one year or be fined not exceeding five hundred dollars.”

Carried.

Senator Trewin moved that the following be inserted after section 26 of the bill as section 27, and that the sections of the chapter be renumbered. Sec. 27. If any person maliciously or mischievously bruise, break, pull up, carry away, cut down, injure, destroy or sever from the land, any fruit, ornamental or other tree, vine, or shrub standing or growing on the land of another for ornament or use, he shall upon conviction thereof be punished by imprisonment in the county jail not more than one year or by fine not more than five hundred dollars or both.”

Carried.

Senator Trewin moved that the Senate adopt the recommendation of the committee to section 1, chapter 5.

Carried.

Senator Trewin moved that the Senate recede from its amendment to section 10, chapter 5, line 12, page 880, striking

out the word "fifteen" and inserting "five;" and that the said section be amended by striking out of line 12 the word "fifteen" and inserting in lieu thereof the word "ten."

Carried.

Senator Trewin moved that the Senate adopt the recommendation of the committee to section 4, line 3.

Carried.

Senator Trewin moved that the Senate adopt the recommendation of the committee to section 23, chapter 7.

Carried.

Senator Trewin moved that the Senate recede from its amendment to section 2, chapter 8, inserting after the word "on" in line 4, the words "or before;" also, that the Senate recede from its amendment to section 3, chapter 8, inserting after the word "on" in third line the words "or before."

Carried.

Senator Trewin moved that the Senate recede from its amendment to section 14, line 10, chapter 10, inserting after the word "such" the words "and in the manner and subject to the regulation prescribed in this chapter."

Carried.

Senator Trewin moved that the Senate concur in the House amendment to Senate amendment to section 15, chapter 10, striking out the word "pounds" in the next to the last line and inserting the words "per cent;" also, strike out in the same line "to the one hundred pounds."

Carried.

Senator Trewin moved that the House and Senate recede from its amendment to section 6, chapter 11, striking out of line 2 the word "cigarette."

Carried.

Senator Trewin moved that the Senate adopt the recommendation of the committee inserting the following as section 8: "Section 8. There shall be assessed a tax of three hundred dollars per annum against every person, partnership, or corporation and upon the real property, and the owner thereof, within or whereon any cigarettes, cigarette paper or cigarette wrapper, or any paper made or prepared for use in making cigarettes or for the purpose of being filled with tobacco for smoking, are sold, or given away, or kept with intent to be sold, bartered or given away under any pretext whatever. Such tax shall be in addition to all other taxes and penalties,

shall be assessed, collected and distributed in the same manner as the mulct liquor tax and shall be a perpetual lien upon all property, both personal and real, used in connection with the business; and the payment of such tax shall not be a bar to prosecution under any law prohibiting the manufacturing of cigarettes or cigarette paper, or selling, bartering or giving away the same. But the provisions of this section shall not apply to the sales by jobbers and wholesalers in doing an interstate business with customers outside the State."

Carried.

Senator Trewin moved that the Senate recede from its amendment to section 24, chapter 11, striking out the words "or bury three feet beneath the surface."

Carried.

Senator Trewin moved that the Senate recede from its amendment to section 39, chapter 11, striking out the words "or any other thistle."

Carried.

Senator Trewin moved that the Senate adopt the recommendation of committee to section 39, chapter 11.

Carried.

Senator Trewin moved that the Senate concur in the House amendment to Senate amendment to section 10, chapter 12, striking out the word "horses" after the word "driving."

Carried.

Senator Trewin moved that the Senate adopt the recommendations of the committee to section 31, chapter 13; section 7, chapter 13; section 12, chapter 12.

Carried.

Senator Trewin moved to reconsider the vote by which the Senate receded from its amendment to section 14, line 10, chapter 10.

Carried.

Senator Trewin moved to adopt the report of the committee as amended as follows: That the House concur in Senate amendments to section 14, line 10, chapter 10, inserting after the word "such" the words "and in the manner and subject to the regulation prescribed in this chapter."

Carried.

Senator Trewin moved that the report of the Conference Committee on House file No. 85 be adopted.

Carried.

On the question, "Shall the report of the Conference Committee on House file No. 85 be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carney, Carroll, Cheshire, Craig, Downey, Druet, Ericson, Funk, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hotchkiss, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Ranck, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—35.

The nays were:

Senators Bonson, Garst, Hipwell, Hurst—4.

Absent or not voting:

Senators Blanchard, Carpenter, Eaton, Ellis, Ellison, Everall, Hobart, Hospers, Lehfeldt, Mitchell, Pusey—11.

The report of the conference committee was adopted.

Senator Harper offered the following explanation of his vote and asked that it be printed in the Journal:

MR. PRESIDENT—I cannot approve of sections 8 and 12 as reported by the conference committee. There is absolutely no excuse for the existence of such provisions in our laws. But because we must have our criminal statutes for the purpose of punishing actual crimes, and for that reason only, I vote "aye."

T. G. HARPER.

Senator Ranck offered the following explanation of his vote and asked that it be printed in the Journal:

MR. PRESIDENT—I do not approve of many provisions of the conference report on the bill, House file No. 85, but at times legislation is based on compromise; and while a vote against many good provisions because of some bad ones might defeat this report and bill. I cannot with my vote aid to defeat it; I vote "aye."

C. S. RANCK.

Senator Gilbertson moved that the Senate do now adjourn
Carried.

Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

Senator Carpenter presented report of Code Revision Committee on joint resolution No. 9, which was read first and second time.

Senator Carpenter asked that the joint resolution No. 9 be taken up for consideration now.

Carried.

On motion of Senator Carpenter, rule No. 15 was suspended and joint resolution No. 9, fixing the number of employes at the seat of government and their compensation, with report of committee, was taken up and read.

Senator Carpenter moved to amend by changing the salary of the clerk of the Dairy Commissioner from \$750 to \$900.

Adopted.

Senator Kilburn offered the following amendment to the joint resolution: amend by inserting before the publication clause the following: "Each house of the General Assembly shall elect at the beginning of each session the following officers, viz.: For the Senate, one secretary, two assistant secretaries, one enrolling clerk, one engrossing clerk, one journal clerk, one bill clerk, one file clerk, twelve committee clerks who shall be stenographers, one of whom shall have charge of each committee room, and serve as clerk for all committees meeting therein, one sergeant-at-arms, one door keeper, six assistant door keepers, three janitors, six messengers, and one postmaster; for the House, one clerk, two assistant clerks, one enrolling clerk, one engrossing clerk, one journal clerk, one bill clerk, one file clerk, twelve committee clerks, who shall be stenographers, one for each room, who shall serve as clerk for all committees meeting therein, one sergeant-at-arms, one door keeper, six assistant door keepers, one assistant postmaster, four janitors and eight messengers, for both houses jointly; one mail carrier. Each house may appoint such other officers and assistants temporarily as occasion may require.

On the amendment the yeas and nays were demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Bonson, Carpenter, Cheshire, Ericson, Everall, Gorrell, Harper, Harriman, Henderson, Hipwell, Hotchkiss, Hurst, Kilburn, Mitchell, Young—15.

The nays were:

Senators Alexander, Allyn, Berry, Blanchard, Byers, Carney, Carroll, Craig, Downey, Druet, Ellison, Funk, Garst, Gilbertson, Healy, Junkin, Lothrop, Palmer, Penrose, Perrin, Pusey, Ranck, Riggen, Rowen, Sargent, Trewin, Upton, Waterman—28.

Absent or not voting:

Senators Bell, Eaton, Ellis, Hobart, Hospers, Lehfeldt, Phelps—7.

The amendment was lost.

Senators Blanchard and Ranck offered the following and asked that it be printed in the Journal:

MR. PRESIDENT—On the amendment offered by the Senator from Adair, I vote “no” for the reason that it is in plain conflict with the provisions of section 7 of article 3 of the constitution of the State, which provides that “each house shall choose its own officers.”

L. C. BLANCHARD.

MR. PRESIDENT—I concur in the above as an explanation of my vote. I vote “no.”

C. S. RANCK.

Senator Healy moved to amend the joint resolution as follows: Strike out the figures “\$900” as compensation for the stenographer for Attorney-General’s office, for office of Auditor of State, for office of Governor, for office of Secretary of State, and insert in lieu thereof the figures “\$720” for each of said stenographers.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to adopt the report of the Conference Committee on House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments.

The House asks for, and the Speaker has appointed a further conference committee on the part of the House consisting of Messrs. Brinton, Edwards, McDonald and Wilson.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate file No. 103, a bill for an act to legalize the corporation of the town of Arnold’s Park, Dickinson county, Iowa, and the notice for the election of the officers thereof, and the election of the officers of said town.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate file No. 91, a bill for an act to revise, amend and codify the statutes in relation to public printing.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

House file No. 101, a bill for an act to legalize certain ordinances of the town council of the town of Ossian, Winneshiek county, Iowa.

JAS. D. ROWEN,
Chief Clerk.

Senator Waterman moved to take up House messages.
Carried.

HOUSE MESSAGES.

House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments, was passed on file for conference committee.

Senate file No. 103, a bill for an act to legalize the corporation of the town of Arnold's Park, Dickinson county, Iowa, and the notice for the election of the officers thereof and election of officers of said town, was passed on file.

Amended Senate file No. 91, a bill for an act to revise, amend and codify the statutes in relation to public printing and binding, was referred to the Committee on Printing.

House file No. 101, a bill for an act to legalize certain ordinances of the town council of the town of Ossian, Winneshiek county, Iowa, was read first and second time.

BILLS ON SECOND READING.

On motion of Senator Upton, rule No. 15 was suspended and House file No. 101, a bill for an act to legalize certain ordinances of the town council of the town of Ossian, Winneshiek county, Iowa, was taken up and considered.

Senator Upton moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Craig, Downey, Druet, Ellison, Ericson, Everall, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Ranck, Riggen, Rowen, Sargent, Upton, Young—37.

The nays were:

None.

Absent or not voting:

Senators Berry, Cheshire, Eaton, Ellis, Funk, Garst, Hobart, Hospers, Lehfeldt, Phelps, Pusey, Trewin, Waterman—13.

The bill having received a constitutional majority, was declared to have passed the Senate and title agreed to.

REPORT OF CONFERENCE COMMITTEE.

Senator Funk, from committee on conference, presented the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred substitute for Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to the revenue, beg leave to report that they have had the same under consideration and desire to submit the following:

It is recommended that the Senate concur in House amendment to section 12, chapter 1.

That the Senate concur in House amendments to section 13, chapter 1.

That the Senate concur in House amendments to section 63, chapter 1.

That the Senate concur in House amendments to section 68, chapter 1.

That the Senate concur in House amendment to section 40, chapter 2.

That the House recede from amendments to sections 1, line 6, and section 4, line 3, chapter 4.

That House and Senate each recede from amendments to section 45, chapter 1.

We desire to report further that your committee is unable to agree upon the basis of assessment and what is known as the Cheshire amendment and ask that this committee be discharged and a new conference committee be appointed.

A. B. FUNK,

H. L. WATERMAN,

B. F. CARROLL,

C. S. RANCK,

Conferees for the Senate.

J. H. FUNK,

P. A. SMITH,

THOS. F. NOLAN

Conferees for the House.

The President announced as further conference committee on House file No. 85, Senators Garst, Upton, Pusey and Ranck.

Senator Funk moved to take up report of conference committee on substitute for Senate file No. 8.

Carried.

Senator Funk moved that the Senate concur in the House amendment to section 12, chapter 1.

Carried.

Senator Funk moved that the Senate concur in House amendment to section 13, chapter 1.

Carried.

Senator Funk moved that the Senate concur in House amendment to section 63, chapter 1.

Carried.

Senator Funk moved that the Senate concur in the House amendment to section 68, chapter 1.

Carried.

Senator Funk moved that the Senate concur in House amendment to section 40, chapter 2.

Carried.

Senator Funk moved that the Senate adopt the recommendations of the committee to section 1, line 6, and to section 4, line 3.

Carried.

Senator Funk moved that the Senate adopt the recommendations of the committee to section 45, chapter 1.

Carried.

Senator Funk moved that the report of the committee be adopted.

On the question, "Shall the report of the committee be adopted?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hotchkiss, Hurst, Junkin, Lothrop, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—43.

The nays were:

None.

Absent or not voting:

Senators Bell, Eaton, Hipwell, Hospers, Kilburn, Lehfeldt, Phelps—7.

The report of the conference committee was adopted.

President announced as further conference committee on substitute Senate file No. 8, Senators Berry, Pusey, Everall and Funk.

The Senate resumed consideration of joint resolution No. 9.

On the amendment by Senator Healy a roll call was demanded.

On the question "Shall the amendment be adopted?" the yeas were:

Senators Bell, Cheshire, Downey, Everall, Garst, Gorrell, Healy, Henderson, Hurst, Kilburn, Rowen, Sargent, Waterman—13.

The nays were:

Senators Alexander, Allyn, Berry, Blanchard, Byers, Carney, Carpenter, Craig, Druet, Ellis, Ellison, Ericson, Gilbertson, Harper, Harriman, Hobart, Hotchkiss, Junkin, Lothrop, Palmer, Penrose, Perrin, Pusey, Rigger, Trewin, Upton, Young—27.

