

Journal of the Senate

OF THE

# Twenty-seventh General Assembly

OF THE

STATE OF IOWA,

WHICH CONVENEED AT THE CAPITOL AT DES MOINES,  
JANUARY 10, 1898.



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**THE SENATE OF THE TWENTY-SEVENTH GENERAL ASSEMBLY.**

Dist.	NAME	P. O. ADDRESS.	COUNTIES IN DISTRICT.
26	Alexander, J. S. ....	Marion .....	Linn.
5	Alynn, G. S. ....	Mt. Ayr .....	Dacatur, Ringgold, Union.
2	Bell, Thomas .....	Fairfield .....	Jefferson, Van Buren.
11	Berry, W. H. ....	Indianola .....	Clarke, Warren.
14	Blanchard, L. C. ....	Oskaloosa .....	Mahaska.
34	Bolter, L. R. ....	Logan .....	Crawford, Harrison, Monona.
4	Byers, H. L. ....	Lucas .....	Lucas, Wayne.
23	Carney, J. L. ....	Marshalltown .....	Marshall.
3	Carroll, B. F. ....	Bloomfield .....	Appanoose, Davis.
30	Cheshire, Thos. A. ....	Des Moines .....	Polk.
39	Craig, George M. ....	Allison .....	Bremer, Butler.
15	Drust, Samuel .....	Marysville .....	Marion, Monroe.
7	Eaton, William .....	Sidney .....	Fremont, Page.
24	Ellison, F. O. ....	Anamosa .....	Cedar, Jones.
18	Emmert, J. M. ....	Atlantic .....	Case, Shelby.
31	Ericson, C. J. A. ....	Boone .....	Boone, Story.
36	Everall, John .....	Farmersburg .....	Clayton.
50	Finch, Parley .....	Humboldt .....	Buena Vista, Humboldt, Poca- hontas.
47	Funk, A. B. ....	Spirit Lake .....	Clay, Dickinson, Emmet, Kos- auth, Palo Alto.
48	Garst, Warren .....	Coon Rapids .....	Carroll, Greene, Sac.
41	Gilbertson, G. S. ....	Forest City .....	Mitchell, Winnebago, Worth.
29	Gorrell, J. R. ....	Newton .....	Jasper.
43	Harriman, W. F. ....	Hampton .....	Cerro Gordo, Franklin, Hancock.
27	Healy, Thomas D. ....	Fort Dodge .....	Calhoun, Webster.
21	Hayward, W. C. ....	Davenport .....	Scott.
46	Hobart, A. C. ....	Cherokee .....	Cherokee, Ida, Plymouth.
49	Hospers, Henry .....	Orange City .....	Lyon, Osceola, Sioux, O'Brien.
17	Hotchkiss, A. C. ....	Adel .....	Audubon, Dallas, Guthrie.
23	Hurst, A. ....	Maquoketa .....	Jackson.
8	Junkin, J. M. ....	Red Oak .....	Miss. Montgomery.
16	Kuburn, L. M. ....	Fontanelle .....	Adair, Madison.
12	Lewis, W. R. ....	Montezuma .....	Poweshiek, Keokuk.
32	Lothrop, J. S. ....	Sioux City .....	Woodbury.
42	Lyons, D. A. ....	Resco .....	Howard, Winneshiak.
9	McArthur, Wm. C. ....	Burlington .....	Des Moines.
13	McIntire, W. A. ....	Ottumwa .....	Wapello.
35	Malloy, Francis E. ....	Dubuque .....	Dubuque.
6	Mitchell, W. O. ....	Corning .....	Adams, Taylor.
38	Mullan, Charles W. ....	Waterloo .....	Black Hawk, Grundy.
10	Palmer, D. J. ....	Washington .....	Henry, Washington.
45	Penrose, E. G. ....	Tama .....	Belton, Tama.
44	Perrin, W. B. ....	Nashua .....	Chickasaw, Floyd.
19	Pusey, N. M. ....	Council Bluffs .....	Pottawattamie.
25	Ranck, C. S. ....	Iowa City .....	Iowa, Johnson.
20	Titus, G. M. ....	Muscatine .....	Muscatine, Louisa.
40	Trewin, J. H. ....	Lansing .....	Allamakee, Fayette.
37	Wallace, J. ....	Eldora .....	Hamilton, Hardin, Wright.
22	Wilson, J. L. ....	Almont .....	Clinton.
1	Young, D. A. ....	Argyle .....	Lee.
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Read first and second time and referred .....	214
Reported substitute.....	443
Special order.....	782
Failed of passing Senate .....	784
80—By Mullan. A bill for an act to amend section 467 of the code, relating to the redemption of county bonds.	
Read first and second time and referred .....	214
Reported.....	412
Passed Senate.....	595
Passed House.....	734
Enrolled.....	788
Signed by the Governor.....	1000
81—By Harriman. A bill for an act to amend section 1739 of the code, relating to mutual assessment insurance associations.	
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Indefinitely postponed.....	355
82—By Pusey. A bill for an act making appropriations for the Iowa School for the Deaf at Council Bluffs.	
Read first and second time and referred .....	216
Indefinitely postponed .....	983
83—By Hayward. A bill for an act to repeal sections 3050, 3051 and 3052 of the code, relating to days of grace.	
Read first and second time and referred .....	217
Substitute reported .....	798
Special order .....	896

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84—By Hayward. A bill for an act to make appropriations for the Orphans' Home and Home for Destitute Children.	
Read first and second time and referred .....	217
Substitute reported.....	835
Passed Senate.....	843
Passed House.....	920
Enrolled.....	967
85—By McIntire. A bill for an act to prohibit agents for school books and supplies from securing signatures from individual members of boards of directors to contracts for such books and supplies	
Read first and second time and referred .....	217
Indefinitely postponed.....	481
86—By Harriman. A bill for an act to assign rooms Nos 11 and 12 to State Agricultural society.	
Read first and second time and referred .....	217
Reported .....	377
Passed Senate.....	393
Passed House.....	318
Enrolled .....	368
Signed by Governor.....	718
87—By Gilbertson. A bill for an act to amend section 4383 of the code in relation to the filing of transcripts in the clerk's office	
Read first and second time and referred .....	217
Substitute reported.....	376
Passed Senate.....	377
Passed House.....	510
Enrolled.....	606
Signed by Governor.....	713
88—By Ericson. A bill for an act to amend section 2650 of the code so as to make the fiscal year of the State College of Agriculture and Mechanic Arts agree with the fiscal year of the state.	
Read first and second time and referred .....	217
Indefinitely postponed.....	578
89—By Ericson. A bill for an act to amend section 2646 of the code, making the governor and superintendent of public instruction members ex-officio of the board of trustees of the State College of Agriculture and Mechanic Arts.	
Read first and second time and referred .....	217
Indefinitely postponed.....	580
90—By Mullan. A bill for an act amending section 2883 of the code, relating to annual appropriations for the normal school at Cedar Falls, Iowa.	
Read first and second time and referred .....	231
Indefinitely postponed.....	984
91—By Mullan. A bill for an act making appropriations for the normal school at Cedar Falls, Iowa.	
Read first and second time and referred .....	231
Indefinitely postponed.....	983

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92—By Palmer. A bill for an act making appropriations for the Iowa Hospital for Insane at Mt Pleasant.	
Read first and second time and referred.....	233
Reported substitute.....	797
Passed Senate.....	832
Passed House.....	861
Enrolled.....	951
93—By Mullan. A bill for an act to legalize acknowledgments taken and certified according to the form and provisions of the code of 1873.	
Read first and second time and referred.....	233
Reported.....	769
Passed Senate.....	855
Passed House.....	959
Enrolled.....	1023
94—By Wallace. A bill for an act entitled an act making appropriation for the Iowa Industrial School, boys' department, at Eldora.	
Read first and second time and referred.....	233
Indefinitely postponed.....	953
95—By Ranck. A bill for an act making appropriation for the better support of the State University, etc.	
Read first and second time and referred.....	234
Reported substitute.....	798
Passed Senate.....	834
Passed House.....	861
Enrolled.....	951
96—By Ranck. A bill for an act making appropriation for the State University to cover the loss by fire and in aid of the general library.	
Read first and second time and referred.....	234
Reported substitute.....	771
Passed Senate.....	830
Passed House.....	921
Enrolled.....	967
97—By Titus. A bill for an act to amend section 1003 of chapter 14 of the code, relating to the levy of taxes in cities under special charter.	
Read first and second time and referred.....	234
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98—By Pusey. A bill for an act to amend section 490, subdivision 5, title 4, chapter 4 of the code, relating to the compensation of county treasurers.	
Read first and second time and referred.....	234
Indefinitely postponed.....	331
99—By McArthur. A bill for an act to amend section 654 of the code, relating to the appointment of police matrons in cities having a population of 25,000 or over.	
Read first and second time and referred.....	234
Reported.....	343
Passed Senate.....	348
Passed House.....	485
Enrolled.....	600
Signed by Governor.....	713

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100—By Carroll, by request. A bill for an act to amend chapter 8, title 12 of the code, in relation to the use of oil in coal mines.	
Read first and second time and referred.....	234
Reported.....	336
Passed Senate.....	367
Passed House.....	664
Enrolled.....	737
Signed by Governor.....	969
101—By Gorrell. A bill for an act to amend section 227 of the code and reduce the number of judges in the Sixth judicial district.	
Read first and second time and referred.....	234
Reported.....	352
Failed to pass.....	708
102—By Hospers. A bill for an act to legalize conveyance of real property by executors under foreign wills.	
Read first and second time and referred.....	239
Substitute reported.....	413
Passed Senate.....	561
Passed House.....	704
Enrolled.....	737
Signed by Governor.....	799
103—By Finch. A bill for an act to amend section 2302 of the code, relating to change of place of conducting a pharmacy.	
Read first and second time and referred.....	239
Indefinitely postponed.....	500
104—By Blanchard. A bill for an act to repeal section 1917 of the code, relating to the dissolution of corporations and to enact a substitute therefor.	
Read first and second time and referred.....	239
Reported.....	423
Passed Senate.....	669
105—By Blanchard. A bill for an act to repeal a portion of section 673 of the code, relating to the fees of marshals.	
Read first and second time and referred.....	239
Indefinitely postponed.....	480
106—By Lewis. A bill for an act to amend section 1459 of the code in relation to the time and manner of payments by county treasurers to the state treasurer.	
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Indefinitely postponed.....	356
107—By Lyon. A bill for an act to indemnify owners of sheep for injuries to or destruction of such sheep by dogs.	
Read first and second time and referred.....	240
Reported.....	474
108—By Mullan. A bill for an act to amend the code in relation to public health districts.	
Read first and second time and referred.....	240
Indefinitely postponed.....	480