Absent or not voting:

Senators Bonson, Carroll, Eaton, Funk, Hipwell, Hospers, Lehfeldt, Mitchell, Phelps, Ranck—10.

The amendment was lost.

Senator Harriman moved to amend the joint resolution as follows: Insert under the head of "the railroad commissioners office" the following: "One assistant clerk who shall also perform the duties of janitor, at a salary of \$850;" also, strike out the words "railroad commissioner" under the head of "for the department of geological survey."

On the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?" the yeas were:

Senators Alexander, Cheshire, Craig, Druet, Ellis, Harper, Harriman, Hipwell, Hobart, Hurst, Lothrop, Palmer, Rigger, Rowen, Sargent, Young—16.

The nays were:

Senators Allyn, Bell, Berry, Bonson, Carney, Carpenter, Downey, Ellison, Ericson, Garst, Gilbertson, Gorrell, Healy, Henderson, Hotchkiss, Junkin, Kilburn, Mitchell, Penrose, Perrin, Phelps, Pusey, Trewin, Upton, Waterman—25.

Absent or not voting:

Senators Blanchard, Byers, Carroll, Eaton, Everall, Funk, Hospers, Lehfeldt, Ranck—9.

The amendment was lost.

Senator Berry moved to amend the resolution by inserting before the publishing clause, "But this resolution shall not operate to discharge any permanent employee until July 1, 1897, and until that time they shall be paid as heretofore."

Adopted.

Senator Carpenter moved that the rule be suspended, and that the joint resolution be considered engrossed and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the joint resolution be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rowen, Sargent, Trewin, Upton, Waterman, Young—43.

The nays were:

None.

Absent or not voting:

Senators Byers, Druet, Eaton, Hipwell, Hospers, Lehfeldt, Rikken—7.

The joint resolution having received a constitutional majority was declared to have passed the Senate and the title agreed to.

Senator Trewin offered the following concurrent resolution:

Resolved by the Senate, the House concurring, That in all cases where practicable, competency being considered, preference in employing help in and about the capitol, as contemplated in joint resolution No. 9, shall be given honorably discharged union soldiers and sailors.

Senator Henderson objected to the consideration of the resolutions to-day.

Senator Trewin moved that the rule requiring a resolution to lie over, be suspended.

Carried.

The concurrent resolution was adopted.

Senator Hotchkiss called up Senate file No. 91.

Senator Hotchkiss moved that the Senate concur in House amendment to section 1, line 6.

Carried.

Senator Hotchkiss moved that the Senate concur in the House amendment to section 8, line 6.

Carried.

Senator Hotchkiss moved that the Senate concur in the House amendment to section 9, line 17.

Carried.

Senator Hotchkiss moved to substitute the following amendment for the House amendment to section 18.

Amend section 18, line 5, as originally amended by striking out all of said line to and including the word "ems" and insert in lieu thereof the words "each printed page shall be paid for at actual measurement."

Adopted.

Senator Harriman moved that the time of adjournment be extended until this bill is disposed of.

Carried.

Senator Hotchkiss moved that the Senate concur in House amendment to section 22.

Carried.

Senator Hotchkiss offered the following substitute for House amendment to section 22, subdivision "d," line 10: Insert after the word "card" the words "including composition and press work."

Adopted.

Senator Hotchkiss moved that the Senate concur in House amendment to section 23.

Carried.

Senator Hotchkiss moved that the Senate concur in House amendment to section 24.

Carried.

Senator Hotchkiss moved that the Senate concur in the first House amendment to section 25, line 7.

Carried.

Senator Hotchkiss offered the following substitute for House amendments to section 25, line 8: Amend House amendment to section 25, line 8, by adding after the word "eighteen" the word "cents."

Adopted.

Senator Hotchkiss offered the following substitute for House amendment to section 25, lines 13 and 14: Amend section 25, line 13, by striking out after the word "pages" the words "or less;" and insert after the word "for," in line 14, the word "each."

Adopted.

Senator Hotchkiss moved that the Senate concur in House

amendments to section 25, lines 7, 9, 10, 11, 12, 13, 15, 16, 19 and 21.

Carried.

Senator Hotchkiss moved that the Senate concur in House amendment to section 26.

Carried.

Senator Hotchkiss moved that the Senate concur in House amendment renumbering sections 26 and 27.

Carried.

Senator Hotchkiss moved that the roll be called on the House amendments just concurred in.

Carried.

On the question, "Shall the House amendments be concurred in?" the yeas were:

Senators Alexander, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Ericson, Everall, Garst, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hobart, Hotchkiss, Hurst, Junkin, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rowen, Sargent, Trewin, Upton, Waterman, Young—36.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Druet, Eaton, Ellis, Ellison, Funk, Healy, Hipwell, Hospers, Kilburn, Lehfelddt, Lothrop, Rigger—14.

The House amendments were concurred in.

The time of adjournment having arrived the Senate adjourned until 9 o'clock A. M., to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, May 7, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. W. F. Allen, of Grundy Center, Iowa.

Senator Trewin called up joint resolution No. 6, relative to the use of committee room by the supreme court:

JOINT RESOLUTION NO. 6.

WHEREAS, It has been the custom of the supreme court at each term to use one of the committee rooms for the examination of the applicants for admission to the bar, and

WHEREAS, The supreme court has no suitable place at its disposal for that purpose; therefore, be it

Resolved by the General Assembly of the State of Iowa, That the Custodian be authorized to provide the supreme court with a suitable room for the purpose of such examination at each term of the supreme court.

Senator Blanchard moved to amend the resolution by inserting after the word "room," next to last line, the words "in the capitol."

Adopted.

Senator Trewin moved that the rule be suspended, and that the joint resolution be considered engrossed, and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Carney, Cheshire, Craig, Downey, Druet, Eaton, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Healy, Henderson, Hotchkiss, Hurst, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Rowen, Sargent, Trewin, Waterman—31.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bonson, Byers, Carpenter, Carroll, Ellis, Garst, Harriman, Hipwell, Hobart, Hospers, Junkin, Lehfeldt, Mitchell, Pusey, Ranck, Riggen, Upton, Young—19.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Perrin moved to reconsider the vote by which the resolution to adopt the "wild rose" as the State flower was lost, stating in connection therewith that the members of the Senate had asked the advice of the State Federation of Women's Clubs now in session at Dubuque, Iowa, and the Federation had by vote approved the selection of the wild rose as the official floral emblem of Iowa.

The motion to reconsider prevailed.

The question recurring on the resolution a division was called for and the resolution was adopted.

Major S. H. M. Byers being present was called upon and favored the Senate with a poem entitled "The Rose of Iowa."

THE ROSE OF IOWA.

[Copyright applied for by S. H. M. Byers.]

Hast seen the wild rose of the West,
The sweetest child of morn ?
Its feet the dewy fields have pressed,
Its breath is on the corn.

The gladsome prairie rolls and sweeps
Like billows to the sea,
While on its breast the red rose keeps
The white rose company.

The wild, wild rose whose fragrance dear
To every breeze is flung,
The same wild rose that blossomed here
When Iowa was young.

O, sons of heroes ever wear
The wild rose on your shield,
No other flower is half so fair
In loves immortal field.

Let others sing of mountain snows,
Or palms beside the sea,
The state whose emblem is the rose
Is fairest far to me.

Senator Carney moved that the poem be printed in the Journal.

Carried.

The Journal of Thursday was taken up, read, corrected and approved.

REPORT OF STANDING COMMITTEE.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 100, a bill for an act to legalize the action of the board of supervisors of Dallas county, Iowa, relating to the levy for county revenue for 1896, 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 same do pass.

L. A. ELLIS,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 103, a bill for an act to legalize the action of the electors of the incorporated town of Audubon, Iowa, in voting to sell its electric plant, and the action of the common council of said town in selling said property, 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 same be amended as follows: Add to section 1 the following: "Provided nothing in this act shall in any manner affect any pending litigation," and when so amended the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

BILLS ON SECOND READING.

On motion of Senator Hotchkiss, House file No. 100, a bill for an act to legalize the action of the board of supervisors of Dallas county, Iowa, relating to the levy for county revenue for 1896, with report of committee, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hotchkiss moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Funk, Gilbertson, Gorrell, Harper, Harriman, Henderson, Hobart, Hotchkiss, Kilburn, Palmer, Perrin, Phelps, Riggen, Rowen, Sargent, Young—28.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Berry, Blanchard, Bonson, Byers, Everall, Garst, Healy, Hipwell, Hospers, Hurst, Junkin, Lehfeld, tLothrop, Mitchell, Penrose, Pusey, Ranck, Trewin, Upton, Waterman—22.

The bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Funk called up Senate file No. 103.

Senator Funk moved that the Senate concur in the House amendment to section 1.

On the question, "Shall the Senate concur in the House amendment to section 1?" the yeas were:

Senators Alexander, Bell, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Funk, Gilbertson, Gorrell, Harper, Henderson, Hipwell, Hotchkiss, Kilburn, Lothrop, Palmer, Perrin, Phelps, Rikken, Rowen, Sargent—30.

The nays were:

None.

Absent or not voting:

Senators Allyn, Berry, Byers, Everall, Garst, Harriman, Healy, Hobart, Hospers, Hurst, Junkin, Lehfeldt, Mitchell, Penrose, Pusey, Ranck, Trewin, Upton, Waterman, Young—20.

The House amendment was concurred in.

On motion of Senator Hotchkiss, House file No. 103, a bill for an act to legalize the action of the electors of the incorporated town of Audubon, Iowa, in voting to sell the electric light plant and the action of the common council of said town in selling said property, with report of committee, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hotchkiss moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Blanchard, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ericson, Funk, Gilbertson, Gorrell, Harper, Henderson, Hipwell, Hobart, Hotchkiss, Hurst, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Rowen, Sargent—30.

The nays were:

None.

Absent or not voting:

Senators Allyn, Berry, Bonson, Byers, Ellison, Everall, Garst, Harriman, Healy, Hospers, Junkin, Lehfeldt, Mitchell, Pusey, Ranck, Rigger, Trewin, Upton, Waterman, Young—20.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

House file No. 113, a bill for an act to legalize the ordinances and acts of council of the incorporated town of Renwick, Humboldt county, Iowa.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

House file No. 114, a bill for an act to legalize the incorporation of the town of Pocahontas, Pocahontas county, Iowa, the election of its officers and all acts done and ordinances passed by the council of said town, including the official acts of the present officers.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

House file No. 115, a bill for an act to abolish the Iowa Soldiers and Sailors Monument Commission and transfer their duties to the Executive Council.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

House file No. 113, a bill for an act to legalize the ordinances and acts of the council of the incorporated town of Renwick, Humboldt county, Iowa, was read first and second time and referred to Committee on Judiciary.

House file No. 114, a bill for an act to legalize the incorporation of the town of Pocahontas, Pocahontas county, Iowa, the election of its officers and all acts done and ordinances passed by the council of said town, including the official acts of the present officers, was read first and second time and referred to Committee on Judiciary.

House file No. 115, a bill for an act to abolish the Iowa Soldiers' and Sailors' Monument Commission and transfer their duties to the Executive Council.

Senator Craig moved that the bill be considered now.
Carried.

BILLS ON SECOND READING.

On motion of Senator Craig, rule 15 was suspended, and House file No. 115, a bill for an act to abolish the Iowa Soldiers' and Sailors' Monument Commission and transfer their duties to the Executive Council, was taken up and considered.

The bill was read for information.

Senator Craig moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Byers, Carney, Carpenter, Carroll, Craig, Downey, Druet, Eaton, Ericson, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hotchkiss, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Ranck, Riggen, Rowen, Sargent, Waterman, Young—33.

The nays were:

Senators Bonson and Hipwell—2.

Absent or not voting:

Senators Berry, Cheshire, Ellis, Ellison, Everall, Harper, Hobart, Hospers, Hurst, Junkin, Lehfeldt, Mitchell, Pusey, Trewin, Upton—15.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to House amendments to Senate file No. 91, a bill for an act to revise, amend and codify the statutes in relation to public printing.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the following joint resolution, in which the concurrence, of the House was asked:

Joint resolution No. 9, relating to the use of a committee room for the supreme court.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in the following concurrent resolution in which the concurrence of the House was asked:

Relative to the wild rose.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 91, a bill for an act to revise, amend and codify the statutes in relation to public printing, was read and passed on file.

Joint resolution No. 9, fixing the number of employes at the seat of government and their compensation, was read and passed on file.

Concurrent resolution relative to the wild rose was read and passed on file.

Senator Funk moved that the Senate take a recess until called to order by the President.

Carried.

Senate reconvened.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the conference committee on substitute for Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to the revenue.

The Speaker has appointed as a further conference committee on the part of the House, Representatives Temple, Finch, Cook and Byington.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Substitute for Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to revenue, was read and passed on file for the conference committee.

REPORT OF CONFERENCE COMMITTEE.