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109—By Finch. A bill for an act to repeal section 3912 of the code and to enact a substitute therefor, relating to the sale of perishable property when seized under a writ of attachment.	
Read first and second time and referred	250
Reported	290
Passed Senate	445
Passed House	492
Enrolled	506
Signed by Governor	714
110—By Carroll. A bill for an act to legalize the acts of the board of supervisors of Appanoose county, Iowa, in authorizing the transfer of money from the swamp land fund to the county fund.	
Read first and second time and referred	250
Indefinitely postponed	313
111—By Ellison. A bill for an act relating to the punishment of criminals who have been convicted three or more times.	
Read first and second time and referred	250
Substitute reported	413
Passed Senate	504
Passed House	816
Enrolled	868
Signed by Governor	1022
112—By Young of Lee. A bill for an act making appropriation for the penitentiary at Fort Madison.	
Read first and second time and referred	251
Indefinitely postponed	983
113—By Perrin. A bill for an act to amend chapter 11, title 12, of the code, in relation to the inspection of petroleum products.	
Read first and second time and referred	251
Reported substitute	444
Passed Senate	681
Passed House	995
Enrolled	1014
114—By Cheshire. A bill for an act making appropriation for the State industrial school, girls' department, at Mitchellville, Iowa.	
Read first and second time and referred	261
Reported substitute	797
Passed Senate	833
Passed House	890
Enrolled	949
115—By Cheshire. A bill for an act to further provide for the erection of a historical, memorial and art building.	
Read first and second time and referred	261
Indefinitely postponed	981
116—By McArthur. A bill for an act amending sections 2539, 2540 and 2559 of the code, relating to the care and propagation of fish and the protection of birds and game.	
Read first and second time and referred	261
Reported	334
Passed Senate	535
Passed House	723
Enrolled	787
Signed by Governor	1000

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117—By Eaton. A bill for an act making an appropriation for the Iowa Hospital for the Insane at Clarinda, Iowa.	
Read first and second time and referred	261
Indefinitely postponed	983
118—By McIntire, for Wilson. A bill for an act to amend chapter 3, title 13, of the code, relating to school text-books, to select the same, and to provide that they shall be printed within the state of Iowa.	
Read first and second time and referred	261
Indefinitely postponed	483
119—By Hospers. A bill for an act to amend section 1331 of the code of 1897, relating to private bankers.	
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Indefinitely postponed	481
120—By Berry. A bill for an act to require boards of school directors to fence schoolhouse sites.	
Read first and second time and referred	269
Reported	333
Passed Senate	573
Passed House	704
Reported enrolled	736
Signed by Governor	999
121—By Ellison. A bill for an act making appropriation for the penitentiary at Anamosa, Iowa.	
Read first and second time and referred	269
Reported substitute	794
Passed Senate	839
Passed House	894
Signed by Governor	1023
122—By Junkin. A bill for an act to amend section 3494, of chapter 4 of the code, relating to place of bringing action.	
Read first and second time and referred	276
Reported	336
Passed Senate	679
Passed House	839
Reported enrolled	867
Signed by Governor	1028
123—By Eaton, by request. A bill for an act to prohibit illegal voting at primary elections and caucuses and providing penalties therefor.	
Read first and second time and referred	276
Reported	747
124—By Pusey, by request. A bill for an act prohibiting the adulteration of candy and prescribing penalties for the violation of the provisions thereof.	
Read first and second time and referred	276
Indefinitely postponed	635
125—By Hobart. A bill for an act to amend section 2448, chapter 6, title 19 of the code, in relation to intoxicating liquors.	
Read first and second time and referred	276
Indefinitely postponed	481

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122—By Harriman, by request. A bill for an act to put a partition in room No. 19, and to make certain changes in the capitol. Read first and second time and referred .....	276
Indefinitely postponed .....	458
127—By Trewin. A bill for an act to appropriate the sum of \$3,500, or so much thereof as may be necessary, to pay the extra employes of the Twenty-seventh General Assembly. Read first and second time and referred .....	282
Reported .....	288
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Signed by Governor .....	712
128—By Cheshire. A bill for an act to amend section 1743 in chapter 4 of the code, relating to insurance other than life and to conditions in applications or policies of insurance. Read first and second time and referred .....	284
Reported substitute .....	599
129—By Hotchkiss. A bill for an act to amend section 2330 of the code, relating to the powers of the board of educational examiners and authorizing them to issue certificates and diplomas to graduates of normal schools or normal departments of colleges or universities under certain conditions. Read first and second time and referred .....	284
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130—By Druet. A bill for an act making appropriations for the Industrial Home for the Blind at Knoxville, Iowa. Read first and second time and referred .....	284
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131—By Young of Lee. A bill for an act to amend section 4914 of the code, relating to disposition of bodies for medical purposes. Read first and second time and referred .....	284
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132—By Hobart. A bill for an act providing for a division of independent school districts composed of two or more civil townships, or parts of such townships, or of one such township and part of another. Read first and second time and referred .....	285
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133—By Byers. A bill for an act to amend section 2286 of the code, relating to registered pharmacists. Read first and second time and referred .....	286
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Considered and failed .....	707
Reconsidered and passed .....	721
Passed House .....	977
Reported enrolled .....	1024

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134—By Byers. A bill for an act to amend section 2400 of the code, relating to revocation of permit. Read first and second time and referred .....	285
Indefinitely postponed .....	756
135—By Byers. A bill for an act to amend section 2403 of the code, relating to the selling or giving to minor or intoxicated person or person in the habit of becoming intoxicated. Read first and second time and referred .....	285
Reported .....	500
136—By Byers. A bill for an act to amend section 2400 of the code, relating to revocation of permit. Read first and second time and referred .....	285
Reported .....	500
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137—By Mitchell. A bill for an act entitled an act to regulate the practice of osteopathy in the state of Iowa and fixing penalties for the violation of the same. Read first and second time and referred .....	285
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138—By Hayward, by permission. A bill for an act to require the publication of American experience tables of mortality and expectation life tables in the arithmetic used in the public schools of the state. Read first and second time and referred .....	294
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139—By Hobart. A bill for an act to amend sections 2945 and 2946, chapter 6, title 14, of the code, in relation to the conveyance of real estate. Read first and second time and referred .....	295
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141—By Pusey. A bill for an act appropriating additional money for an exhibit of the resources of the state of Iowa at the Trans-Mississippi and International exposition, to be held at Omaha in the year 1898. Read first and second time and referred .....	296
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143—By Lothrop, by request. A bill for an act making an appropriation for the Woman's and Baby's Home association of Sioux City. Read first and second time and referred .....	296
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144—By Lothrop. A bill for an act to amend section 2945, chapter 6, title 14, of the code, relating to the conveyance of real estate, and to the repeal of section 2446 of said chapter and title of the code. Read first and second time and referred.....	296
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145—By Trewin. A bill for an act to amend section 2334 of the code and to enact a substitute therefor, relating to the state board of educational examiners and authorizing it to employ a secretary Read first and second time and referred.....	305
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Reported enrolled.....	1034
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147—By Blanchard. A bill for an act to authorize the executive council to purchase and abate the dam across the Des Moines river at Bonaparte. Read first and second time and referred.....	306
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Indefinitely postponed.....	352
151—By Cheshire. A bill for an act to amend section 20, of chapter 4, of title 5 of the code, relating to the general powers of cities and towns. Read first and second time and referred.....	306
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155—By Penrose. A bill for an act to amend section 891, chapter 12, of the code, pertaining to expense of the poor. Read first and second time and referred.....	333
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157—By Cheshire. A bill for an act imposing a tax in addition to other taxes and penalties now provided by law, upon any person, partnership, or corporation, keeping a house of ill fame, or place resorted to for the purpose of prostitution or lewdness. Read first and second time and referred.....	333
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158—By Hayward. A bill for an act to require cities to create ordinances regulating plumbing and house drainage; to provide for a board of examiners to be known as the examining and supervising board of plumbers, to regulate the duties of said board and to provide penalties for violation thereof. Read first and second time and referred.....	334
Reported substitute.....	322
159—By Lewis. A bill for an act to add to and amend chapters 4 and 5 of the code in relation to insurance other than life, and to amend sections 1743 and 1744 of the code. Read first and second time and referred.....	324
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160—By Pusey. A bill for an act to amend section 742, title 8, chapter 5, of the code, relating to the purchase and construction of water-works, and to the levy of a tax for such purposes.	
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Reported.....	400
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161—By Bell. A bill for an act to amend section 2508 of the code in relation to the support of the Soldiers' home.	
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164—By Ellison. A bill for an act to amend section 5717 of the code, in relation to the wardens of penitentiaries and their supplies.	
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166—By Ellison. A bill for an act to amend section 2319 of chapter 2, title 17 of the code, relating to the limitation of actions against estates of deceased persons.	
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Reported.....	328
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168—By unanimous consent, by Harri-man. A bill for an act to improve the public roads of the state by encouraging the use of wide tired wagons thereon.	
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169—By Banck. A bill for an act entitled an act authorizing the state librarian to classify and catalogue the books in the state library and making an appropriation therefor.	
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170—By Lewis. A bill for an act to appropriate \$5,100 to paint and fresco committee rooms and corridors, \$500 for repairing and plumbing, and \$1,000 for completing installation of Welsbach burners in capitol building.	
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Indefinitely postponed.....	553
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173—By Finch. A bill for an act to amend section 2403 of the code, relating to intoxicating liquors.	
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Reported.....	531
174—By McIntire, by request. A bill for an act to amend section 1441 of the code of 1897, relating to service of notice of expiration of right of redemption from tax sales.	
Read first and second time and referred.....	375
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175—By Blanchard. A bill for an act to amend section 3058 of the code, relating to notes and bills.	
Read first and second time and referred.....	375
Reported.....	403
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176—By Blanchard. A bill for an act to amend section 2947 of the code, relating to garnishments.	
Read first and second time and referred.....	375
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177—By Blanchard. A bill for an act to amend section 2597 of the code, relating to the practice of dentistry.	
Read first and second time and referred.....	381
Reported.....	401
Passed Senate.....	870
Passed House.....	954
Reported enrolled.....	1001

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178—By Alexander. A bill for an act to legalize certain acknowledgments of deeds, mortgages and other instruments affecting the title to real estate	
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Indefinitely postponed	745
179—By Craig. A bill for an act to prescribe certain announcements in mutual accident insurance associations or companies.	
Read first and second time and referred	898
Indefinitely postponed	714
180—By Alexander. A bill for an act to place the road and highway tax, and working and maintaining the roads and highways, in the hands and under the supervision of the board of supervisors.	
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181—By McIntire. A bill for an act to amend sections 2736 and 2737 of the code, requiring all applicants for a teacher's certificate to pass an examination in didactics	
Read first and second time and referred	388
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Passed Senate	595
Passed House	703
Reported enrolled	867
Signed by Governor	1022
182—By Gilbertson. A bill for an act to amend section 1610, title 9, chapter 1 of the code, in relation to corporations for pecuniary profit.	
Read first and second time and referred	388
Reported	424
Passed Senate	723
Passed House	931
Reported enrolled	969
Signed by Governor	913
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Indefinitely postponed	568
184—By Craig. A bill for an act to amend section 27 of the code of Iowa, and to provide an additional judge for the Twelfth judicial district.	
Read first and second time and referred	393
Indefinitely postponed	672
185—By Trewin. A bill for an act to amend section 1744 of the code, relating to proofs of loss under contracts of insurance.	
Read first and second time and referred	393
Reported	443
Passed Senate	596
Passed House	535
Reported enrolled	877
Signed by Governor	1022

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186—By Trewin. A bill for an act to empower boards of directors of school corporations to change boundary lines between such corporations in certain cases.	
Read first and second time and placed on the calendar	396
Passed Senate	532
Passed House	544
Reported enrolled	631
Signed by Governor	714
187—By Pusey. A bill for an act to allow nonresidents of the state whose wages were garnished in this state the same exemption as is allowed them under the law of the state in which they at the time reside.	
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188—By Kilburn. A bill for an act to amend section 4756 of the code, in relation to rape.	
Read first and second time and referred	399
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189—By Kilburn. A bill for an act to legalize the election and the proceedings of the town council of the town of Patterson, Madison county, Iowa.	
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Reported	555
Passed Senate	576
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Reported enrolled	739
Signed by Governor	999
190—By Young of Lee. A bill for an act to permit the manufacture of wine from grapes and currants and cider from apples, and to transport and sell the same.	
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Referred	620
Reported	743
191—By Gilbertson. A bill for an act to amend section 901, chapter 11, of the code, relating to taxation, and providing for publishing the report of the auditor or clerk of cities and towns.	
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Reported	808
192—By Lothrop. A bill for an act to amend sections 742, 744, 745 and 747, chapter 5, title 5, of the code, relating to the purchase and construction of waterworks.	
Read first and second time and referred	399
Reported	451
Passed Senate	509
Passed House	706
Reported enrolled	786
Signed by Governor	999
193—By Kilburn. A bill for an act to require treasurers of school corporations to take bonds whenever they deposit school funds in banks and to enable them to leave school funds in hands of county treasurer until needed.	
Read first and second time and referred	406
Reported	717
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194—By Mitchell. A bill for an act to prohibit the bringing into the state of any nursery stock infested with the San Jose scale and to prevent the spread of the scale within the state. Read first and second time and referred .....	407
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195—By Druet. A bill for an act to amend sections 1109, 1113, 1119, 1120 and 1121 of the code, relating to printing and marking the ballot. Read first and second time and referred .....	407
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196—By Hospers. A bill for an act to amend section 4569 of title 24 of chapter 9, in relation to persons keeping houses of ill fame. Read first and second time and referred .....	407
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197—By McArthur. A bill for an act to amend an act of the extra session of the Twenty-sixth General Assembly, entitled an act to provide for the annotation, indexing, publication, distribution and sale of the code and statutes hereafter enacted. Read first and second time and referred .....	407
Reported.....	744, 747
Passed Senate.....	770
Passed House.....	1027
198—By Wilson. A bill for an act relating to the manner of making assessments in townships. Read first and second time and referred .....	419
199—By Carney. A bill for an act amending section 2608 of the code, relating to support for the Iowa Soldiers' home. Read first and second time and referred .....	419
Indefinitely postponed.....	979
200—By Ellison. A bill for an act to provide for the deputy warden a house, heat and light. Read first and second time and referred .....	419
Reported.....	675
Passed Senate.....	769
Passed House.....	933
Reported enrolled.....	1022
201—By Ways and Means Committee. A bill for an act to provide for a state board of control and to provide for the management and control of the Soldiers' home, the charitable, reformatory and the penal institutions of the state and to make an appropriation therefor and for the defining of certain offenses and providing penalties therefor. Read first and second time and ordered placed on the calendar.....	419
Considered.....	453, 509, 536, 601 609, 611, 632, 637
Third reading .....	649
Passed Senate.....	653, 742
Passed House.....	734
Reported enrolled.....	815
Signed by Governor.....	996

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202—By Harriman. A bill for an act to create the department of agriculture, to repeal sections of the code and to amend other sections. Read first and second time and referred .....	420
Reported.....	590
203—By Hayward. A bill for an act to amend section 1850 of the code, in relation to the investment of funds by savings banks. Read first and second time and referred .....	426
Indefinitely postponed.....	568
204—By Lewis. A bill for an act for the compensation of attorneys appointed for the defense of indigent persons charged with crime, and for the repeal of section 5314 of the code. Read first and second time and referred .....	436
Reported.....	461
205—By McArthur. A bill for an act to amend section 2503 of the code, relating to the inspection of petroleum products. Read first and second time and referred .....	436
Reported.....	507
Passed Senate.....	522
Passed House.....	637-638
Reported enrolled.....	737
Signed by Governor.....	999
206—By Lewis. A bill for an act to appropriate \$494 to reimburse Poweshiek county for expenses of the extradition from Mexico, Mexico, of Richard Bowe. Read first and second time and referred .....	439
Reported.....	819
207—By Pusey. A bill for an act to legalize the levy and collection of a tax for schoolhouse fund in the year 1896, in the independent school district of Lincoln Center, No. 5, Pottawattamie county, and the diversion and use of such a tax to the teachers' and contingent funds of said independent school district. Read first and second time and referred .....	442
Reported.....	476
Passed Senate.....	573
Passed House.....	706
Reported enrolled.....	728
Signed by Governor.....	999
208—By Mullan. A bill for an act to amend subdivisions 5, 6 and 9, and to repeal subdivision 10 of section 804 of the code, relating to taxation in cities and towns. Read first and second time and referred .....	442
Indefinitely postponed.....	917
209—By Mullan. A bill for an act to legalize the organization of the Grundy County Agricultural society of Grundy county, Iowa. Read first and second time and referred .....	442
Reported.....	458
Passed Senate.....	703
Reported enrolled.....	737
Signed by Governor.....	999

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210—By Oheshire. A bill for an act to amend section 853 of chapter 9, of title 5 of the code, and to grant additional powers to boards of park commissioners.	
Read first and second time and referred.....	448
Reported.....	629
Passed Senate.....	837
211—By Wilson, by request. A bill for an act for the relief of Wm. M. Desmond.	
Read first and second time and referred.....	448
Indefinitely postponed.....	730
212—By Hayward. A bill for an act to amend section 496, chapter 5, of the code, in relation to the employment of deputies and assistants in the office of county recorders.	
Read first and second time and referred.....	448
Reported.....	809
Passed Senate.....	854
213—By Palmer. A bill for an act to quiet the title to certain real estate situated in Washington county, Iowa, and confirm and establish the title in fee simple thereto in A. B. Rogers, in said county.	
Read first and second time and referred.....	450
Passed Senate.....	863
Passed House.....	969
Reported enrolled.....	1033
214—By Finch. A bill for an act to amend section 3683 of the code, relating to the levy of attachment or execution on mortgaged personal property.	
Read first and second time and referred.....	450
Reported.....	497
Passed Senate.....	706
Passed House.....	706
Reported enrolled.....	1024
215—By Kilburn. A bill for an act to amend section 2836 of the code, in relation to the petition for vote upon the proposition for free text-books in the public schools.	
Read first and second time and referred.....	450
Reported.....	678
Passed Senate.....	695
216—By Mullan. A bill for an act to amend section 1898 of the code, relating to building and loan associations.	
Read first and second time and referred.....	450
217—By Funk. A bill for an act to legalize the organization of the independent school corporation of Arnold's Park, Dickinson county, state of Iowa, and of the election of the directors thereof.	
Read first and second time and referred.....	450
218—By McIntire. A bill for an act to amend section 814 of chapter 7, title 5 of the code, relating to street improvements, sewers and special assessments, and to contractors' bonds.	
Read first and second time and referred.....	450
Reported.....	819
Indefinitely postponed.....	719

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219—By Oheshire. A bill for an act appropriating money to defray the expenses of the inauguration ceremonies.	
Read first and second time and referred.....	450
Reported.....	477
Passed Senate.....	477
Passed House.....	604
Reported enrolled.....	631
Signed by Governor.....	714
220—By Berry. A bill for an act to make an appropriation to the Iowa State Agricultural society.	
Read first and second time and referred.....	451
Reported.....	820
Passed Senate.....	839
Passed House.....	920
Reported enrolled.....	969
Sent to Governor.....	992
221—By Lyons. A bill for an act to amend section 411 of the code, relating to county official newspapers, the matter to be published therein, and their compensation.	
Read first and second time and referred.....	456
Reported.....	809
222—By Gilbertson. A bill for an act relating to dividend and surplus of savings and state banks.	
Read first and second time and referred.....	456
Reported.....	558
223—By Funk. A bill for an act authorizing the executive council to issue and negotiate warrants in anticipation of the revenues of the state.	
Read first and second time and placed on the calendar.....	456
Passed Senate.....	674
Passed House.....	964
Reported enrolled.....	1023
224—By Alexander. A bill for an act to increase the number of district judges in the Eighteenth judicial district.	
Read first and second time and referred.....	487
Indefinitely postponed.....	1018
225—By Ways and Means Committee. A bill for an act to amend chapter 4, title 7 of the code, relative to the assessment and collection of the collateral inheritance tax.	
Read first and second time and placed on calendar.....	487
Passed Senate.....	752
Passed House.....	960
Reported enrolled.....	1024
226—By Hospers, by request. A bill for an act to establish and maintain a department for women in connection with the Iowa Industrial school at Mitchellville.	
Read first and second time and referred.....	487
Indefinitely postponed.....	673
227—By Funk. A bill for an act making appropriations to be expended by the fish and game warden of the state of Iowa.	
Read first and second time and referred.....	488
Indefinitely postponed.....	980