Senator Garst presented the following conference committee report on House file No. 85:

MR. PRESIDENT—Your conference committee of the Senate and House, appointed to confer upon the disagreement in relation to the amendments to House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments, beg leave to report that they have had the same under consideration and report the same back with the recommendation that the Senate recede from its amendment to section 31, chapter 2, page 869, striking out the following: "No person shall be convicted under the provisions of this section unless the evidence of the prosecuting witness be corroborated by other evidence tending to connect the defendant with the commission of the crime."

That the following be adopted as a substitute for sections 40 and 41, chapter 2, page 870: "Sec. 40. Every man who shall marry any woman for the purpose of escaping prosecution for seduction, and shall afterward desert her without good cause, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished accordingly."

Also, renumber the remaining sections of the chapter to correspond.

That the Senate recede from its amendment adding section 19 to chapter 4, page 876.

That the Senate recede from its amendment to chapter 4, page 878, inserting the following as section 27 thereof: "Sec. 27. If any person maliciously bruise, break, pull up, carry away, cut down, injure or destroy any fruit or ornamental tree, vine or shrub, standing or growing on the land of another for ornament or use, and of value of twenty dollars or over, he shall be imprisoned in the penitentiary not exceeding five years; if the value thereof be less than twenty dollars, he shall be imprisoned in the county jail not more than one year or be fined not exceeding five hundred dollars."

Your committee further recommend that the following be inserted after section 26 of the bill as section 27, and that the sections of the chapter be renumbered: "Sec 27. If any person maliciously or mischievously bruise, break, pull up, carry away, cut down, injure, destroy or sever from the land, any fruit, ornamental or other tree, vine, or shrub standing or growing upon the land of another for ornament or use, he shall upon conviction thereof be punished by imprisonment in the county jail not more than one year or by fine not more than five hundred dollars or both."

That the House concur in the Senate amendment to section 1, chapter 5, page 879, striking out the word "fifteen" and inserting "five."

That the Senate recede from its amendment to section 10, chapter 5, line 12, page 880, striking out the word "fifteen" and inserting "five;" and that the said section be amended by striking out of line 12 the word "fifteen" and inserting in lieu thereof the word "ten."

That the House concur in the Senate amendment to section 4, line 3, chapter 7, page 886, striking out the words "or in any manner threatens or intimidates."

That the House concur in the Senate amendment to section 23, chapter 7, page 889, striking out of the third line after the word "custody" the words "with or without a warrant."

That the Senate recede from its amendment to section 2, chapter 8, page 892, inserting after the word "on" in line 4, the words "or before."

Also that the Senate recede from its amendment to section 3, chapter 8, page 892, inserting after the word "on" in third line the words "or before."

That the House concur in the Senate amendment to section 5, line 6, chapter 9, page 895, striking out the words "if any man or woman marry within the fourth degree of consanguinity."

That the Senate amendment to section 14, line 10, chapter 10, page 903, be amended by inserting after the word "such" the words "and in the manner and subject to the regulation prescribed in this chapter."

That the Senate concur in the House amendment to Senate amendment to section 15, chapter 10, striking out the word "pounds" in the next to the last line and inserting the words "per cent;" also, strike out in the same line ' to the one hundred pounds."

That the House and Senate recede from its amendment to section 6, chapter 11, page 906, striking out of line 2 the word "cigarette "

That the House concur in the Senate amendment to chapter 11, after section 7, inserting the following as section 8: "Sec. 8. There shall be assessed a tax of three hundred dollars per annum against every person, partnership, or corporation and upon the real property, and the owner thereof, within or whereon any cigarettes, cigarette paper or cigarette wrapper, or any paper made or prepared for use in making cigarettes or for the purpose of being filled with tobacco for smoking, are sold, or given away, or kept with intent to be sold, bartered or given away under any pretext whatever. Such tax shall be in addition to all other taxes and penalties shall be assessed, collected and distributed in the same manner as the mullet liquor tax and shall be a perpetual lien upon all property, both personal and real, used in connection with the business; and the payment of such tax shall not be a bar to prosecution under any law prohibiting the manufacturing of cigarettes or cigarette paper, or selling, bartering or giving away the same. But the provisions of this section shall not apply to the sales by jobbers and wholesalers in doing an interstate business with customers outside the State."

That the Senate recede from its amendment to section 24, chapter 11, page 909, striking out the words "or bury three feet beneath the surface."

That the House concur in the Senate amendment to section 39, chapter 11, page 910, striking out the words "or any other thistle."

That the House concur in the Senate amendment to section 39, chapter 11, page 910, adding at the end of the section the following: "and shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not more than thirty days."

That the Senate concur in the House amendment to Senate amendment to section 10, chapter 12, page 913, striking out the word "horses" after the word "driving."

That the House concur in the Senate amendment to section 31, chapter 13, page 918, striking out all after the word "states," in the second line, down to and including the word "button."

That the Senate amendment to section 12, chapter 12, page 913, be stricken out and the following be inserted therefor: "Sec. 12. If any person be found on the first day of the week, commonly called Sunday, engaged in carrying firearms, hunting, shooting, horse racing, dancing, or in any manner disturbing a worshipping assembly or private family, or

in buying or selling property of any kind, or in any labor except that of necessity or charity, he shall be fined not more than five nor less than one dollar, and be imprisoned in the county jail until the fine, with costs of prosecution, shall be paid; but nothing herein contained shall be construed to extend to those who conscientiously observe the seventh day of the week as the Sabbath, or to prevent persons traveling, or families emigrating from pursuing their journey, or keepers of toll bridges, toll gates and ferrymen from attending the same. Respectfully submitted,

WARREN GARST,
C. S. RANCK,
N. M. PUSEY,
C. C. UPTON,

Committee for Senate.

W. H. BRINTON,
A. H. EDWARDS,
J. L. WILSON,
M. McDONALD,

Committee for House.

Senator Garst moved that the report be considered now.
Carried.

Senator Garst moved that the report of the Conference Committee on House file No. 85, be adopted.

On the question "Shall the report of the conference committee be adopted?" the yeas were:

Senators Blanchard, Byers, Carney, Carpenter, Craig, Downey, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Healy, Hipwell, Hobart, Hurst, Lotthrop, Pusey, Ranck, Rikken, Sargent, Trewin, Upton, Waterman, Young—27.

Senator Druet voted in the negative.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Boason, Carroll, Cheshire, Eaton, Ellison, Harriman, Henderson, Hospers, Hotchkiss, Junkin, Kilburn, Lehfeldt, Mitchell, Palmer, Penrose, Perrin, Phelps, Rowen—22.

The report of the conference committee was adopted.

REPORT OF STANDING COMMITTEE.

Senator Ellis, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 113, a bill for an act to legalize the ordinances and acts of the council of the incorporated town of Renwick, Humboldt county, Iowa, beg leave to report that they have had the same under consideration and

have instructed me to report the same back to the Senate with the recommendation that the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 114, a bill for an act to legalize the incorporation of the town of Pocahontas, Pocahontas county, Iowa, the election of its officers, and all acts done and ordinances passed by the council of said town, including the official acts of the present 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 the bill do pass.

L. A. ELLIS,
Chairman.

Ordered passed on file.

BILLS ON SECOND READING.

On motion of Senator Henderson, rule 15 was suspended and House file No. 113, a bill for an act to legalize the ordinances and acts of the council of the incorporated town of Renwick, Humboldt county, Iowa, with report of committee, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Henderson moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Blanchard, Byers, Carney, Carpenter, Craig, Downey, Druet, Ellis, Ericson, Everall, Funk, Gilbertson, Gorrell, Healy, Henderson, Hipwell, Hobart, Hotchkiss, Hurst, Kilburn, Lothrop, Penrose, Rigger, Sargent, Trewin, Upton, Young—29.

The nays were:

None.

Absent or not voting:

Senators Bell, Berry, Bonson, Carroll, Cheshire, Eaton, Ellison, Garst, Harper, Harriman, Hospers, Junkin, Lehfeldt, Mitchell, Palmer, Perrin, Phelps, Pusey, Ranck, Rowen, Waterman—21.

The bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Henderson, rule 15 was suspended and House file No. 114, a bill for an act to legalize the incorporation of the town of Pocahontas, Pocahontas county, Iowa, the election of its officers and all acts done and ordinances passed by the council of said town, including the official acts of the present officers, with the report of committee was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Henderson moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Blanchard, Byers, Carney, Carpenter, Craig, Downey, Druet, Ericson, Everall, Gilbertson, Gorrell, Harper, Healy, Hipwell, Hotchkiss, Hurst, Kilburn, Lothrop, Penrose, Ranck, Rikken, Trewin, Upton, Young—26.

The nays were:

None.

Absent or not voting:

Senators Bell, Berry, Bonson, Carroll, Cheshire, Eaton, Ellis, Ellison, Funk, Garst, Harriman, Henderson, Hobart, Hospers, Junkin, Lehfeldt, Mitchell, Palmer, Perrin, Phelps, Pusey, Rowen, Sargent, Waterman—24.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

Senator Trewin offered the following substitute for Joint Resolution No. 5, relative to the recess of the General Assembly and to the discharging of its employes:

WHEREAS, The constitution provides that acts passed at an extra session of the General Assembly shall take effect ninety days after the adjournment thereof; and,

WHEREAS, It is not practicable to index, annotate and publish the Code within such time; therefore, be it

Resolved, By the General Assembly of the State of Iowa, that the General Assembly take a recess until the first day of July, A. D. 1897, at 2 o'clock P. M., final adjournment to be had as soon thereafter as may be.

Resolved, That all the employes of the General Assembly except the secretary and sergeant-at-arms of the Senate and the chief clerk and the sergeant-at-arms of the House, be and are hereby discharged.

Resolved, That the secretary and the chief clerk and the sergeant-at-arms shall not receive any compensation during such recess.

Read first and second time and laid over.

Senator Carney moved that the Senate do now adjourn.

Carried.

Senate adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

Senator Everall moved that Senators Berry, Pusey, Everall and Funk be excluded from the session on account of work on conference committee.

Carried.

REPORT OF STANDING COMMITTEE.

Senator Healy, from the Committee on Corporations, submitted the following report:

MR. PRESIDENT—Your Committee on Corporations, to whom was referred Senate file No. 17, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of telegraph and telephone lines, 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 same be indefinitely postponed as House file No. 26, relative to the same subject, has been recommended for passage.

THOS. D. HEALY,
Chairman.

The report of the committee indefinitely postponing the bill was adopted.

Also:

MR. PRESIDENT—Your Committee on Corporations, to whom was referred Senate file No. 13, 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 have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed, as substitute for House file No. 16, relative to the same matter, is recommended for passage.

THOS. D. HEALY,
Chairman.

The report of the committee indefinitely postponing the bill was adopted.

Senator Carpenter called up report of Committee on Code Revision on House file No. 7.

BILLS ON SECOND READING.

On motion of Senator Carpenter, House file No. 7, a bill for an act relating to the Code and its operation, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

The bill was read for amendments.

Senator Carpenter moved to amend section 1, chapter 4, page 14, line 2, by inserting after the word "present" the word "extra;" also, amend the same section and chapter by adding after the word "assembly" the words "except acts appropriating money when the same has not been fully paid out," in the third line thereof.

Senator Carpenter moved to amend section 2, chapter 4, page fourteen, line 1, by striking out the word "this" and inserting in lieu thereof the word "the." Also, amend the same section and chapter by striking out the words "on the first day of, A. D. 1896, until" and inserting in lieu thereof these words "ninety days after the final adjournment of the extra session of the Twenty-sixth General Assembly" in lieu 1 thereof. Also, amend the same section, line 3, by striking out the word "this" and inserting the word "the."

Senator Carpenter moved to amend the amendment by inserting the word "until" after "1896."

Adopted.

The amendment as amended was adopted.

Senator Carpenter moved to amend section 3, chapter 4, page 14, line 4, by striking out the word "this" and inserting the word "the."

Adopted.

Senator Carpenter moved to amend section 5, chapter 4, page 14, line 3, by striking out the word "this" and inserting the word "the."

Adopted.

Senator Carpenter moved to amend section 6, chapter 4, page 14, line 1, by striking out the word "this" and inserting the word "the."

Senator Carpenter moved that the rule be suspended, and that the reading just had be the third reading of the bill, which motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellison, Ericson,

Everall, Funk, Garst, Gilbertson, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Pusey, Ranck, Sargent, Upton—35.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bonson, Byers, Eaton, Ellis, Gorrell, Hospers, Lehfeldt, Mitchell, Phelps, Riggen, Rowen, Trewin, Waterman, Young—15.

The bill having received a constitutional majority was declared to have passed the Senate and the title 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 has amended and passed the following joint resolution, in which the concurrence of the House was asked:

Joint resolution No. 9, fixing the number of employes at the seat of government and their compensations.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Joint resolution No. 9, fixing the number of employes at the seat of government and their compensation, was referred to Committee on Code Revision.

Senator Carpenter moved that the Senate take a recess until called to order by the President.

Carried.

Senate reconvened.