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228—By Junkin, by request. A bill for an act to compensate Sherman Hill for injuries received while in the employ of the state, and to make an appropriation therefor.	
Read first and second time and referred.....	495
Reported.....	680
Indefinitely postponed.....	819
229—By Blanchard, by request. A bill for an act to amend section 2736 and section 2737, of chapter 13, title 13 of the code, relating to examinations of applicants for teachers' certificates.	
Read first and second time and referred.....	495
Indefinitely postponed.....	827
230—By Mitchell. A bill for an act to legalize the acts, proceedings and ordinances of the incorporated town of Lenox, Iowa.	
Read first and second time and referred.....	496
Reported.....	554
Passed Senate.....	576, 70
Passed House.....	704
Reported enrolled.....	737
231—By Trewin. A bill for an act to amend section 2735 of the code, relating to powers of directors of subdistricts in school townships.	
Read first and second time and referred.....	495
Reported.....	677
Passed Senate.....	665
232—By Carroll. A bill for an act to provide for the payment of the claims of Appanoose county against the state of Iowa, for expenses incurred in the care, restraint and transportation of insane persons not having a known residence in Iowa.	
Read first and second time and referred.....	504
Reported.....	660
Passed Senate.....	721
Passed House.....	792
Reported enrolled.....	853
Signed by Governor.....	1022
233—By Berry. A bill for an act to provide for and regulate the administration of trusts by banks and other corporations.	
Read first and second time and referred.....	504
Indefinitely postponed.....	850
234—By Garst, by request. A bill for an act to amend section 2077, code of Iowa, 1897, relating to passenger fares on railways.	
Read first and second time and referred.....	504
Indefinitely postponed.....	876
235—By Ellison. A bill for an act to amend section 8849, chapter 13, title 13, of the code, relating to security for costs.	
Read first and second time and referred.....	517
Reported.....	555
Passed Senate.....	697, 728
Passed House.....	864
Reported enrolled.....	951
Sent to Governor.....	952

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236—By Ellison. A bill for an act to amend section 2630, chapter 3, title 13, of the code, relating to the board of educational institutions.	
Read first and second time and placed on the calendar and ordered printed.....	517
Passed Senate.....	723
237—By Ranck, by request. A bill for an act to amend chapter 7, of title 5, of the code of 1897, entitled "Street improvements, sewers and special assessments."	
Read first and second time and referred.....	517
Withdrawn.....	822
238—By Ranck, by request. A bill for an act to legalize the acts and proceedings of the late city of Lyons and to authorize the city of Clinton to do all necessary acts in relation thereto.	
Read first and second time and referred.....	518
239—By Eaton. A bill for an act providing for the payment of witnesses summoned before special committee on election contest from Eighteenth Senatorial district, the clerks of said committee and the expenses of the parties to election contest.	
Read first and second time and referred.....	518
Reported.....	596
Passed Senate.....	897, 1008
Passed House.....	1007
Reported enrolled.....	1013
Sent to Governor.....	1015
240—By Emmert, by request. A bill for an act repealing section 510, and subdivision 23 of section 511, of the code, relating to sheriffs, their deputies, qualification and compensation thereof.	
Read first and second time and referred.....	518
241—By Emmert, by request. A bill for an act to repeal section 3488 of the code, relating to the sheriff.	
Read first and second time and referred.....	518
Indefinitely postponed.....	850
242—By Hayward. A bill for an act to amend section 2631 of chapter 6 of the code, in relation to the support of the Orphans' Home and Home for Destitute Children.	
Read first and second time and referred.....	518
Indefinitely postponed.....	980
243—By Kilburn. A bill for an act to amend section 1759, chapter 5, title 9 of the code, in relation to mutual fire, tornado and hail-storm assessment insurance associations.	
Read first and second time and referred.....	518
Indefinitely postponed.....	714

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244—By Blanchard. A bill for an act to provide for the condemnation of a fishway, and for the erection of a fishway in the Bonaparte dam. Also making appropriation for the expenses thereof, and prescribing penalties for injuring and destroying such fishway.	
Read first and second time and referred.....	525
Reported.....	701
Passed Senate.....	711
345—By Lothrop. A bill for an act to amend section 208, chapter 8, title 8 of the code, relating to the clerk of the district court.	
Read first and second time and referred.....	525
Reported.....	554
Passed Senate.....	554
246—By Lewis. A bill for an act to assign room No. 18 in the capitol building to the railroad commission, and to assign rooms Nos 13 and 14 in the capitol building to the attorney-general, and to make an appropriation to pay the expenses thereof.	
Read first and second time and referred.....	528
Reported, majority and minority.....	799, 800
247—By Lewis. A bill for an act to amend section 1206, and to repeal section 1204, in chapter 1, title 7, of the code, in relation to the valuation of property for purposes of taxation, and to the maximum taxes permitted to be levied.	
Read first and second time and referred.....	530
248—By Lewis. A bill for an act to assign rooms Nos. 11 and 12 in the capitol building to the adjutant-general, and to provide that the executive council shall assign the present occupants of said rooms to others in the capitol building, and to make an appropriation to pay the expenses thereof.	
Read first and second time and referred.....	529
249—By Lyons. A bill for an act to legalize the acts of the board of directors of the independent school district of Elma in the levying of taxes for schoolhouse purposes.	
Read first and second time and referred.....	530
Reported.....	554
Passed Senate.....	577
Passed House amended.....	666
Senate concurs.....	668
Reported enrolled.....	787
Signed by Governor.....	1000
250—By Harriman. A bill for an act to repeal section 5374 of the code, in relation to indictment, and to enact a substitute in lieu thereof.	
Read first and second time and referred.....	538
Reported.....	704
Passed Senate.....	846
Passed House.....	977
Reported enrolled.....	996
Signed by Governor.....	1024

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251—By Young of Delaware. A bill for an act to authorize the executive council to pass upon and pay certain claims, the payment of which was provided for by an act of the Twenty-sixth General Assembly entitled an act to appropriate money to pay the claims of individuals and counties in Iowa for making an exhibit at the World's Exposition in New Orleans.	
Read first and second time and referred.....	547
Reported.....	769
Passed Senate.....	838
Passed House with amendments.....	944
Senate concurs.....	944
Reported enrolled.....	974
Sent to Governor.....	993
252—By Wallace. A bill for an act to amend section 2419, chapter 6, title 12, of the code, relating to the transportation of intoxicants to one not holding a permit.	
Read first and second time and referred.....	549
Reported.....	731
253—By McArthur. A bill for an act to provide for the publication of the proceedings of the semi-centennial celebration at Burlington, Iowa, in October, 1896.	
Read first and second time and referred.....	549
Indefinitely postponed.....	979
254—By Emmert. A bill for an act to protect the interest of owners of standard bred, thoroughbred and pure bred, registered, domestic male animals kept for public service.	
Read first and second time and referred.....	550
Indefinitely postponed.....	976
255—By Druet. A bill for an act to legalize the acts of the board of school directors of the independent school district of Lincoln, Marion county, Iowa, and of the board of directors of the independent school district of Tracy, Marion county, Iowa, in relation to the transfer of territory from one district to the other for school purposes.	
Read first and second time and referred.....	553
Reported.....	607
Passed Senate.....	851
Passed House.....	944
Reported enrolled.....	975
Sent to Governor.....	996
256—By Emmert, by request. A bill for an act relating to the powers and duties of highway officers and to provide for the construction and maintenance and improvement of highways.	
Read first and second time and referred.....	553
Indefinitely postponed.....	715
257—By Emmert, by request. A bill for an act defining the duties of county surveyors and providing compensation for the same.	
Read first and second time and referred.....	553
Indefinitely postponed.....	715

SENATE BILLS.

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255—By Young of Delaware. A bill for an act to amend section 1530, chapter 2, title 8 of the code, in relation to the levy and disbursement of the county road fund.	
Read first and second time and referred .....	579
Passed Senate.....	733
259—By Junkin. A bill for an act defining corrupt practices in elections and providing penalties for violation thereof.	
Read first and second time and referred .....	579
Reported and referred to sitting committee.....	606
260—By Alexander. A bill for an act to amend section 2812 of the code, relating to the powers of school corporations to issue bonds.	
Read first and second time and referred .....	579
Reported.....	674
Passed Senate.....	729
Passed House.....	930
Reported enrolled.....	969
Sent to Governor.....	993
261—By Young of Delaware. A bill for an act to amend section No. 2523, chapter 14, title 13 of the code, and to grant additional powers to the dairy commissioner	
Read first and second time and referred .....	588
Reported and again referred .....	702
Majority report to indefinitely postpone.....	918
262—By Wilson. A bill for an act to amend section 495, title 4, chapter 5 of the code, relating to the compensation of county recorders.	
Read first and second time and referred.....	591
Reported.....	916
263—By Mullan. A bill for an act to legalize the acts of the mayor and city council of the city of Waterloo, in making a certain contract with one J. B. McGorrick for paving certain streets in said city.	
Read first and second time and referred.....	591
Reported.....	690
Passed Senate.....	879
Passed House.....	778
Reported enrolled.....	867
Signed by Governor.....	1022
264—By Funk. A bill for an act to legalize the organization of the independent district of Everly, in Olay county, Iowa, and the acts of its board of directors.	
Read first and second time and referred.....	591
Reported.....	768
Passed Senate.....	863, 965
Passed House.....	930
Reported enrolled.....	1022
265—By McArthur. A bill for an act to amend section 4285 of the code, relating to the sale of pledged property.	
Read first and second time and referred.....	601

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266—By Fobart. A bill for an act to amend section 2588 of the code, in relation to the practice of medicine.	
Read first and second time and placed on the calendar.....	601
Passed Senate.....	732
Passed House.....	944
House recalls.....	952
Returned to House.....	953
Rejected by House.....	953
267—By Palmer. A bill for an act to prevent fraud in the sale of nursery stock and provide penalty for violation of same.	
Read first and second time and referred.....	619
Reported.....	648
268—By Finch. A bill for an act to amend sections 2390 and 2393 of the code, relating to pharmacy.	
Read first and second time and referred.....	648
Reported.....	743
269—By Young of Lee. A bill for an act to amend section 1306 of the code, in regard to levy of taxes in cities of the second class.	
Read first and second time and referred .....	648
Indefinitely postponed.....	861
270—By Cheshire. A bill for an act to amend section 216, chapter 4, title 3 of the code, relating to the reporter and reports of the supreme court.	
Read first and second time and referred .....	656
Reported.....	827
271—By Cheshire. A bill for an act to appropriate money to pay the heirs of William Park, being for property belonging to the estate of said William Park, which has escheated to the state.	
Read first and second time and referred .....	656
Reported.....	904
272—By Ericson, by request. A bill for an act to establish bird day.	
Read first and second time and referred .....	659
Indefinitely postponed.....	860
273—By Trewin. A bill for an act to amend section 2752 of the code, relating to boards of directors of school townships.	
Read first and second time and referred .....	667
Reported.....	735
Passed Senate.....	859
Passed House.....	1022
Reported enrolled.....	1061
274—By Titus. A bill for an act to legalize the levy of certain taxes for road purposes by the trustees of Murray township, in Louisa county.	
Read first and second time and referred .....	667
Reported.....	769
Passed Senate.....	847
Passed House.....	991
Reported enrolled.....	1014
Sent to Governor.....	1022
275—By Wallace. A bill for an act to amend section 2733 of the code, relating to normal institute fund.	
Read first and second time and referred .....	662

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276—By Trewin. A bill for an act to provide for depositories of public funds, the manner in which they shall be selected, and defining the liability thereof, and the duties and liabilities of custodian of public funds in certain cases. Read first and second time and referred.....	726
Referred to sifting committee.....	926
277—By Druet. A bill for an act to amend section 2589 of the code relative to examination of candidates for registration as pharmacists. Read first and second time and referred.....	753
Indefinitely postponed.....	841
Failed to pass.....	1085
278—By Allyn. A bill for an act to amend section 1088 of the code, in regard to holding school elections. Read first and second time and referred.....	759
279—By Committee on Appropriations. A bill for an act repealing section 2291 of the code, in relation to compensation for keeping patients in the insane hospitals, and to enact a section in lieu thereof. Read first and second time and placed on the calendar.....	781
Passed Senate.....	828
Passed House.....	1019
Reported enrolled.....	1031
Sent to Governor.....	1082
280—By Committee on Appropriations. A bill for an act amending section 2291 of the code, in relation to the support of the Orphans' Home and Home for Destitute Children. Read first and second time and placed on the calendar.....	781
Passed Senate.....	933
House rejects.....	1005
Senate places on file.....	1006
281—By Committee on Appropriations. A bill for an act making appropriation for the payment of the indebtedness of the School for the Deaf. Read first and second time and placed on the Calendar.....	781
Passed Senate.....	933
Passed House.....	1003
Reported enrolled.....	1013
Sent to Governor.....	1015
282—By Committee on Appropriations. A bill for an act amending section 2727 of the code, in relation to support of the School for the Deaf. Read first and second time and placed on the calendar.....	781
Passed Senate.....	983
Passed House.....	1006
Reported enrolled.....	1014
283—By Committee on Appropriations. A bill for an act to amend section 2608 of the code, in relation to the support of the Soldiers' Home. Read first and second time and placed on the calendar.....	781
Passed Senate.....	933
Passed House.....	1006
Reported enrolled.....	1014

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284—By Committee on Appropriations. A bill for an act to amend section 2718 of the code, in relation to the support of the College for the Blind. Read first and second time and placed on the calendar.....	781
Passed Senate.....	934
Passed House.....	1006
Reported enrolled.....	1014
Sent to Governor.....	1015
285—By Committee on Appropriations. A bill for an act to amend section 2724 of the code, in relation to admission to the School for the Deaf. Read first and second time and placed on the calendar.....	781
Passed Senate.....	829
286—By Committee on Appropriations. A bill for an act amending section 2712 of the code, in relation to the support of the Industrial School. Read first and second time and placed on calendar.....	781
Passed Senate.....	829
Passed House.....	1021
Reported enrolled.....	1022
287—By Finch. A bill for an act to amend section 4027 of the code, relating to sales on execution. Read first and second time and referred.....	789
288—By Hayward. A bill for an act to amend section 256 of the code, in relation to supreme courts. Read first and second time and referred.....	811
289—By Committee on Compensation of Public Officers. A bill for an act fixing the salary of the chief executive officer of certain state institutions. Read first and second time and placed on calendar.....	837
Reported and passed Senate.....	939, 949
Passed House.....	1003
Enrolled.....	1013
290—By Malloy. A bill for an act to amend section 2764 of the code, requiring secretaries of school corporations to register persons of school age. Read first and second time and referred.....	843
291—By Hobart, by request. A bill for an act to amend section 4353, of chapter 6, title 24, of the code of 1897, in relation to forgery and counterfeiting. Read first and second time and referred.....	843
292—By Young of Delaware. A bill for an act to amend section 2075 of the code, relating to judgments against street railways. Read first and second time and referred.....	878
293—By Penrose, by request. A bill for an act entitled an act to abolish taxation and increase revenues by the collection of economic rent of land values. Read first and second time and referred.....	879

SENATE CONCURRENT RESOLUTIONS.

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S. F.	PAGE
294—By Funk. A bill for an act to provide for the general levy for state purposes for the year 1893 and subsequent years, and to repeal section 1290 of the code. Read first and second time and referred.	947
Passed Senate	949
Passed House	990
Enrolled	1012
295—By Garst, from Committee on Appropriations. A bill for an act making an appropriation for the	

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payment of state and judicial officers, state and other expenses. Read first and second time.	1006
Passed Senate	1038
Passed House	1028
Enrolled	1041
296—By Berry. A bill for an act authorizing the executive council to use committee rooms for office purposes. Read first and second time.	1037
Passed Senate	1087
Passed House	1028
Enrolled	1041

SENATE JOINT RESOLUTIONS.

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1—Be it resolved by the General Assembly of the State of Iowa, That the following amendment to the constitution of the state of Iowa be, and the same is hereby proposed: To add as section 16 to article 12 of said constitution the following: "Section 16. The first election after the adoption of this amendment shall be held on the Tuesday next after the first Monday in November, in the year one thousand nine hundred and two, and biennially thereafter."	180
Substitute	253
Recommitted	327
Substitute for substitute reported.	422
Passed Senate	444
Passed House	680
Enrolled	737
2—Proposing amendment to the constitution of Iowa, relative to suffrage, and to provide for its reference and publication. Read first and second time and referred.	240
3—Relating to payment of extra employes in the capitol. Introduced and passed Senate.	249
Passed House	264
Enrolled	270
4—Proposing to amend the constitution so as to provide for trial by a jury of a less number than twelve men, and for a verdict to be rendered by less than the unanimous vote of the jury. Read first and second time and referred.	451
Reported (I. P.)	717

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5—Fixing compensation and number of employes in the departments, etc. Read first and second time.	887
Ordered engrossed	956
Reported engrossed	959
Read third time and passed Senate	993
Reconsidered	994
Supplemental report in third reading	1026
Passed Senate	1028
Passed House	1030
Enrolled	1035
6—Providing that the Governor be, and is hereby instructed to appoint, within thirty days after the adjournment of the Twenty-seventh General Assembly, a commission of three persons, one of whom shall be a woman, whose duty it shall be to thoroughly investigate all county poor houses in the state in which insane patients are kept, and all other institutions in which insane persons are confined and cared for, excepting only the state hospitals for the insane, for the purpose of ascertaining, etc. Referred.	900
Substitute reported and read first and second time.	923
Passed Senate.	979
7—Relative to supplying copies of the code to senators named, in place of those missing. Considered and passed Senate.	990
Passed House	1003
Enrolled	1015
8—Relative to sale of state armory lot, etc. Considered and passed Senate.	1005
Passed House	1019
Enrolled	1023

SENATE CONCURRENT RESOLUTIONS.

As to selection of employes other than clerks. Adopted, 4; House adopted, 20

As to suitable arrangements for inauguration of state officers. Adopted, 9; House concurs, 20.

That if the qualifications of all the applicants be equal the preference should be given to an ex union soldier for mail carrier. Adopted by Senate, 13.

Relative to furnishing stationery for the use of the Senate and House. Adopted, 14; passed House, 20, 75.

Concurrent resolution in relation to report of joint committee on additional help, was taken up. Read, 12; House concurs, 75; additional resolution from Senate, 192; House concurs, 238.

Relative to state making and furnishing public schoolbooks. Read, 99; indefinitely postponed, 480.

Senate concurrent resolution relative to joint convention to elect wardens of state penitentiaries, state printer, and state binder. Passed Senate, 210; amended by House, 215; Senate concurs, 215.

That the Secretary of State is hereby directed to furnish for the use of the federal courts, a copy of the code for each of the following named places: Cedar Rapids, Fort Dodge, Sioux City, Council Bluffs and Keokuk, for the common use of the bench and bar. Passed Senate, 264.

That the Secretary of State be authorized to have 500 copies of the Official Register bound each year in leather, the cost of the binding not to exceed 25 cents per copy. Failed to pass, 297.

That the custodian of the capitol be requested to purchase one dozen cheap tables suitable for the use of clerks of committees in the use of typewriters. Adopted, 315; House non-concurs, 328.

Relative to establishment of national military park at Vicksburg, Tenn. Referred, 324; reported and adopted by Senate, 918.

Relative to memorial from grain shippers' association of northwestern Iowa. Adopted, 332.

Relative to adjournment February 19th to 23d. Adopted, 407; House non-concurs with amendment, 418; Senate non-concurs in amendment, 420; indefinitely postponed, 446.

As to pardoning Theodore Bushick. Reported, 507; passed Senate, 858.

Relative to free libraries in school districts. Adopted, 649; House concurs, 877.

To investigate certain railway wreck at Hubbard Iowa. Adopted, 813; House concurs, 919.

As to paying policeman for extra service at the state house. Adopted, 837; passed House, 931.

As to maintenance of the secretary's office of the Agricultural society. Laid over, 991; motion to take up lost, 992.

As to employment of extra help in the document room. Adopted, 993; passed House, 1039.

Relative to final adjournment. Adopted by Senate, 993; House amends, 1021; Senate reconsiders, 1021.

As to our relations with Spain. Adopted, 1026.

## HOUSE BILLS.

## RECEPTION AND ACTION.

H. F.	PAGE
1—A bill for an act to amend section 2906 of the code of Iowa (annotated) and to provide for the manner of distributing funds in the hands of the county treasurer belonging in common to all schools of the county, was read first and second time and passed on file	236
Reported.....	244
Passed Senate.....	265
Enrolled.....	310
2—A bill for an act to amend section 3095 of the code of 1897, in relation to the priority of mechanics' liens, was read first and second time and referred.....	270
Reported.....	458
4—A bill for an act to amend section 3071 of the code of 1897, relating liability for injuries to employes or by negligence or wilful wrongs of employes as co-employes, was read first and second time and referred.....	241
Indefinitely postponed.....	533
10—Substitute for H. F. 10. A bill for an act to amend section 91 of the code of 1897, was read first and second time and referred.....	523
Reported with amendments.....	832
11—A bill for an act to amend section 3675 of the code, concerning the use of the original shorthand notes in an action or a transcript thereof as a deposition, was read first and second time and referred.....	238
Indefinitely postponed.....	499

H. F.	PAGE
12—A bill for an act to amend section 2943, concerning the taking and certifying of acknowledgments of written instruments by notaries public, was read first and second time and referred.....	241
Indefinitely postponed.....	339
13—Substitute for H. F. 12. A bill for an act to amend sections 2943 and 2946 of the code, relating to the taking and certifying of acknowledgments of written instruments by notaries public, with report of Committee on Judiciary recommending indefinite postponement, was taken up for consideration, and on motion of Senator Cheshire the bill was reported.....	400
Passed Senate.....	625
Enrolled.....	668
15—A bill for an act to regulate the practice of barbering, the licensing of persons to carry on such practice and to secure the better education of such practitioners in the state, was read first and second time and referred.....	514
Reported.....	767
16—A bill for an act to amend section 2483 of the code, relating to the ventilation of mines, was read first and second time and referred.....	470
Reported.....	619
Passed Senate.....	668
Enrolled.....	787