INTRODUCTION OF BILLS.

By Appropriation Committee, Senate file No. 112, a bill for an act to make appropriation for payment of the compensation of members of the Twenty-sixth General Assembly, at extra session of State expenses and other bills.

Read first and second time.

BILLS ON SECOND READING.

On motion of Senator Waterman, Rule 15 was suspended and Senate file No. 112, a bill for an act to make appropriations for payment of the compensation of members of the Twenty-sixth General Assembly, at extra session, of State expenses and other bills, was taken up and considered.

Senator Waterman moved that the rule be suspended, and that the bill be considered engrossed and read a third time now, which motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Byers, Carney, Carroll, Cheshire, Craig, Downey, Druet, Ericson, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hobart, Hotchkiss, Junkin, Kilburn, Lothrop, Palmer, Perrin, Ranck, Rigger, Sargent, Waterman, Young—30.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Bonson, Carpenter, Eaton, Ellis, Ellison, Everall, Funk, Harper, Hospers, Hurst, Lehfeldt, Mitchell, Penrose, Phelps, Pusey, Rowen, Trewin, Upton—20.

The bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to the State library and historical collections.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 105, a bill for an act to legalize the acts and resolutions of the city of Keokuk, relative to the curbing, guttering and paving of Eleventh street in said city, from the north line of Main street to the south line of Blondeau street and the issuance of certificates therefor.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 102, a bill for an act to legalize the location of public highways on all section lines in townships numbers ninety-eight and ninety nine north, range

number twenty-five west; also, townships numbers ninety-eight and ninety-nine north, range number twenty-six west, Winnebago, county, Iowa.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 104, a bill for an act to legalize certain elections held in the incorporated town of Volga City, county of Clayton, and State of Iowa.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 110, a bill for an act to authorize boards of supervisors to transfer to the county road fund so much of the surplus to the general fund as arises from the traffic in intoxicating liquors.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 111, a bill for an act to legalize the election held at Sumner, Iowa, on October 2, 1894, for the issuance of bonds for water works.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 108, a bill for an act to legalize certain ordinances of the incorporated town of Waucoma, Fayette county, Iowa.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

□ MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, joint resolution No. 7, a bill for an act relating to the use of committee rooms by the Code supervising committee and allowing stationery, stamps and supplies for its use.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 106, a bill for an act to legalize the acts of the city of Keokuk, Iowa, in changing the grade of Orleans street from Fourth street to the top of the piling between Third and Fourth streets in said city, and improving said street and in levying the tax against the abutting property for the costs of said improvements and in issuing certificates therefor.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 100, a bill for an act to legalize the incorporation of the town of Larrabee, Cherokee county, Iowa, election of its officers, acts done and ordinances passed by the council of said town.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 110, a bill for an act to authorize boards of supervisors to transfer to the county road fund so much of the surplus of the general fund as arises from the taxation of the traffic in intoxicating liquors.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 111, a bill for an act to legalize the election held at Sumner, Iowa, on October 12, 1894, for the issuance of bonds for water works.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 100, a bill for an act to legalize the incorporation of the town of

Larabee, Cherokee county, Iowa, election of its officers, acts done and ordinances passed by the council of said town.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 108, a bill for an act to legalize certain ordinances of the incorporated town or Waucoma, Fayette county, Iowa.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, joint resolution No. 7, a bill relating to the use of committee rooms by the Code supervising committee, and allowing stationery, stamps and supplies for its use.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 106, a bill for an act to legalize the acts of the city of Keokuk, Iowa, in changing the grade of Orleans street from Fourth street to the top of the piling between Third and Fourth streets in said city and in improving said street and in levying the tax against the abutting property for the costs of said improvements and in issuing certificates therefor.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled Senate file No. 102, a bill for an act to legalize the location of public highways on all

section lines in townships numbers ninety-eight and ninety-nine north, range number twenty-five west; also, townships numbers ninety-eight and ninety-nine north, range number twenty-six west, Winnebago county, Iowa.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 105, a bill for an act to legalize the acts and resolutions of the city of Keokuk, relative to the curbing, guttering and paving of Eleventh street, in said city, from the north line of Main street to the south line of Blondeau street and the issuance of certificates therefor.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 104, a bill for an act to legalize certain elections held in the incorporated town of Volga City, county of Clayton and State of Iowa.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills, respectfully report that they have examined, and find correctly enrolled, Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to the State library and historical collections.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

REPORT OF STANDING COMMITTEE.

Senator Carpenter, from the Code Revision Committee, presented the following report:

MR. PRESIDENT—Your Committee on Code Revision, to whom was referred Joint Resolution No. 9, beg leave to report that they have had the same under consideration, and have instructed me to report the same back with the following recommendations:

That the Senate refuse to concur in the House amendment as follows, striking out after the words "clerk and examiner of the Insurance Department" the words "fifteen hundred dollars" and insert "twelve hundred dollars."

That the Senate refuse to concur in the House amendment striking out after the words "clerk of the revenue department" the words "fifteen hundred dollars" and insert "twelve hundred dollars."

That the Senate refuse to concur in the amendment striking out after the words "pardon clerk" the words "fifteen hundred" and insert the words "twelve hundred."

That the Senate concur in the amendment striking out after the words "chief clerk" the words "fifteen hundred dollars" and insert "twelve hundred."

That the Senate refuse to concur in the House amendment striking out after the words "Secretary of State's office, chief clerk" the figures "\$1100" and insert "\$1200."

That the Senate concur in the House amendment striking out figures "720" after the words "clerk in the document room" and insert the figures "900."

That the Senate refuse to concur in the last amendment to the resolution providing for the number of officers and employes for each house of the General Assembly.

C. A. CARPENTER,
Chairman.

Senator Carpenter moved that the Senate do not concur in House amendment striking out after the words "clerk and examiner of the insurance department" the words "fifteen hundred dollars" and insert the words "twelve hundred dollars."
Carried.

Senator Carpenter moved that the Senate do not concur in the House amendment striking out after the words "clerk of the revenue department" the words "fifteen hundred dollars" and insert "twelve hundred dollars."
Carried.

Senator Carpenter moved that the Senate do not concur in the House amendment striking out after the words "pardon clerk" the words "fifteen hundred dollars" and insert "twelve hundred dollars."
Carried.

Senator Carpenter moved that the Senate concur in House amendment striking out after the words "chief clerk" the

words "fifteen hundred dollars" and insert "twelve hundred dollars."

Carried.

Senator Carpenter moved that the Senate do not concur in House amendment striking out after the words "Secretary of State's office, chief clerk" the figures "\$1,100" and insert "\$1,200."

Carried.

Senator Carpenter moved that the Senate concur in House amendment striking out the figures "\$720" after the words "clerk in the document room" and insert the words "nine hundred dollars."

Carried.

Senator Carpenter moved that the Senate do not concur in the House amendment providing for the number of officers and employes of each house of the General Assembly.

Senator Harriman moved to amend the House amendment by striking out the words "be a stenographer and shall."

Lost.

On the question, "Shall the Senate concur in the House amendment?" a roll call was demanded.

On the question, "Shall the Senate concur in the House amendment?" the yeas were:

Senators Alexander, Carpenter, Cheshire, Eaton, Gorrell, Harriman, Hotchkiss, Kilburn, Sargent, Young—10.

The nays were:

Senators Allyn, Blanchard, Byers, Carney, Carroll, Craig, Downey, Druet, Ellis, Ellison, Ericson, Garst, Gilbertson, Harriman, Healy, Hipwell, Hobart, Junkin, Lothrop, Palmer, Penrose, Perrin, Ranck, Riggen, Waterman—25.

Absent or not voting:

Senators Bell, Berry, Bonson, Everall, Funk, Harper, Henderson, Hospers, Hurst, Lehfelddt, Mitchell, Pusey, Rowen, Trewin, Upton—15.

Senator Carpenter moved that the roll be called on the House amendments just adopted by a *viva voce* vote.

Carried.

On the question, "Shall the Senate concur in the House amendment just adopted by a *viva voce* vote?" the yeas were:

Senators Alexander, Allyn, Blanchard, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellison, Ericson, Garst, Gilbertson, Gorrell, Harriman, Healy,

Hotchkiss, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Ranck, Riggen, Sargent, Waterman—30.

The nays were:

None.

Absent or not voting:

Senators Bell, Berry, Bonson, Ellis, Everall, Funk, Harper, Henderson, Hipwell, Hobart, Hospers, Hurst, Lehfeldt, Mitchell, Phelps, Pusey, Rowen, Trewin, Upton, Young—20.

The amendments were concurred in.

Senator Ericson moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, IOWA, Saturday, May 8, 1897. }

Senate met in regular session at 9 o'clock A. M., Senator Funk, President *pro tem.*, presiding.

Prayer was offered by Rev. W. A. Black, of Des Moines, Iowa.

On request of Senator Harper, leave of absence was granted Senator Bonson.

Senator Garst moved that Senate file No. 112 be recalled from the House.

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 herewith returns Senate file No. 112, a bill for an act to make appropriation for payment of the compensation of members of the Twenty-sixth General Assembly, at extra session, of State expenses and other bills.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 112, a bill for an act to make appropriation for payment of the compensation of members of the Twenty-sixth General Assembly at extra session, of State expenses and other bills, was passed on file.

Senator Mitchell presiding.

The Journal of Friday was taken up, read, corrected and approved.

Senator Trewin called up substitute for joint resolution No. 5.

On motion of Senator Trewin, substitute for joint resolution No. 5, relative to the recess of the General Assembly and to the discharge of its employes, was taken up.

The substitute for joint resolution No. 5 was read a third time.

On request of Senator Pusey was laid over.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 111, a bill for an act to legalize the election held at Sumner, Iowa, on October 12, 1894, for the issuance of bonds for water works.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 20, a bill for an act to revise, amend, and codify the statutes in relation to the construction and operation of railways.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 108, a bill for an act to legalize certain ordinances of the incorporated town of Waucoma, Fayette county, Iowa.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, joint resolution No. 7, a bill for an act relating to the use of committee rooms by the Code supervising committee, and allowing stationery, stamps, and supplies for its use.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 110, a bill for an act to authorize boards of supervisors to transfer to the county road fund so much of the surplus of the general fund as arises from the taxation of the traffic in intoxicating liquors.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 100, a bill for an act to legalize the incorporation of the town of Larrabee, Cherokee county, Iowa; election of its officers, acts done, and ordinances passed by the council of said town.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 48, a bill for an act to revise, amend and codify the statutes in relation to the State library and historical collections.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 102, a bill for an act to legalize the location of public highways on all section lines in townships numbers ninety-eight and ninety-nine, north range number twenty-five west; also, townships number ninety-eight and ninety-nine, north range number twenty-six west, Winnebago county, Iowa.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 104, a bill for an act to legalize certain elections held in the incorporated town of Volga City, county of Clayton and State of Iowa.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval the Senate file No. 105, a bill for an act to legalize the acts and resolutions of the city of Keokuk, relative to the curbing, guttering and paving of Eleventh street in said city, from the north line of Main street to the south line of Blondeau street, and the issuance of certificates therefor.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 106, a bill for an act to legalize the acts of the city of Keokuk, Iowa, in changing the grade of Orleans street, from Fourth street to the top of the piling between Third and Fourth streets in said city, and in improving said street and in levying the tax against the abutting property for the costs of said improvements, and in issuing certificates therefor.

G. S. GILBERTSON,
Chairman.

Passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled House file No. 115, a bill for an act to abolish the Iowa Soldiers' and Sailors' Monument Commission and transfer their duties to the executive council.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of railways.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled House file No. 6, a bill for an act providing for the publication and construction of the statutes.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled House file No. 38, a bill for an act to revise, amend and codify the statutes in relation to the inspection of petroleum products.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled House file No. 7, a bill for an act relating to the Code and its operation.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable that the House has receded from all its amendments in which the Senate refused to concur in joint resolution No. 9, fixing the number of employes at the seat of government and their compensation.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGE.

Joint resolution No. 9, fixing the number of employes at the seat of government and their compensation, read and passed on file.

Senator Gilbertson moved that the Senate do now adjourn. On this a division was called for and the motion was lost. Senator Harriman moved that the Senate do now adjourn. Carried.
Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., Senator Funk, President *pro tem.*, presiding.

Senator Waterman moved to reconsider the vote by which Senate file No. 112 was passed.

Carried.

Senator Waterman moved that the vote by which the bill was ordered to a third reading be reconsidered.

Carried.

Senator Waterman moved to amend section 2 by striking out the words and figures "thirteen hundred and twenty dollars (\$1,320)" and insert in lieu thereof the words and figures "thirteen hundred and forty-four dollars (\$1,344)."

Adopted.

Senator Waterman moved to amend section 3 by striking out the words and figures "six hundred and sixty dollars (\$660)" and insert in lieu thereof the words and figures "six hundred and seventy-two dollars (\$672)."

Adopted.

Senator Waterman moved to amend by adding as section 16 the following: "To Fannie Bebee as temporary postmistress three days at extra session the sum of twelve dollars (\$12)" and change section 16 in the bill to section 18.

Adopted.

Senator Waterman moved to amend by adding as section 17 the following: "To the Secretary of the Senate and Chief Clerk of the House for making up and writing the Journals of the respective houses the sum of two hundred and fifty dollars (\$250) each to be paid upon the certificate of the Secretary of State that the written certified, original Journals have been filed in his office."

Adopted.

Senator Waterman moved that the rule be suspended, and that the bill be considered engrossed, and that the reading just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Byers, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellison, Ericson, Funk, Gilbertson, Gorrell, Harper, Healy, Henderson, Hobart, Hotchkiss, Junkin, Kilburn, Lothrop, Penrose, Perrin, Phelps, Ranck, Rowen, Sargent, Waterman, Young—32.

The nays were:

None.

Absent or not voting:

Senators Berry, Bonson, Carney, Eaton, Ellis, Everall, Garst, Harriman, Hipwell, Hospers, Hurst, Lehfeldt, Mitchell, Palmer, Pusey, Rigger, Trewin, Upton—18.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

Senator Waterman moved that joint resolution No. 8 be recalled from the House.

Carried.

Senator Blanchard presiding.

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 herewith returns joint resolution No. 8.

JAS. D. ROWEN,
Chief Clerk.

Senator Cheshire moved to take up House messages.

Carried.

HOUSE MESSAGES.

Joint resolution No. 8, relating to the certification of the Journal to the Secretary of State and providing for the indexing of the same, was taken up.

Senator Waterman moved that the vote by which joint resolution No. 8 was passed be reconsidered.

Carried.

Senator Waterman moved that the vote by which joint resolution No. 8 was ordered to a third reading be reconsidered.

Carried.

Joint resolution No. 8 was withdrawn.

REPORT OF CONFERENCE COMMITTEE.

Senator Berry, from Conference Committee on substitute for Senate file No. 8, made the following report:

To the President of the Senate and Speaker of the House:

Your conference committee to whom was referred the points of difference between the Houses in the substitute for Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to revenue, respectfully report that they have had the same under consideration and have agreed upon the following recommendations:

They recommend that the Senate concur in House amendment to line 2, section 3, chapter 1, striking out the words "thirty-three and one-third" and inserting in lieu thereof the words "twenty-five."

They further recommend that the words "thirty-three and one-third" wherever they may occur in the bill in reference to taxable value of property be changed to the words "twenty-five."

They further recommend that the House recede from its amendment substituting sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 for Senate sections 27, 28, 29, 30, 38, 39, 43 and 44 of chapter 1 of the Senate bill and that the following be substituted for section 27 of the Senate bill:

"Sec. 27. Every telegraph or telephone company operating a line in this State shall on or before the first day of May in each year furnish to the Auditor of State a statement verified by its president or secretary showing:

1. The total number of miles owned, operated or leased within the State, with a separate showing of the number leased.

2. The average number of poles per mile and the whole number of poles on their lines in this State.

3. The total number of miles in each separate line or division thereof also the average number of separate wires thereon.

4. The whole number of stations on each line and the value of the same including furniture.

5. The whole number of instruments on each separate line and the gross rental charges per instrument where the same are rented to patrons of the company making the return together with the number of stations maintained, other than railroad stations.

6. The gross receipts and operating expenses of said company for the year ending December 31st next preceding, on business originating and terminating in this State.

7. The gross receipts and operating expenses of said company for the year ending December 31st next preceding, and not included in the statement made under sub-section 6 hereof.

8. The total capital stock of said company.

9. The number of shares of capital stock issued and outstanding and the par or face value of each share.

10. The market value of such shares of stock on the first day of January next preceding, and if such shares have no market value, the actual value thereof.

11. All real estate and other property owned by such company and subject to local taxation within this State.

12. The specific real estate together with the permanent improvements thereon owned by such company and situated outside this State and taxed as other real estate in the State where located with a specific description of each piece, where located and the purpose for which the same is used and the actual value thereof in the locality where situated.

13. All mortgages upon the whole or any part of its property together with the dates and amounts thereof.

14. a. The total length of the lines of said company.

b. The total length of the lines of said company outside this State."

They further recommend that the following be substituted as section 28 of the bill.

"Section 28. Upon the receipt of said statements from the several companies, the Auditor of State shall lay the same before the Executive

Council and if it shall deem the same insufficient and that further information is requisite, it shall require the officer making same to make such other or further statement as it may desire. In case of failure or refusal of any company to make out or deliver to the Auditor of State the statements required in this chapter, such company shall forfeit and pay to the State of Iowa one hundred dollars for each day such report is delayed beyond the first day of May to be sued and recovered in any proper form of action in the name of the State and on the relation of the Auditor of State, and such penalty when collected shall be paid into the general fund of the State."

They further recommend that the following be adopted as section 29 of the bill:

"Section 29. The Executive Council shall at its meeting on the second Monday in July in each year proceed to find the actual value of the property of such companies in this State, taking into consideration the information obtained from the statements above required and any further information they can obtain, using the same as a means for determining the actual cash value of the property of such companies within this State, also taking into consideration the valuation of all property of such companies, including franchises and the use of the property in connection with lines outside the State, and making such deductions as may be necessary on account of extra value of property outside the State as compared with the value of property in the State in order that the actual cash value of the property of the company within this State may be ascertained, and after finding the actual cash value of the property of the company within this State, it shall deduct from the total amount of same, the actual cash value of the property belonging to the company assessed for taxation in local taxing districts in this State, and shall assess the property of such company at its taxable value as thus found."

Renumber the sections of chapter 1, from 29 following, making section 29 of the bill section 30, and so to the end of the chapter.

They also recommend that section 38 of the bill be amended by inserting in line 4 thereof after the word "made" "the value of each car so used."

W. H. BERRY,
N. M. PUSEY,
JOHN EVERALL,
A. B. FUNK,

Conferees for the Senate.

M. L. TEMPLE,
P. FINCH,
R. E. COOK,
O. A. BYINGTON,

Conferees for the House.

Senator Berry moved that the report be taken up for consideration.

Carried.

Senator Berry moved that the report of the conference committee on substitute for Senate file No. 8 be adopted.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Byers, Carpenter, Carroll, Craig, Downey, Druet, Ellis, Ericson, Everall, Funk, Gilbertson, Harper, Harriman, Healy, Hobart, Hotchkiss, Kilburn, Lothrop, Palmer, Perrin, Phelps, Pusey, Ranck, Sargent, Waterman, Young—31.

The nays were:

Senators Cheshire, Garst, Gorrell, Junkin, Penrose, Rowen, Trewin—7.

Absent or not voting:

Senators Bonson, Carney, Eaton, Ellison, Henderson, Hipwell, Hospers, Hurst, Lehfeldt, Mitchell, Riggen, Upton—12.

The report of the conference committee was adopted.

Senator Funk moved that the Senate concur in House amendment to section 6, line 9, chapter 2, substitute for Senate file No. 8, by inserting after the word "sale" the following: "or should no collector be appointed or should the collector fail to institute proceedings to collect said delinquent taxes the treasurer shall."

On the question, "Shall the Senate concur in House amendment?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Byers, Carpenter, Carroll, Craig, Downey, Druet, Ericson, Everall, Funk, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hotchkiss, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Sargent, Waterman, Young—33.

The nays were:

None.

Absent or not voting:

Senators Bonson, Carney, Cheshire, Eaton, Ellis, Ellison, Garst, Hipwell, Hobart, Hospers, Hurst, Lehfeldt, Mitchell, Riggen, Rowen, Trewin, Upton—17.

The House amendment was concurred in.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills, respectfully report that they have examined, and find correctly enrolled, joint resolution No. 6, a bill for an act relating to the use of committee rooms by the supreme court.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 91, a bill for an act to revise, amend and codify the statutes in relation to public printing and binding.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 103, a bill for an act to legalize the corporation of the town of Arnolds Park, Dickinson county, Iowa, and the notice for the election of the officers thereof and the election of the officers of said town.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 91, a bill for an act to revise, amend and codify the statutes in relation to public printing and binding.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, joint resolution No. 6, a bill for an act relating to the use of committee rooms by the supreme court.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file

No. 113, a bill for an act to legalize the ordinances and acts of council of the incorporated town of Renwick, Humboldt county, Iowa.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 100, a bill for an act to legalize the action of the board of supervisors of Dallas county, Iowa, relating to the levy for county revenue for 1896.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 99, a bill for an act to legalize the acts of and to establish the independent school district of Washington Mills.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 114, a bill for an act to legalize the incorporation of the town of Pocahontas, Pocahontas county, Iowa, the election of its officers and all acts done and ordinances passed by the council of said town, including the official acts of the present officers.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file

No. 101, a bill for an act to legalize a certain ordinance of the town council of the town of Ossian, Winneshiek county, Iowa.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 104, a bill for an act legalizing the acts of C. A. O'Harrow, a justice of the peace in and for Owen township, Cerro Gordo county, Iowa

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 112, a bill for an act to legalize the incorporation of the town of Rathbun, Iowa, and all ordinances and acts passed by the town council.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 111, a bill for an act to legalize the action of the clerk of the district court and the auditor of Tama county, Iowa, in preparing and depositing in boxes the ballots of the grand and petit jurors and talesmen for use in Tama county for the year 1897.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 103, a bill for an act to legalize the incorporation of the town of Arnold's

Park, Dickinson county, Iowa, and the notice for the election of the officers thereof and the election of the officers of said town.

G. S. GILBERTSON,
Chairman Senate Committee.

W. E. HAUGER,
Chairman House Committee.

Passed on file.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Senate file No. 112, a bill for an act to make appropriations for the payment of the compensation of members of the Twenty-sixth General Assembly, at extra session, of State expenses and other bills.

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Relative to publishing five thousand (5000) additional copies of the Iowa Official Register for 1897.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Concurrent resolution in relation to publishing 5,000 additional copies of the Iowa official register for 1897 was taken up.

Senator Waterman moved that the resolution be adopted.

Carried.

Senate file No. 112, a bill for an act to make appropriations for the payment of the compensation of members of the Twenty-sixth General Assembly at extra session, of State expenses and other bills, was passed on file.

Senator Funk, President *pro tem.*, presiding.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the Conference Committee on substitute for Senate file No 8, in relation to the revenue.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Substitute for Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to the revenue, was passed on file.

Senator Harriman moved that when the Senate adjourn it be until 11 o'clock A. M. Monday.

Carried.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 112, a bill for an act to make appropriations for the payment of the compensation of members of the Twenty-sixth General Assembly at extra session, of State expenses and other bills.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, joint resolution No. 9, in relation to fixing the number of employes at the seat of government and their compensation.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 112, a bill for an act to make appropriations for the payment of the compensation of members of the Twenty-sixth General Assembly, at extra session, of State expenses and other bills.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, joint resolution No. 9, in relation to fixing the number of employes at the seat of government and their compensation.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Senator Gilbertson moved that the Senate do now adjourn.

Carried.

Senate adjourned until 11 o'clock A. M. Monday.

SENATE CHAMBER,
DES MOINES, Iowa, Monday, May 10, 1897. }

Senate met in regular session at 11 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. W. R. Baldrige, Des Moines, Iowa.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

To have the Secretary of State furnish type-written copies of enrolled bills.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following Joint Resolution No. 2, in which the concurrence of the Senate is asked:

Authorizing the Code Supervising Committee to employ Emlin McClain to annotate the Code.

JAS. D. ROWEN,
Chief Clerk.

Senator Trewin moved that the Senate take up House messages.

Carried.

HOUSE MESSAGES.

Concurrent resolution relative to instructing the Secretary of State to furnish type-written copies of enrolled bills for the Code Supervising Committee.

Senator Trewin moved that the concurrent resolution be adopted.

Carried.

Joint Resolution No. 2, authorizing the Code Supervising Committee to employ Emlin McClain to annotate the Code, was read first and second time.

On motion of Senator Trewin, rule 15 was suspended and Joint Resolution No. 2, authorizing the Code Supervising Committee to employ Emlin McClain to annotate the Code, was taken up and considered.

The Joint Resolution No. 2 was read.

Senator Trewin moved that the rule be suspended, and that Joint Resolution No. 2 be considered engrossed and read a third time now, which motion prevailed and Joint Resolution No. 2 was read a third time.

On the question, "Shall Joint Resolution No. 2 pass?" the yeas were:

Senators Allyn, Bell, Berry, Blanchard, Bonson, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Eaton, Ellis, Ericson, Everall, Funk, Garst, Gilbertson, Harper, Henderson, Hobart, Kilburn, Mitchell, Palmer, Penrose, Perrin, Pusey, Rowen, Sargent, Trewin, Waterman—31.

The nays were:

Senators Lothrop and Ranck—2.

Absent or not voting:

Senators Alexander, Byers, Druet, Ellison, Gorrell, Harri- man, Healy, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Lehfeldt, Phelps, Rigger, Upton, Young—17.