H. F.	PAGE
17—A bill for an act to amend the title to chapter 6 of title 13 of the code, and also to amend sections 2683, 2685 and 2688 of the code, relating to the Orphans' Home and the Home for Destitute Children, was read first and second time and referred	294
Reported indefinitely postponed	480
Reintroduced	596
19—A bill for an act to amend and revise code of Iowa, 1897, in relation to distribution of public documents, was read first and second time and referred	241
Reported	290
Passed Senate	469
Reconsidered	761
Passed Senate	761
Enrolled	867
21—Substitute for H. F. No. 21—A bill for an act to amend section 1661 of the code, in relation to state and county and district agricultural societies, was read first and second time and referred	319
Reported	454
Substitute passed	501
Enrolled	668
26—A bill for an act to amend section 1906, chapter 13, title 9 of the code of Iowa, in relation to building and loan associations, was read first and second time and referred	270
Referred to sifting committee	1023
29—A bill for an act to provide for the printing of the deaf and dumb alphabet in readers and spellers, was read first and second time and referred	253
Indefinitely postponed	427
30—A bill for an act to amend section 2490 of the code, relative to screening coal and adding a penalty for the violation of said section, was read first and second time and referred	470
Indefinitely postponed	850
31—A bill for an act to amend section 1096 of the code, in relation to time of closing polls at elections. Read first and second time and referred	405
Indefinitely postponed	505
Minority report	819
35—A bill for an act to legalize the acts of the board of directors of the independent school district of Stuart in the levying of taxes for school purposes, was read first and second time and referred	252
Reported	289, 350
Passed Senate	351
Enrolled	417
39—A bill for an act to amend section 683, chapter 3 title 5, in relation to appropriation of money in towns, was read first and second time and referred	485
Reported	499, 584
Passed Senate	585
Enrolled	1013
44—A bill for an act to repeal section 144 of the code, was read first and second time and referred	283
Reported	309
Passed Senate	311
Enrolled	368

H. F.	PAGE
45—A bill for an act to amend section 2583, chapter 17, page 866, title 12, of the code, relating to practice of medicine, was read first and second time and referred	238
Reported	407
Passed Senate	593
Enrolled	612
52—Substitute for H. F. 52. A bill for an act making appropriations the construction of additional storage building at the Soldiers' home at Marshalltown, Iowa, and for the old people's building and furnishing the same. Referred	922
Amended and passed Senate	954-956
Enrolled	975
54—Substitute for H. F. 54. A bill for an act to repeal section 1347 of the code, relating to peddlers, was read first and second time and referred	545
Reported	664
Passed Senate	802
Enrolled	951
55—A bill for an act to amend section 2754 of the code of 1897, relative to election in independent school districts providing for the increasing of the board from three to five members in certain cases, was read first and second time and referred	265
Reported substitute	408
Passed Senate	438
Enrolled	430
58—Substitute for H. F. 58. A bill for an act making appropriation for the Hospital for the Insane at Independence, was read first and second time and referred	394
Reported	908
Passed senate	930
Enrolled	970
64—A bill for an act to legalize the acknowledgments of deeds and conveyances of land, was read first and second time and referred	270
Reported	450
Passed Senate	570
Enrolled	663
66—A bill for an act to legalize the incorporation of the town of Havelock, Pocahontas county, Iowa, the election of its officers and all acts done and ordinances passed by the council of said town, was read first and second time and referred	448
Reported	476
Passed Senate	571
Enrolled	681
70—Substitute for H. F. 70. A bill for an act making appropriation for the Institution for Feeble-Minded Children at Glenwood, Iowa, was read first and second time and referred	264
Reported	372
Passed Senate	376
Enrolled	951
71—A bill for an act to amend section 2564 of the code of Iowa, in relation to public health districts, was read first and second time and referred	371
Recommitted	681

H. F.	PAGE	H. F.	PAGE
72—A bill for an act to amend section 510 of the code, relating to the appointment of deputy sheriffs by the sheriff of the county, was read first and second time and referred.....	859	96—A bill for an act to protect the meandered lakes of Iowa and to give the executive council the control of certain lakes and lake beds, was read first and second time and referred.....	448
Indefinitely postponed.....	863	Reported.....	662
Substitutes for H. F's. 73 and 76. A bill for an act to amend sections 2646, 2647 and 2650 of the code of Iowa, enlarging the board of trustees of State College of Agriculture and Mechanic Arts, providing a chairman thereof, and for the time of meeting of said board, and the dates of the college year, was read first and second time and referred.....	871	Passed Senate amended.....	700
Reported.....	881	House refuses to concur.....	865
Passed Senate.....	884	Referred.....	865
Enrolled.....	788	98—A bill for an act to amend sections 1700 and 1732, chapter 4, title 9 of the code, relative to insurance other than life, was read first and second time and referred.....	477
77—A bill for an act authorizing the board of trustees of the State College of Agriculture and Mechanic Arts to purchase land for the purpose of agricultural experimentation, was read first and second time and referred....	469	Reported substitute.....	459
Passed Senate.....	471	Passed Senate.....	694
Enrolled.....	473	Enrolled.....	867
81—A bill for an act to prevent the adulteration and deception in the sale of linseed or flaxseed oil, and to regulate the sale thereof, was read first and second time and referred.....	381	99—A bill for an act to amend section 2738 of the code, relative to the disbursement of the institute fund, was read first and second time and referred.....	787
Passed Senate.....	414	Reported.....	773
Enrolled.....	490	Passed Senate.....	860
84—Substitute for H. F. 84. A bill for an act making appropriation for the College for the Blind, at Vinton, Iowa, was read first and second time and referred.....	858	Enrolled.....	951
Reported.....	873	101—A bill for an act to amend section 2754, code of Iowa, relative to the term of office of school treasurers in districts composed in part or whole of incorporated towns, was read first and second time and referred.....	806
Passed Senate.....	874	Reported.....	831
Enrolled.....	951	Failed to pass.....	832
87—A bill for an act to provide for the destruction of weeds and grass on public highways, was read first and second time and referred.....	513	Reconsidered.....	336
Substitute reported.....	519, 871	Passed Senate.....	856
Passed Senate.....	890	Enrolled.....	403
Reported enrolled.....	1014	102—A bill for an act to legalize the ordinances passed by the incorporated town of Arion, Crawford county, Iowa, was read first and second time and referred.....	238
92—A bill for an act to amend section 1810 of the code of Iowa (annotated), and to encourage the production of sugar from beets grown in the state, was read first and second time and referred....	845	Reported.....	254
Reported substitute.....	639	Passed.....	255
Passed Senate.....	671	Enrolled.....	424
Enrolled.....	787	103—A bill for an act making an appropriation for the relief of Private James Dally of company F, Fourth regiment Iowa National Guard, who was injured while in the discharge of his duty, was read first and second time and referred.....	513
93—Substitute for H. F. 93. A bill for an act to amend sections 2708, 2709 and 2711 of title 13, chapter 8, of the code, in relation to discharge of boys and girls from industrial schools, was read first and second time and referred.....	270	Reported.....	549
Reported to postpone.....	443	Passed Senate.....	781
Reported again.....	758	Enrolled.....	867
Passed Senate.....	764	105—Substitute for H. F. 105. A bill for an act amending section 2638 of the code, relating to annual appropriations for the normal school at Cedar Falls, Iowa, was read first and second time and referred.....	865
Enrolled.....	868	Reported.....	873
95—A bill for an act to amend sections 3940, 3942 and 3943 of the code of Iowa, relating to the summoning and fees of garnishees, was read first and second time and referred.....	807	Passed Senate.....	876
Indefinitely postponed.....	337	Enrolled.....	975
		106—Substitute for H. F. 106. A bill for an act making appropriation for normal school at Cedar Falls, Iowa, was read first and second time and referred.....	820
		Passed Senate.....	952
		Enrolled.....	975
		108—Substitute for H. F. 108. A bill for an act making appropriations for the Iowa industrial school, boys' department, at Eldora, Iowa, was read first and second time and referred.....	895
		Reported.....	904
		Passed Senate.....	932
		Enrolled.....	970

H. F.	PAGE	H. F.	PAGE
112—Substitute for H. F. 112. A bill for an act to amend section 2734 of the code of Iowa, relating to the qualification of county superintendents, was read first and second time and referred.....	819	133—A bill for an act to legalize the act of the board of supervisors of Appanoose county, Iowa, in authorizing the transfer of money from the swamp fund to the general county fund, was passed on file.....	812
Reported substitute.....	735	Passed Senate.....	813
Passed Senate.....	760	Recalled by House.....	833
Enrolled.....	1031	Reconsidered by Senate, amended and passed.....	830
113—Substitute for H. F. 113. A bill for an act making appropriation for the Iowa School for the Deaf at Council Bluffs, Iowa, was read first and second time and referred.....	865	Enrolled.....	817
Passed Senate.....	831	134—Substitute for H. F. 134. A bill for an act making appropriation for the Iowa Hospital for the Insane at Clarinda, Iowa, was read first and second time and referred.....	858
Enrolled.....	970	Passed Senate.....	928
114—A bill for an act to amend subdivision 12 of section 1005 of the code, relating to cities under special charters levying a special bridge tax, was read first and second time and referred.....	896	Enrolled.....	975
Reported.....	849	136—A bill for an act to amend section 1752 of the code of Iowa, relating to fees of insurance companies operating under chapter 4, title 9, of the code, was read first and second time and referred.....	456
Passed Senate.....	850	Substitute reported.....	489
Enrolled.....	402	Passed Senate.....	694
120—Substitute for H. F. 120. A bill for an act providing for the listing and taxing of mortgages or other liens upon real estate, was read first and second time and referred.....	759	Enrolled.....	867
Indefinitely postponed.....	818	139—A bill for an act to amend sections 2728, 2730, 2731, 2732, and repeal section 2733 of the code of 1897, and enact a substitute therefor, in relation to county high schools, was read first and second time and referred.....	556
121—A bill for an act to amend section 490, subdivision 5, chapter 4, title 4 of the code, relating to the compensation of county treasurers, was taken up and considered.....	830	Reported.....	715
Passed Senate.....	231	Passed Senate.....	755
Enrolled.....	404	Enrolled.....	950
126—Substitute for H. F. 126. A bill for an act to legalize and make valid ordinances and resolutions passed and adopted by Cedar Rapids Iowa, not signed by mayor or clerk, was read first and second time and referred.....	345	140—A bill for an act to repeal section 3912 of the code, and to enact a substitute therefor, relating to the sale of perishable property when seized under a writ of attachment, was read first and second time and referred.....	484
Reported.....	497	Recalled and returned.....	496
Passed Senate.....	573	Returned to Senate and placed on file.....	749
Enrolled.....	631	145—A bill for an act to legalize a resolution of the city council of the city of Des Moines, Iowa, passed August, 1897, approving a contract with the McCaskey & Holcomb Co., for the construction, operation and maintenance of an electric light plant for said city, was read first and second time and referred.....	566
128—A bill for an act to extend certificates of authority issued to insurance companies and their agents under chapter 4, title 9 of the code of 1873, was read first and second time and referred.....	276	Reported.....	608
Reported.....	283	Passed Senate.....	683
Passed Senate.....	293	Enrolled.....	718
Enrolled.....	310	146—Substitute for H. F. 146. A bill for an act granting the city of Des Moines lots 7 and 8, block 33, of the original town of Fort Des Moines, now included in the city of Des Moines, Polk county, Iowa, was read first and second time and referred.....	671
130—Substitute for H. F. 130. A bill for an act making an appropriation for the penitentiary at Fort Madison, Iowa, was read first and second time and referred.....	865	Substitute reported.....	683
Reported.....	872	Passed Senate.....	948, 953
Passed Senate.....	874	House refuses to concur.....	991
Enrolled.....	951	House recalls.....	1007
132—A bill for an act to amend section 2302 of the code, relative to change of place of conducting pharmacy, was read first and second time and referred.....	894	147—A bill for an act prohibiting the adulteration of candy and prescribing penalties for the violation of the provisions thereof, was read and passed on file.....	545
Reported.....	384	Passed Senate.....	685
Passed Senate.....	434	Enrolled.....	1032
Enrolled.....	454		