Joint Resolution No. 2 having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 20, a bill for an act to revise, amend and codify the statutes in relation to the construction and operation of railways.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval Joint Resolution No. 9, in relation to fixing the number of employes at the seat of government and their compensation.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 112, a bill for an act to make appropriations for the payment of the compensation of members of the Twenty-sixth General Assembly at extra session, of State expenses and other bills.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 91, a bill for an act to revise, amend and codify the statutes in relation to public printing and binding.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval Joint Resolution No. 6, a bill for an act relating to the use of committee rooms by the supreme court.

G. S. GILBERTSON,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval Senate file No. 103, a bill for an act to legalize the corporation of the town of Arnold's Park, Dickinson county, Iowa, and the notice for the election of the officers thereof and the election of the officers of said town.

G. S. GILBERTSON,
Chairman.

Passed on file.

The Journal of Saturday was taken up, read, corrected and approved.

Senator Penrose moved that the Senate do now adjourn.

Carried.

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

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

The President appointed the following additional members of the Committee on Enrolled Bills: Senators Hotchkiss, Upton, Harriman, Funk, Healy, Carney, Ellison, Cheshire and Carpenter.

Senator Carney offered the following concurrent resolution:

Resolved, by the Senate the House concurring, That the Secretary of State be directed to complete and forward to the members of the General Assembly their House and Senate journals of the extra session of the Twenty-sixth General Assembly.

Adopted.

Senator Carney moved that a committee of three of which Senator Carroll shall be chairman, be appointed to recommend a plan for correcting Journal to correspond to bills.

Carried.

The President appointed Senators Carroll, Carney and Perrin as such committee.

Senator Cheshire moved that Senate file No. 95 be indefinitely postponed.

Carried.

Senator Trewin called up substitute for Joint Resolution No. 5.

Senator Trewin moved that the rule be suspended, and that the joint resolution be considered engrossed and read a third time now, which motion prevailed, and the joint resolution was read a third time.

On the question, "Shall the joint resolution pass?" the yeas were:

Senators Bell, Berry, Blanchard, Bonson, Byers, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hotchkiss, Lothrop, Palmer, Penrose, Pusey, Ranck, Sargent, Trewin, Upton, Waterman, Young—31.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Carney, Carpenter, Carroll, Eaton, Garst, Harper, Hobart, Hospers, Hurst, Junkin, Kilburn, Lehfeldt, Mitchell, Perrin, Phelps, Riggen, Rowen—19.

The joint resolution having received a constitutional majority was declared to have passed the Senate and the title agreed to.

Senator Everall moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
DES MOINES, Iowa, Tuesday, May 11, 1897. }

Senate met in regular session at 9 o'clock A. M., President Parrott presiding.

Prayer was offered by Rev. M. A. Ball, Des Moines, Iowa.

The Journal of Monday was taken up, read, corrected and approved.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed and agreed to House file No. 10 as enrolled:

A bill for an act to revise, amend, and codify the statutes in relation to the Judicial Department.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

House file No. 10, a bill for an act to revise, amend and codify the statutes in relation to the Judicial Department, was read first and second time.

On motion of Senator Carpenter rule 15 was suspended, and House file No. 10, a bill for an act to revise, amend and codify the statutes in relation to the Judicial Department, was taken up and considered.

The bill was read for information.

Senator Carpenter moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed.

On the question "Shall the bill pass?" the yeas were:

Senators Blanchard, Bonson, Byers, Carpenter, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Everall, Garst, Gilbertson, Gorrell, Healy, Henderson, Hipwell, Hotchkiss, Kilburn, Mitchell, Palmer, Perrin, Pusey, Ranck, Rowen, Sargent, Trewin, Upton, Young—29.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Carney, Carroll, Eaton, Ericson, Funk, Harper, Harriman, Hobart, Hospers, Hurst, Junkin, Lehfeldt, Lothrop, Penrose, Phelps, Rikken, Waterman—21.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

REPORT OF COMMITTEE.

Senator Carroll, from the Special Committee on Correction of Journals, submitted the following report:

MR. PRESIDENT—Your Committee on Correction of Journals, to whom was referred the matter of correction of errors in the Senate Journals, 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 printed as corrections to the Journals:

Senate Journal, February 22d, page 7: The amendment to section 6, line 1, Senate file No. 78, should read: "Strike out the word 'thereof' and insert in lieu of same the words 'of either party'."

Senate Journal, February 24th, page 9: All of amendment to section 68, chapter 3 of Senate file No. 76, after the word "paid," should be stricken out.

The words "or court" were inserted after the word "assignee," in line 9, section 68, Senate file 76, and were omitted from the Journal by mistake.

Senate Journal, April 28th, page 12, line 7: The words "the amendment was lost" should read "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 has rejected the following concurrent resolution, in which the concurrence of the House was asked:

Relative to completion and proper distribution of Senate and House Journals of the extra session of the Twenty-sixth General Assembly.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Concurrent resolution relative to completion and proper distribution of Senate and House Journals of the extra session of the Twenty-sixth General Assembly, read first and passed on file.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Relative to printing and distributing in pamphlet form the election laws and revenue laws.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Concurrent resolution relative to the printing and distribution in pamphlet form of the election laws and the revenue laws was read.

Senator Carpenter moved that the concurrent resolution be adopted.

Carried.

Senator Cheshire moved to reconsider the vote by which the concurrent resolution relative to the printing of the election and revenue laws in pamphlet form was adopted.

Carried.

Senator Cheshire moved to amend the concurrent resolution by inserting after the word "revenue" the words "cities and towns."

Senator Cheshire withdrew the amendment.

Senator Trewin moved that the concurrent resolution be laid over until July 1st.

Carried.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to the revenue.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Gilbertson, from the Joint Committee on Enrolled Bills, submitted the following report.

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 8, a bill for an act to revise, amend, and codify the statutes in relation to the revenue.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Senator Gilbertson moved that the Senate do now adjourn.

Carried.

Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

Senate met in regular session at 2 o'clock P. M., President Parrott presiding.

The following message was received from the Governor:

MESSAGE FROM THE GOVERNOR.

To the Senate:

I have the honor to inform the honorable the Senate that I have approved, signed, and caused to be deposited with the Secretary of State, bills passed by the General Assembly, as follows:

Senate file No. 10, an act to revise, amend and codify the statutes in relation to elections and officers; approved May 6th.

Senate file No. 15, an act to revise, amend and codify the statutes relative to the militia; approved May 8th.

Senate file No. 35, an act to revise, amend and codify the statutes in relation to the care and propagation of fish, and the protection of birds and game; approved May 6th.

Senate file No. 48, an act to revise, amend and codify the statutes in relation to the State library and historical collections; approved May 10th.

Senate file No. 77, an act to revise, amend and codify the statutes in relation to criminal procedure; approved May 6th.

Senate file No. 1, an act to provide for the annotation, indexing, publication, distribution and sale of the Code, and statutes hereafter enacted, and the appointment of a supervising committee, and the election of an editor, and prescribing their duties; approved May 4th.

Senate file No. 99, an act to amend subdivision 2 of section 796 of the Code as amended and re-enacted by chapter 43 of the acts of the Twenty-second General Assembly, and to amend section 1381 of the Code as amended by chapter 149 of the acts of the Sixteenth General Assembly, chapter 166 of the acts of the Seventeenth General Assembly, and chapter 10 of the acts of the Twenty-first General Assembly, relating to the poor; approved May 4th.

Senate file No. 87, an act to repeal chapter 63 of the laws of the Twenty-third General Assembly and enact a substitute therefor, and providing for the appropriation of money to aid in procuring a library for the penitentiary at Anamosa; approved May 5th.

Senate file No. 110, an act to authorize boards of supervisors to transfer to the county road fund so much of the surplus of the general fund as

arises from the taxation of the traffic in intoxicating liquors; approved May 8th.

Senate file No. 112, an act to make appropriations for the payment of the compensation of members of the Twenty-sixth General Assembly, at extra session, of state expenses and other bills; approved May 8th.

Senate file No. 101, an act to legalize the act of the board of supervisors and county auditor and the vote of the people of Polk county in relation to levying a tax to raise funds to build an asylum in said county for the care of the insane; approved May 5th.

F. M. DRAKE,

May 11, 1897.

Senator Garst moved that when the Senate adjourn it be until 8 o'clock P. M. to-day.

On this a division was called for and the motion was lost.

Senator Cheshire moved that when the Senate adjourn it be until 9 o'clock A. M. to-morrow.

Senator Trewin moved to amend the motion by making it 7 o'clock P. M. to-day.

On this a division was called for and the amendment was lost.

Senator Garst moved to amend the motion by making it 7:30 o'clock P. M. to-day.

Carried.

The motion as amended was carried.

Senator Everall moved that the Senate do now adjourn.

Carried.

Senate adjourned until 7:30 o'clock P. M. to-day.

EVENING SESSION.

Senate met pursuant to adjournment at 7:30 P. M., President Parrott presiding.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Relative to appointment of committee to wait upon the Governor.

JAS. D. ROWEN,

Chief Clerk.

HOUSE MESSAGES.

Concurrent resolution relative to the appointment of a committee to notify the Governor that the Senate is about to adjourn until July 1st.

Senator Trewin moved to amend the resolution as follows: Strike out the word "adjourn" and insert the words "take a recess;" also strike out the words "before adjournment."

Lost.

The resolution was adopted.

President appointed Senators Lothrop and Bonson as members of the committee on the part of the Senate to notify the Governor that the Senate was about to adjourn.

Committee reported duty performed.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, Senate file No. 8, a bill for an act to revise, amend and codify the statutes in relation to the revenue.

G. S. GILBERTSON,
Chairman Senate Committee.

Passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 85, a bill for an act to revise, amend and codify the statutes in relation to crimes and punishments.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 96, a bill for an act to revise, amend and codify the statutes in relation to city and town government.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 16, a bill for an act to revise, amend and codify the statutes in relation to corporations for pecuniary profit.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Joint Resolution No. 2, authorizing the Code Supervising Committee to employ Emlin McClain to annotate the Code.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bill respectfully report that they have examined, and find correctly enrolled, House file No. 9, a bill for an act to revise, amend, and codify the statutes in relation to the Executive Department.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 66, a bill for an act to revise, amend and codify the statutes in relation to the rights of property.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file

No. 98, a bill for an act to revise, amend and codify the statutes in relation to cities acting under special charter.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 10, a bill for an act to revise, amend and codify the statutes in relation to the Judicial Department.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 18, a bill for an act to revise, amend and codify the statutes in relation to insurance.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 103, a bill for an act to legalize the action of the electors of the incorporated town of Audubon, Iowa, in voting to sell its electric light plant; and the action of the common council of said town in selling said property.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Substitute for Joint Resolution No. 5, relative to taking a recess by the General Assembly, and the discharge of the employes.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGE.

Substitute for Joint Resolution No. 5 relative to taking a recess by the General Assembly and the discharge of the employes was read and passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, joint resolution No. 5, relating to the taking of a recess by the General Assembly and the discharging of its employes.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Joint Resolution No. 5, relating to the taking of a recess by the General Assembly and the discharge of its employes.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—In compliance with resolution introduced April 21st, and adopted April 24th, your Committee on Enrolled Bills beg leave to submit the following report:

GENERAL LAWS PASSED.

Senate file No. 84, a bill for an act to amend section 3756 of the Code of 1873 as amended by chapter 118 and chapter 125, acts of the Twenty-first General Assembly, relative to collecting fees by Secretary of State.

Senate file No. 86, a bill for an act to amend sections 289 and 290 of the Code of 1873 as amended by chapter 76 of the acts of the Twenty-sixth General Assembly of the State of Iowa relating to the bonding of county indebtedness.

Senate file No. 88, a bill for an act to provide for the payment of the mileage of the committee appointed to visit the Institution for Feeble-Minded at Glenwood.

Senate file No. 89, a bill for an act authorizing the Executive Council to purchase or condemn a site on which to erect a memorial, historical and art building, to procure plans and specifications therefor, and take other preliminary steps toward its construction, and making an appropriation therefor, and to repeal chapter 115, laws of the Twenty-sixth General Assembly, regular session.

Senate file No. 93, a bill for an act to apply to cities of the first class the provisions of chapter 78, laws of the Twenty-first General Assembly, as amended by chapter 17, laws of the Twenty-second General Assembly, chapter 15, laws of the Twenty-fourth General Assembly, chapter 3, laws of the Twenty-fifth General Assembly, and chapter 3, laws of the Twenty-sixth General Assembly, regular session, relating to indebtedness of cities and towns.

Senate file No. 92, a bill for an act to authorize cities of the second class to issue bonds for extending the time of payment of its indebtedness.

Senate file No. 99, a bill for an act to amend subdivision two of section seven hundred and ninety-six of the Code as amended and re-enacted by chapter forty-three of the acts of the Twenty-second General Assembly, and to amend section thirteen hundred and eighty-one of the Code as amended by chapter one hundred and forty-nine of the acts of the Sixteenth General Assembly, chapter one hundred and sixty-six of the acts of the Seventeenth General Assembly, and chapter ten of the acts of the Twenty-first General Assembly, relating to the poor.

Senate file No. 1, a bill for an act to provide for the annotation, indexing, publication, distribution and sale of the Code, and statutes hereafter enacted, and the appointment of a supervising committee and the election of an editor, and prescribing their duties.

Senate file No. 87, a bill for an act to repeal chapter 63 of the laws of the Twenty-third General Assembly and enact a substitute therefor, and providing for the appropriation of money to aid in procuring a library for the penitentiary at Anamosa.

Senate file No. 110, a bill for an act to authorize boards of supervisors to transfer to the county road fund so much of the surplus of the general fund as arises from the taxation of the traffic in intoxicating liquors.

Senate file No. 112, a bill for an act to make appropriations for the payment of the compensation of the members of the Twenty-sixth General Assembly at extra session, of State expenses and other bills.

House file No. 89, a bill for an act to amend sections 17, 18 and 24 of chapter 62 of the acts of the Twenty-fifth General Assembly, and to make

the same applicable to cities organized and operating under special charters.

House file No. 1, a bill for an act making an appropriation for the Institution for the Feeble-Minded at Glenwood, Iowa.

House file No. 94, a bill for an act to revise, amend and codify the statutes in relation to the uniformity, purchase and loaning of text-books.

House file No. 93, a bill for an act to amend an act to revise, amend and codify the statutes in relation to the normal school; approved February 26, 1897.

House file No. 90, a bill for an act to revise, amend and codify the statutes in relation to express companies.

House file No. 91, a bill for an act to revise, amend and codify the statutes in relation to drainage and levees.

House file No. 108, a bill for an act to eradicate hog cholera and swine plague in the State of Iowa.

House file No. 88, a bill for an act to provide for the payment of the four paper folders and file clerk of the Twenty-sixth General Assembly for three days' labor performed after the adjournment of the regular session of the Twenty-sixth General Assembly.

House file No. 115, a bill for an act to abolish the Iowa Soldiers' and Sailors' Monument Commission, and transfer their duties to the Executive Council.

LEGALIZING ACTS PASSED.

House file No. 111, a bill for an act to legalize the action of the clerk of the district court, and the auditor of Tama county, Iowa, in preparing and depositing in boxes the ballots of the grand and petit jurors and talesmen for use in Tama county, for the year 1897.

House file No. 99, a bill for an act to legalize the acts of and to establish the independent school district of Washington Mills.

House file No. 112, a bill for an act to legalize the incorporation of the town of Rathbun, Iowa, and all ordinances and acts passed by the town council.

House file No. 104, a bill for an act legalizing the acts of C. A. O'Harrow, a justice of the peace in and for Owen township, Cerro Gordo county, Iowa.

House file No. 101, a bill for an act to legalize a certain ordinance of the town council of the town of Ossian, Winneshiek county, Iowa.

House file No. 100, a bill for an act to legalize the action of the board of supervisors of Dallas county, Iowa, relating to the levy for county revenue for 1896.

House file No. 114, a bill for an act to legalize the incorporation of the town of Pocahontas, Pocahontas county, Iowa, the election of its officers, and all acts done and ordinances passed by the council of said town, including the official acts of the present officers.

House file No. 113, a bill for an act to legalize the ordinances and acts of the council of the incorporated town of Renwick, Humboldt county, Iowa.

Senate file No. 83, a bill for an act to legalize acknowledgments of instruments in writing heretofore taken by notaries public.

Senate file No. 82, a bill for an act to exonerate from penalties under the prohibitory law in cities acting under special charters, and to make valid acts of city councils and boards of supervisors.

Senate file No. 96, a bill for an act to legalize the levy and collection of poor taxes and taxes for ordinary county revenue in counties of the State.

Senate file No. 101, a bill for an act to legalize the acts of the board of supervisors and county auditor and the vote of the people of Polk county in relation to levying a tax to raise funds to build an asylum in said county for the care of the insane.

Senate file No. 106, a bill for an act to legalize the acts of the city of Keokuk, Iowa, in changing the grade of Orleans street from Fourth street to the top of the piling between Third and Fourth streets in said city, and in improving said street and in levying the tax against the abutting property for the costs of said improvements and in issuing certificates therefor.

Senate file No. 105, a bill for an act to legalize the acts and resolutions of the city of Keokuk, relative to the curbing, guttering and paving of Eleventh street in said city from the north line of Main street to the south line of Blondeau street and the issuance of certificates therefor.

Senate file No. 104, a bill for an act to legalize certain elections held in the incorporated town of Volga City, county of Clayton and State of Iowa.

Senate file No. 100, a bill for an act to legalize the incorporation of the town of Larrabee, Cherokee county, Iowa, election of its officers, acts done and ordinances passed by the council of said town.

Senate file No. 102, a bill for an act to legalize the location of public highways on all section lines in townships numbers ninety-eight and ninety-nine north, range number twenty-five west; also townships numbers ninety-eight and ninety-nine north, range number twenty-six west, Winnebago county, Iowa.

Senate file No. 108, a bill for an act to legalize certain ordinances of the incorporated town of Waucoma, Fayette county, Iowa.

Senate file No 111, a bill for an act to legalize the election held at Sumner, Iowa, on October 12, 1894, for the issuance of bonds for water-works.

Senate file No. 103, a bill for an act to legalize the corporation of the town of Arnolds' Park, Dickinson county, Iowa, and the notice for the election of the officers thereof and the election of the officers of said town.

JOINT RESOLUTIONS PASSED.

Senate Joint Resolution No. 3, providing for the appointment of a joint committee to investigate the reports of trustees, regents, commissioners or other officers of state institutions, and all state officers, and the books and records of such institutions or offices, for the payment of expenses of such investigations and defining the powers of the committee.

Senate Joint Resolution No. 7, a bill for an act relating to the use of committee rooms by the Code Supervising Committee and allowing stationery, stamps, and supplies for its use.

Senate Joint Resolution No. 6, a bill for an act relating to the use of committee rooms by the supreme court.

Senate Joint Resolution No. 9, in relation to fixing the number of employes at the seat of government and their compensation.

House Joint Resolution No. 2, authorizing the Code Supervising Committee to employ Emlin McClain to annotate the Code.

Senate Joint Resolution No. 5, relating to the taking of a recess by the General Assembly and the discharging of its employes.

Respectfully submitted,

G. S. GILBERTSON,
Chairman.

The time of adjournment having arrived the President declared the Senate adjourned until the first day of July, A. D. 1897, at 2 o'clock, P. M.

SENATE CHAMBER,
DES MOINES, IOWA, Thursday, July 1, 1897. }

Senate met pursuant to adjournment at 2 o'clock P. M., President Parrott presiding.

Prayer was offered by the Rev. W. R. Baldrige, of Des Moines, Iowa.

REPORT OF COMMITTEE.

Senator Trewin, from the Code Supervising Committee, presented the following report:

To the General Assembly:

MR. PRESIDENT AND MR. SPEAKER—Your committee to whom was entrusted the supervision of printing, binding and annotating the Code, respectfully report that they met May 7, 1897, organized by electing J. H. Trewin, chairman, L. A. Ellis, vice-chairman and Parley Finch, secretary.

In pursuance of the resolution adopted May 10, 1897, your committee entered into a contract with Emlin McClain to furnish annotations for the Code as provided in said resolution, at the agreed price of \$7,500, said annotations to be furnished at such times as not to delay the work of publishing the Code, and to be completed August 15, 1897. Said McClain furnished a bond in the sum of \$10,000 for the faithful performance of said contract.

Your committee also found that the type written copies of enrolled bills required careful comparison with the originals.

Your committee also found that the editor was unable to make the catch words, the same being an arduous and tedious work, and employed Emlin McClain to make and furnish the same for each section of said Code, except a portion already prepared by the editor, for the sum of \$250.

Your committee also found it necessary to employ a proof reader and assistants, as the editor was unable to perform said work and give the necessary time to the preparation of the index.

The reading of the proof involves great labor as it is not only necessary to read the printer's proof but the electrotyper's also, making a second and frequently a third reading necessary.

Deeming it indispensable that we have a complete and exhaustive index we have directed the editor hereafter to devote his entire time thereto.

Different offers to furnish the paper for the Code were made and finally the Executive Council concluded a contract with a St. Louis firm for \$3.70 a hundred pounds, which we considered a low price for the kind of paper selected. It was estimated that it would require one hundred and thirty-five thousand pounds of paper, the total cost of which was near \$5,000. The paper has been furnished.

We entered into contract with the Star Engraving Company of Des Moines to make and furnish electrotype plates for fifty-five cents per page, to be done in a neat and workmanlike manner, and upon the guarantee of said company that all pages should be entirely satisfactory to your committee. The work of the electrotyper is being furnished in as perfect a condition as practicable for such work.

The entire work has progressed to such extent that the manifest errors in enrolled bills have been corrected and all bills punctuated by the editor; the copies furnished by the Secretary of State have all been compared with enrolled bills and placed in the hands of the annotator, and the work of annotation is completed and the copy for the printer prepared up to and including Title VI, and the copy can be furnished the printer as rapidly as he can possibly handle it.

The prefix, consisting of Declaration of Independence, Articles of Confederation, Constitution of the United States and State of Iowa, Naturalization Laws, Ordinance of 1787, Organic Law of Michigan, Wisconsin and Iowa, Admission of Iowa, and other matters numbering over one hundred pages, has been electrotyped and printed. Of the Code proper about one hundred and thirty pages have been set up, proof read and electrotyped.

Nothing remains for the editor to do but to make the index and have general supervision of the work of proof reading.

We found it almost indispensable to have the enrolled bills kept in the editorial rooms, and to secure their entire safety and prevent their being interfered with or destroyed we rented a fire-proof safe in which to keep the bills.

As some question has been raised as to whether the resolution diverting the fund provided for annotating the Code from several to one annotator—Hon. Emlin McClain—authorizes the issuance of warrants by the auditor, we recommend that an act be passed amending the act providing for the publishing, printing and annotating the Code, so that the Auditor will issue warrants in payment for such annotations.

We have approved bills of persons employed as follows:

June 2, Emlin McClain	\$1,500.00
June 15, White Transfer Company, moving safe	10.00
June 16, Miss C. E. Sunderland, editor's stenographer	50 00
June 30, Miss Capitola Mardis, clerk supervising committee	75.00
June 30, Miss Olive Conger, clerical services	87.00
June 30, Mrs. C. A. Neidig, proof reader	30.80
June 30, E. C. Ebersole, editorial work	300.00

The comparison of copies furnished by the Secretary of State and numbering of sections of the Code having been completed, we have reduced the clerical help to the proof reader and the clerk of the committee acting as assistant, the compensation of each being \$75 a month.

Your committee has received a large number of requests from members of the bar of the State to cite the Northwestern Reporter in the annotations in addition to the Iowa reports. The provisions for annotating do not authorize this to be done, the expense and delay would be considerable and the book enlarged. Part of the Code was already printed, so your committee found it impossible to comply with these requests except as to

decisions of the United States courts and of the Supreme Court of Iowa not officially reported, but will issue a circular letter explaining the reasons for not doing it.

We find that the work of the extra session in the enrollment of the laws is practically free from error.

The work is progressing in a satisfactory manner; the editor reports that he can finish the index within a brief time after the last of the printing is done; the State printer reports that he can finish the printing by September 5, 1897, if there are no unnecessary delays in furnishing copy and reading proof. The work is so organized that no such delay will occur.

Your committee is confident that the Code will be completed by October 1, 1897.

Respectfully submitted,

J. H. TREWIN,
L. A. ELLIS,
PARLEY FINCH,
W. W. CORNWALL,
JNO. T. P. POWER,
Supervising Committee.

INTRODUCTION OF BILLS.

By Code Supervisory Committee, by unanimous consent, Senate file No. 113, a bill for an act to amend an act entitled "an act to provide for the annotation, indexing, publication etc., of the Code."

Read first and second time.

By Senator Cheshire, by unanimous consent, Senate file No. 114, a bill for an act to amend subsection 1, of section 9, of chapter 2, of title V, of the Code of laws passed at the extra session of the Twenty-sixth General Assembly.

Read first and second time.

By Senator Hobart, by unanimous consent, Senate file No. 115, a bill for an act to amend section 5, chapter 7, acts of the Twenty-sixth General Assembly.

Read first and second time.

By Senator Healy, by unanimous consent, Senate file No. 116, a bill for an act to amend section 42, chapter 10, title 4, of the acts of the special session of the Twenty-sixth General Assembly.

Read first and second time.

BILLS ON SECOND READING.

On motion of Senator Trewin rule No. 15 was suspended, Senate file No. 113, a bill for an act to amend an act entitled "an act to provide for the annotation, indexing, publication, etc., of the Code," was taken up and considered.

Bill was read for information.

Senator Trewin moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Rigger, Rowen, Sargent, Trewin, Upton, Waterman, Young—48.

The nays were:

None.

Absent or not voting:

Senators Eaton and Lehfeldt—2.

The bill having received a constitutional majority was declared to have passed the Senate and the title 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 has passed the following joint resolution No. 3 in which the concurrence of the Senate is asked:

Relative to the use of a committee room by the board of educational examiners

JAS D. ROWEN,
Chief Clerk.