H. F.	PAGE
148—A bill for an act to facilitate the drainage of wet lands and provide a more equitable apportionment of the taxes incident to such work, and to repeal sections 1940 and 1946 of the code and to enact a substitute therefor, and to amend section 1941 of the code, was read first and second time and referred.....	759
Reported and passed on file.....	1002
150—A bill for an act to prohibit illegal voting at primary elections and caucuses, and providing a penalty therefor, was read.....	759
Passed Senate.....	774
Enrolled.....	951
155—Substitute for H. F. 155. A bill for an act making appropriations for the Industrial Home for the Blind, at Knoxville, Iowa, was read first and second time and referred.....	895
Reported.....	904
Passed Senate.....	927
Enrolled.....	975
156—Substitute for H. F. 156. A bill for an act making an appropriation for the fish and game commission of the state of Iowa, was read first and second time and referred.....	872
Reported.....	886
Passed Senate.....	927
Enrolled.....	975
157—A bill for an act to amend section 1833 of the code, relative to the issuing of state auditor's certificates to fraternal beneficiary societies, orders or associations, was read first and second time and referred.....	514
Reported.....	715
Passed Senate.....	963
Enrolled.....	963
159—A bill for an act to legalize the election of town officers in the town of Matlock, was read first and second time and referred.....	845
Reported.....	851
Passed Senate.....	858
Enrolled.....	490
160—A bill for an act to legalize the ordinances and acts of the incorporated town of Lehigh, Webster county, Iowa, was read first and second time and referred.....	371
Substitute reported.....	497
Passed Senate.....	572
Enrolled.....	663
161—A bill for an act to amend section 4606, title 1, chapter 23, of the code, in relation to husband and wife as witnesses, was read first and second time and referred.....	448
Reported.....	553
Passed Senate.....	775
House refused to concur.....	864
Recommitted.....	965
Conference committee.....	996
Passed Senate.....	999
Enrolled.....	1014
162—A bill for an act relating to certain fines and penalties provided for by section 2083 of the code, pertaining to automatic couplers, was read first and second time and referred.....	371
Passed Senate.....	389
Enrolled.....	474

H. F.	PAGE
161—A bill for an act to better protect deer, elk, and goats and preventing injury thereto, and provide a penalty for such injuries, was read first and second time and referred.....	556
Reported.....	638
Passed Senate.....	777
Enrolled.....	867
165—A bill for an act appropriating additional money for an exhibit of the resources of the state of Iowa at the Trans-Mississippi and International exposition to be held at Omaha in the year 1898, was read first and second time and referred.....	696
Reported.....	804
Passed Senate.....	806
House refused to concur.....	815
Conference.....	893
Report of conference adopted.....	894
Passed Senate.....	806
Enrolled.....	1014
174—A bill for an act to amend section 1508 of the code, relative to roads in cities or towns, was read first and second time and referred.....	469
Indefinitely postponed.....	821
177—A bill for an act to amend section 2400 of the code, relating to revocation of pharmacist's permits, was read first and second time and referred.....	514
Reported.....	744
Passed Senate.....	757
Enrolled.....	859
178—A bill for an act to amend section 700 of the code, relating to the power of cities to regulate and tax certain kinds of business, was read first and second time and referred.....	514
Reported.....	628
Passed Senate.....	734
Enrolled.....	868
181—A bill for an act to provide for the sale and distribution of the school laws of Iowa, was read first and second time and referred.....	710
Passed Senate.....	974
183—Concurrent substitute for H. F. 183, a bill for an act to define certain qualifications for the office of auditor of state, was read first and second time and referred.....	470
Reported.....	526
185—A bill for an act for the relief of James T. Ward, was read first and second time and referred.....	817
Reported.....	824
Falls to pass.....	1004
191—Substitute for H. F. 191. A bill for an act to allow to Ellen Neston a refund of money paid to the state of Iowa for certain lands which the state had no right or authority to sell, was read first and second time and referred.....	669
Recommitted.....	745
Indefinitely postponed.....	967
194—A bill for an act to amend section 1436 of the code, relating to redemption of land from tax sale, was read first and second time and referred.....	556
Recommitted.....	666
Reported.....	739
Passed Senate.....	986
Enrolled.....	1013

H. F.	PAGE
199—A bill for an act to amend sections 1305, 1321, 1360, 1361 and 1373 of the code, and to provide shorter forms for assessors' book and assessment rolls, was read first and second time and referred.....	526
Reported and passed on file.....	580
Passed Senate.....	641
Enrolled.....	953
200—A bill for an act to provide for the publishing of the road laws in pamphlet form, was read first and second time and referred....	470
Reported.....	660
Passed Senate.....	780
Enrolled.....	869
203—A bill for an act making an appropriation for the purchase of 26,000 railroad commissioners' official maps to be distributed by the members of the general assembly and also railroad commissioners, was read first and second time and referred.....	381
Reported.....	519
Passed Senate.....	598
206—A bill for an act to amend sections 696, 700 and 737, chapter 4, title 5 of the code, in relation to the general powers of cities and towns, was read first and second time and referred.....	513
Reported.....	626
Passed Senate.....	778
Enrolled.....	867
204—A bill for an act to amend section 3792 of the code, relating to the restoration of territory to the territory to which it geographically belongs, which has been set off to an adjoining school township in the same or another county, was read first and second time and referred.....	804
Indefinitely postponed.....	785
Recommitted.....	806
Reported.....	837
205—A bill for an act authorizing the state librarian to classify and catalogue the books in the state library and making an appropriation therefor, was read first and second time and referred.....	891
Reported.....	919
Passed Senate.....	980
Enrolled.....	970
206—Substitute for H. F. No. 206—A bill for an act to further provide for the erection of a historical, memorial and art building, was read first and second time and referred.....	690
Reported.....	660
Passed Senate.....	806
Enrolled.....	864
211—A bill for an act to legalize the incorporation of the town of Bondurant, Polk county, Iowa, the election of the officers, and all the official acts done and ordinances passed by the council of said town in contravention with the laws of the state of Iowa, was read first and second time and referred.....	448
Reported.....	475
Passed Senate.....	571
Enrolled.....	665

H. F.	PAGE
215—Substitute for H. F. No. 215—A bill for an act to amend section 2329 of the code, relating to the discharge of the incurable insane, was read first and second time and referred.....	799
Indefinitely postponed.....	917
217—A bill for an act to repeal section 5016 of the code, relating to dead swine and to enact a substitute therefor, was read first and second time and referred.....	588
Reported.....	771, 984
Passed Senate.....	984
Enrolled.....	1013
219—A bill for an act to amend section 3947 of the code, relating to notice to defendant in case of garnishment, was read first and second time and referred.....	486
Reported.....	498
Passed Senate.....	595
Enrolled.....	631
220—A bill for an act to amend section 1815, chapter 8, title 9 of the code, relative to life insurance companies and associations. Read first and second time and referred.....	484
Reported.....	530
Passed Senate.....	861
224—A bill for an act to amend section 227 of the code and to provide an additional judge for the Twelfth judicial district, was read first and second time and placed on the calendar.....	617
Passed Senate.....	671
Enrolled.....	787
226—A bill for an act to legalize certain acknowledgments of deeds, mortgages and other instruments affecting the title of real estate, was read first and second time and referred.....	690
Reported.....	770
Indefinitely postponed.....	1020
227—A bill for an act to legalize the incorporation of the town of Dumont, Butler county, Iowa, the election of its officers and certain ordinances passed by the council of said town, was read first and second time and referred.....	483
Reported.....	497
Passed Senate.....	574
Enrolled.....	631
230—A bill for an act to amend section 4045 of the code, in relation to redemption by debtor, was read first and second time and referred.....	561
Reported.....	663
Passed Senate.....	730
Enrolled.....	868
232—A bill for an act to reimburse Bremer county, Iowa, for the maintenance of Mary B. Coburn, Charles E. Coburn and Ada M. Mears, soldiers' orphans, at Soldiers' Orphans' Home at Davenport, Iowa, was read first and second time and referred.....	817
Reported.....	805
Passed Senate.....	928
Enrolled.....	970