Senator Carroll moved to take up House messages.

HOUSE MESSAGES.

House Joint Resolution No. 3 relative to the use of a committee room by the board of educational examiners was read first and second time.

On the question, "Shall the House joint resolution pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Rigger, Rowen, Sargent, Trewin, Waterman, Young—44.

The nays were:

None.

Absent or not voting:

Senators Eaton, Harper, Löhfeldt, Lothrop, Ranck, Upton—6.

The joint resolution having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

House file No. 117, a bill for an act to amend section 70, chapter 6, title XII of the Code of laws passed at the extra session of the Twenty-sixth General Assembly entitled "of intoxicating liquors."

JAS. D. ROWEN,
Chief Clerk.

Also:

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

Senate file No. 113, a bill for an act to amend an act entitled "an act to provide for the annotation, indexing, publication, etc., of the Code."

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 113, a bill for an act to amend an act entitled "an act to provide for the annotation, indexing, publication, etc., of the Code," was passed on file.

House file No. 117, a bill for an act to amend section 70, of chapter 6, title XII, of the Code of laws passed at the extra session of the Twenty-sixth General Assembly, entitled "of intoxicating liquors," was read first and second time.

BILLS ON SECOND READING.

On motion of Senator Ellis, Rule 15 was suspended and House file No. 117, a bill for an act to amend section 70 of chapter 6, title XII, of the Code of laws passed at the extra session of the Twenty-sixth General Assembly, entitled "of intoxicating liquors," was taken up and considered.

The bill was read for information.

Senator Trewin moved to amend the title by adding as follows: "being an act to revise, amend and codify the laws in relation to intoxicating liquors."

Adopted.

Senator Ellis moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Byers, Carney, Carpenter, Cheshire, Craig, Druet, Eaton, Ellis, Ellison, Funk, Garst, Gorrell, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—38.

The nays were:

Senators Berry, Bonson, Carroll, Downey, Ericson, Everall, Gilbertson, Harper, Hipwell, Hurst, Ranck—11.

Absent or not voting:

Senator Lehfeltd.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

On motion of Senator Cheshire, Rule 15 was suspended, Senate file No. 114, a bill for an act to amend subsection 1, of section 9, of chapter 2, of title V of the Code of laws passed at the extra session of Twenty-sixth General Assembly, was taken up and considered.

The bill was read for information.

Senator Cheshire moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Blanchard, Byers, Carney, Cheshire, Craig, Downey, Druet, Ellis, Ellison, Ericson, Funk, Garst, Gorrell, Harper, Harriman, Healy, Henderson, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Mitchell, Palmer, Penrose, Perrin, Phelps, Pusey, Ranck, Riggen, Rowen, Sargent, Trewin, Upton, Waterman, Young—37.

The nays were:

Senators Alexander, Bell, Berry, Carroll, Gilbertson, Lothrop—6.

Absent or not voting:

Senators Bonson, Carpenter, Eaton, Everall, Hipwell, Hurst, Lehfeltd—7.

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Trewin moved to amend the title by adding the following: "being an act to revise, amend and codify the statutes in relation to city and town government."

The title as amended was agreed to.

Senator Trewin offered the following

CONCURRENT RESOLUTION:

Be it Resolved by the Senate, the House concurring, That the extra session of the Twenty-sixth General Assembly do adjourn sine die July 2, 1897, at 10 o'clock A. M.

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 has passed the following bill, in which the concurrence of the Senate is asked:

House file No. 118, a bill for an act to make appropriation for indexing House and Senate Journals, and to superintend the printing thereof.

JAS. D. ROWEN,
Chief Clerk.

BILLS ON SECOND READING.

On motion of Senator Hobart, Rule 15 was suspended and Senate file No. 115, a bill for an act to amend section 5, chapter 7, acts of the Twenty-sixth General Assembly, was taken up and considered, and the report of the committee adopted.

Senator Hobart moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Bonson, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Gorrrell, Harper, Healy, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Palmer, Penrose, Perrin, Phelps, Ranck, Riggen, Rowen, Sargent, Trewin—39.

The nays were:

None.

Absent or not voting:

Senators Ellis, Ellison, Harriman, Henderson, Junkin, Lehfeldt, Mitchell, Pusey, Upton, Waterman, Young—11.

The bill having received a constitutional majority was declared to have passed the Senate and the title 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 has passed the following bill in which the concurrence of the House was asked:

Senate file No. 114, a bill for an act to amend subsection 1, of section 9, of chapter 2, title V of the Code of laws passed at the extra session of the Twenty-sixth General Assembly.

JAS. D. ROWEN,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following concurrent resolution in which the concurrence of the House was asked:

Relative to adjournment.

JAS. D. ROWEN,
Chief Clerk.

Senator Funk, President *pro tem.*, presiding.

HOUSE MESSAGES.

Senate file No. 114, a bill for an act to amend subsection 1, of section 9, of chapter 2, Title V, of the Code of laws passed at the extra session of the Twenty-sixth General Assembly, was passed on file.

House file No. 118, a bill for an act to make appropriation to pay for indexing and superintending the printing of the House and Senate Journals was read first and second time and taken up for passage.

On the question "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Byers, Carney, Carpenter, Carroll, Cheshire, Craig, Downey, Druet, Eaton, Ellison, Ericson, Funk, Gilbertson, Gorrell, Harper, Harriman, Hipwell, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Palmer, Penrose, Perrin, Phelps, Pusey, Riggen, Rowen, Sargent, Trewin, Upton, Waterman—37.

The nays were:

None.

Absent or not voting:

Senators Bell, Bonson, Ellis, Everall, Garst, Healy, Henderson, Hobart, Junkin, Kilburn, Mitchell, Ranck, Young—13.

The bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

Concurrent resolution relative to adjournment, as amended by the House, was taken up.

Senator Trewin moved that the Senate refuse to concur in the House amendment.

Carried.

Senator Harper asked that the Journal show that he had exchanged desks with Senator Pusey and that the assignment of desks show Senator Pusey desk No. 33 and Senator Harper desk No. 6.

Senator Upton asked that the Journal show that he had exchanged desks with Senator Ellison and that the assignment

of desks show Senator Ellison desk No. 18 and Senator Upton desk No. 24.

President Parrott presiding.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Senate file No 115, a bill for an act to amend section 5, of chapter 7, the acts of the Twenty-sixth General Assembly.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 115, a bill for an act to amend section 5, of chapter 7, of the acts of the Twenty-sixth General Assembly was passed on file.

BILLS ON SECOND READING.

On motion of Senator Healy, Rule 15 was suspended, Senate file No. 116, a bill for an act to amend section 42, chapter 10, title IV, of the acts of special session of the Twenty-sixth General Assembly was taken up, and considered.

The bill was read for information.

Senator Healy moved that the rule be suspended, and that the reading just had be the third reading, which motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bonson, Byers, Carpenter, Cheshire, Craig, Downey, Druet, Eaton, Ellis, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harper, Harriman, Healy, Henderson, Hipwell, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Palmer, Penrose, Perrin, Rigger, Sargent, Trewin, Upton, Waterman, Young—41.

The nays were:

None.

Absent or not voting:

Senators Berry, Carney, Carroll, Lohfeldt, Mitchell, Phelps, Pusey, Ranck, Rowen—9.

The bill having received a constitutional majority, was declared to have passed the Senate and the title 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 has passed the following bill in which the concurrence of the House was asked:

Senate file No. 116, a bill for an act to amend section 42 of chapter 10 of title IV, of the acts of the special session of the Twenty-sixth General Assembly, the same being a bill for an act to revise, amend and codify the statutes in relation to county and township government.

JAS. D. ROWEN,
Chief Clerk.

HOUSE MESSAGES.

Senate file No. 116, a bill for an act to amend section 42 of chapter 10, of title IV, of the acts of the special session of the Twenty-sixth General Assembly, the same being a bill for an act to revise, amend and codify the statutes in relation to county and township government, was passed on file.

Concurrent resolution relative to adjournment was passed on file.

Senator Lothrop moved that the Senate adjourn until 9 o'clock A. M. to-morrow.

Carried.

Senate adjourned.

SENATE CHAMBER,
DES MOINES, Iowa, Friday, July 2, 1897. }

Senate met pursuant to adjournment at 9 o'clock A. M.,
President Parrott presiding.

Prayer was offered by Rev. Clinton Douglas, of Des Moines,
Iowa.

Senator Funk, President *pro tem*, presiding.

REPORT OF COMMITTEE OF ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report
that they have examined, and find correctly enrolled, Senate file No. 113, a
bill for an act in relation to an act to amend an act entitled "an act to provide
for the annotation, publishing, etc. of Code."

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report
that they have examined, and find correctly enrolled, Senate file No. 114,
a bill for an act to amend subsection 1 of section 9 of chapter 2 of title
V of the Code of laws passed at the extra session of the Twenty-sixth
General Assembly, being an act to revise, amend and codify the statutes
in relation to city and town government.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report
that they have examined, and find correctly enrolled, Senate file No. 115,
a bill for an act to amend section 5, of chapter 7, of the acts of the Twenty-
sixth General Assembly.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 116, a bill for an act to amend section 42 of chapter 10, of title IV, of the acts of the special session of the Twenty-sixth General Assembly.

G. S. GILBERTSON,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 113, a bill for an act in relation to an act to amend an act entitled "an act to provide for the annotation, publishing, etc., of Code."

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 114, a bill for an act to amend subsection 1 of section 9, of chapter 2, title V of the Code of laws passed at the extra session of the Twentieth-sixth General Assembly.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 115, a bill to amend section 5 of chapter 7, of the acts of the Twenty-sixth General Assembly.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate file No. 116, a bill for an act to amend section 42 of chapter 10, of title IV, acts of special session of the Twenty-sixth General Assembly.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 117, a bill for an act to amend section 70, chapter 6, title XII, of the Code of laws passed at the extra session of the Twenty-sixth General Assembly, entitled “of intoxicating liquors.”

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House file No. 118, a bill for an act to make an appropriation to pay for indexing and supervising the printing of the House and Senate Journals.

G. S. GILBERTSON,
Chairman Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Also:

MR. PRESIDENT.—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House Joint resolution No. 3, in relation to the use of a committee room by the board of educational examiners.

G. S. GILBERTSON,
Chairman, Senate Committee.
W. E. HAUGER,
Chairman House Committee.

Ordered passed on file.

Senator Ellis offered the following resolution:

Resolved, That we as Senators are pleased to acknowledge our appreciation of the very able administration of the duties and responsibilities of our presiding officer, the Hon. Matt Parrott, of Black Hawk county.

His impartiality, faithfulness and kindly consideration for each and every Senator will be a pleasant memory for those who are now about to be released from their senatorial cares, and cause those who return to this chamber to anticipate a continuation of such happy relations should he be continued in office.

May sunshine and prosperity gladden his pathway and his days be long in this goodly land whose interests he, as one of its presiding and executive officers, has faithfully labored to accomplish.

Adopted.

The chair appointed Senators Ellis, Blanchard and Everall as a committee to notify Lieutenant-Governor Parrott of the passage of the resolution.

The committee reported the duty performed and President Parrott took his seat and addressed the Senate.

Senator Penrose moved that Lieutenant-Governor Parrott's address be printed in the Journal.

Carried.

PRESIDENT PARROTT'S ADDRESS.

Before announcing the final adjournment, I desire to heartily thank every Senator for the uniform kindness with which I have been treated and the cordiality with which you have acquiesced in the decisions of the chair. I assure you, one and all, that I fully appreciate your generous expressions of good will in the resolutions you have adopted.

We are now at the end of one of the most important sessions of the general assembly ever held in the State. The magnitude of the work perfected is not at present fully understood, but that all the laws of the State could be amended with so few errors after the most ample investigation by those who have had supervisory control of the work shows the painstaking care with which you have discharged your duties.

That you have been actuated only by a desire to subserve the best interests of the State I firmly believe, and that the work you have done will meet the cordial approval of the people of the State I feel certain. It is also a gratification that at the close of this protracted session we all part as friends, and that the friendships made during the session will be one of the greatest confirmations following the services.

Officially, I bid you good-bye with the kindest feelings to each and all, and hope the good Providence may follow you to your homes and prosper you in all your undertakings.

The Senate is now adjourned *sine die*.

Senator Penrose moved that a committee be appointed to wait on the Governor and inform him that the Senate is about to adjourn, and ask him if there is anything further to be presented to this body.

The chair appointed as such committee, Senators Penrose, Allen and Harper.

Senator Henderson moved that a committee be appointed to notify the House of Representatives that the Senate is ready to adjourn.

Senators Henderson, Sargent and Bonson were appointed as such committee.

Senator Henderson reported that the committee appointed to notify the House that the Senate was ready to adjourn had performed that duty.

Senator Penrose reported that the committee appointed to notify the Governor that the Senate was ready to adjourn had performed that duty and that the Governor had nothing further to present to the General Assembly.

President Parrott declared that the Senate of the Twenty-sixth General Assembly stood adjourned, *sine die*.

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