H. F.	PAGE
230—A bill for an act to amend subdivision of section 1304 of the code, providing for exemption in favor of soldiers' and sailors' wives when they own such homestead or real estate in their own name, was read first and second time and referred.....	680
Reported.....	819
232—Substitute for H. F. 232—A bill for an act to amend sections 5240 and 5245 of the code, relating to the drawing and impanelling of the grand jury and challenges thereto, and providing for the summoning of additional grand jurors in case of challenges to the panel or to individual jurors being allowed, and to repeal section 340 of the code, was read first and second time and referred.....	668
Reported.....	881, 1015
Passed Senate.....	1017
Enrolled.....	1040
234—A bill for an act to amend section 1345 of the code, relating to the taxation of express companies, was read first and second time and referred.....	485
Reported.....	490, 937
Passed Senate.....	960
Enrolled.....	970
235—A bill for an act to legalize the ordinances of the town of Dows, Wright county, Iowa, and all the official acts of the officers, was read first and second time and referred.....	484
Reported.....	499
Returned.....	544
Recalled.....	602
237—A bill for an act to legalize the organization of the independent school district of Eureka, Woodbury county, Iowa, was read first and second time and referred.....	484
Reported.....	498
Passed Senate.....	574
Enrolled.....	602
241—A bill for an act to amend section 2401 of the code, relative to conducting business under permits, was read first and second time and referred.....	566
Reported.....	744
244—Substitute for H. F. 244. A bill for an act to regulate the practice of osteopathy in the state of Iowa, was read first and second time and referred.....	662
Reported.....	767
Passed Senate.....	936
Enrolled.....	978
246—Substitute for H. F. 246. A bill for an act to prohibit the bringing into the state any nursery stock infested with the San Jose scale, and to prevent the spread of the scale within the state, was read first and second time and referred.....	921
Reported.....	1177
Passed Senate.....	1018
Enrolled.....	1040

H. F.	PAGE
249—A bill for an act to legalize the incorporation of the town of Grafton, Worth county, Iowa, the election of its officers and all acts done and ordinances passed by the council of said town, was read first and second time and referred.....	564
Reported.....	607
Passed Senate.....	778
Enrolled.....	970
250—A bill for an act making appropriation to provide a special teacher for Linnie Hagewood, was read first and second time and referred.....	480
Passed Senate.....	762
Enrolled.....	867
255—A bill for an act to amend section 1333 of the code, relative to taxation of insurance companies, was read first and second time and referred.....	561
Indefinitely postponed.....	818
256—A bill for an act to provide for the consolidation of life and accident insurance companies or associations doing business under the laws of Iowa and for transfer or reinsurance of their risks, was read first and second time and referred.....	584
Substitute reported.....	784
Passed Senate.....	846
257—A bill for an act to amend an act of the extra session of the Twenty-sixth General Assembly, entitled "an act to provide for the annotation, indexing, publication, distribution and sale of the code and statutes hereinafter enacted," was read first and second time and referred.....	726
261—Substitute for H. F. 261. A bill for an act to amend section 4826 of the code, relating to malicious mischief and trespass was read first and second time and referred.....	922
265—Substitute for H. F. 265. A bill for an act to amend section 4850 of chapter 5, title 24 of the code, in relation to taking goods from the charge or custody of an officer, was read first and second time and referred.....	562
Reported.....	743
Passed Senate.....	1012
Enrolled.....	1031
267—A bill for an act for the relief of William Desmond was read first and second time and placed on the calendar.....	680
Passed Senate.....	770
Enrolled.....	787
269—Substitute for H. F. 269, a bill for an act to amend section 4142 of the code, relative to costs of translating shorthand notes in appeal to supreme court, was read first and second time and referred.....	618
Reported.....	659
Enrolled.....	863

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## JOURNAL OF THE SENATE.

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SENATE CHAMBER, }  
DES MOINES, Iowa, Monday, January 10, 1898. }

Pursuant to law, the Twenty-seventh General Assembly convened at 10 o'clock A. M., and was called to order by Lieutenant Governor Parrott.

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

Senator Trewin moved that the officers of the Twenty-sixth General Assembly present be made the temporary officers, and those selected for the other positions be filled by those nominated by the republican caucus.

Carried.

The following temporary officers appeared before the bar of the Senate and were sworn in:

G. A. Newman, secretary; C. H. Talmadge, first assistant secretary; T. H. Sibly, second assistant secretary; L. E. Hollowell, journal clerk; G. A. Nichols, journal clerk; Mrs. Carrie Sherman, engrossing clerk; Captain Collins, sergeant-at-arms; W. H. McFarland, chief doorkeeper; Chas. McClure, file clerk; B. C. Armstrong, doorkeeper; H. H. Palmer, doorkeeper; N. M. Brown, doorkeeper; V. A. Jones, doorkeeper; G. H. Russell, doorkeeper; Joseph Vos, doorkeeper; Eugene Stiles, doorkeeper; Albert Root, doorkeeper; Grant Townsend, doorkeeper.

Senator Funk moved that Senator L. R. Bolter be permitted to hold the seat he held so long in this body, being No. 27.

Carried.

Senator Berry offered the following resolution:

*Resolved*, That the holdover and re-elected Senators be accorded the privilege of retaining the seats occupied by them at the close of the last session of the Twenty-sixth General Assembly.

Adopted.

Senator Everall moved that a committee of five be appointed on credentials.

Carried.

President Parrott appointed the following committee on credentials:

Senators Everall, Kilburn, Lothrop, Gilbertson, Hotchkiss.

Senator Lothrop moved that the roll of the holdover Senators be called to ascertain who were present.

Carried.

The roll was called and the following holdover Senators were present:

Senators Allyn, Bell, Berry, Byers, Carney, Carroll, Druet, Ellison, Ericson, Everall, Funk, Gilbertson, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Pusey, Ranck, Trewin, Young.

Senator Carroll offered the following motion:

I move that the newly elected Senators obtain seats by casting lots, and that the names of such Senators be placed in a hat and drawn out one at a time by the Secretary, and as a name is announced the Senator will select his seat from those unoccupied.

Carried.

The selection of seats by the newly elected members resulted as follows:

Emmert, 24; McIntire, 39; McArthur, 15; Mullan, 40; Lewis, 11; Wallace, 32; Wilson, 43; Titus, 49; Finch, 9; Lyons, 10; Malloy, 6; Hayward, 2; Young, 8.

Senator Everall, from the Committee on Credentials, presented the following report:

MR. PRESIDENT—Your Committee on Credentials find the following named Senators entitled to seats in the Twenty-seventh General Assembly:

First district—D. A. Young.

Second district—Thomas Bell.

Third district—B. F. Carroll.

Fourth district—H. L. Byers.

Fifth district—G. S. Allyn.

Sixth district—W. O. Mitchell.

Seventh district—William Eaton.

Eighth district—Joseph M. Junkin.

Ninth district—William Corse McArthur.

Tenth district—David J. Palmer.

Eleventh district—W. H. Berry.

Twelfth district—W. R. Lewis.

Thirteenth district—W. A. McIntire.

Fourteenth district—L. C. Blanchard.

Fifteenth district—Samuel Druet

Sixteenth district—L. M. Kilburn.

Seventeenth district—A. C. Hotchkiss.

Eighteenth district—J. M. Emmert.

Nineteenth district—N. M. Pusey.  
 Twentieth district—G. M. Titus.  
 Twenty-first district—W. C. Hayward.  
 Twenty-second district—John L. Wilson.  
 Twenty-third district—Alfred Hurst.  
 Twenty-fourth district—F. O. Ellison.  
 Twenty-fifth district—C. S. Ranck.  
 Twenty-sixth district—J. S. Alexander.  
 Twenty-seventh district—T. D. Healy.  
 Twenty-eighth district—J. L. Carney.  
 Twenty-ninth district—J. R. Gorrell.  
 Thirtieth district—Thos. A. Cheshire.  
 Thirty-first district—C. J. A. Ericson.  
 Thirty-second district—J. S. Lothrop.  
 Thirty-third district—Daniel H. Young.  
 Thirty-fourth district—Lemuel R. Bolter.  
 Thirty-fifth district—Francis E. Malloy.  
 Thirty-sixth district—John Everall.  
 Thirty-seventh district—Joseph Wallace.  
 Thirty-eighth district—Charles W. Mullan.  
 Thirty-ninth district—Geo. McCraig.  
 Fortieth district—J. H. Trewin.  
 Forty-first district—G. S. Gilbertson.  
 Forty-second district—D. A. Lyons.  
 Forty-third district—Walter F. Harriman.  
 Forty-fourth district—William B. Perrin.  
 Forty-fifth district—E. G. Penrose.  
 Forty-sixth district—A. C. Hobart.  
 Forty-seventh district—A. B. Funk.  
 Forty-eighth district—Warren Garst.  
 Forty-ninth district—Henry Hospers.  
 Fiftieth district—Parley Finch.

JOHN EVERALL,  
 L. M. KILBURN,  
 J. S. LOTHROP,  
 A. C. HOTCHKISS,  
 G. S. GILBERTSON,  
*Committee.*

Senator Everall moved that the report be adopted.

Carried.

Senator Pusey moved that the roll of the newly elected members be called and that they appear at the bar of the Senate and take the oath of office.

Carried.

The following newly elected Senators appeared at the bar and were sworn in:

Senators Bolter, Cheshire, Eaton, Emmert, Finch, Garst, Gorrell, Hayward, Lewis, Lyons, Mullan, Malloy, McArthur,

McIntire, Palmer, Penrose, Perrin, Titus, Wallace, Wilson, Young of Lee.

The newly elected Senators subscribed to the following oath of office:

We do solemnly swear to support the Constitution of the United States and the Constitution of the State of Iowa, and that we will faithfully discharge the duties of Senators to the best of our ability.

Senator Berry offered the following resolution:

*Resolved*, That a committee of three be appointed to confer with a committee of the House and nominate a candidate for mail carrier.

Adopted.

Senator Penrose offered the following resolution:

*Resolved*, That the rules of the Senate of the regular session of the Twenty-sixth General Assembly be in force and effect until the report of the Committee on Rules shall have been adopted.

Adopted.

Senator Carney offered the following concurrent resolution:

*Resolved by the Senate, the House concurring*, That a joint committee of three from the Senate and three from the House, be appointed to select employes other than committee clerks, necessary to facilitate the business of the Twenty-seventh General Assembly.

Laid over.

Senator Ellison moved that the Senate now proceed to the election of permanent officers.

Carried.

Senator Ellison nominated Geo. A. Newman of Black Hawk county, for secretary of the Senate.

Those voting for Geo. A. Newman were:

Senators Allyn, Bell, Berry, Byers, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hobart, Hoppers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyons, Mullan, McArthur, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware—34.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Craig, Emmert, Ericson, Everall, Gorrell, Healy, Hurst, Malloy, Mitchell, McIntire, Ranck, Wilson, Young of Lee—16.

So Geo. A. Newman was declared duly elected.



Senator Ellison nominated C. H. Talmadge, of Fayette county, for first assistant secretary.

Those voting for C. H. Talmadge were:

Senators Allyn, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Mullan, McArthur, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware—33.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Craig, Emmert, Ericson, Everall, Gorrell, Healy, Hurst, Lyons, Malloy, Mitchell, McIntire, Ranck, Wilson, Young of Lee—17.

So C. H. Talmadge was declared duly elected first assistant secretary.

Senator Ellison nominated S. P. Miles, of Floyd county, for second assistant secretary.

Those voting for S. P. Miles were:

Senators Allyn, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Finch, Funk, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Mullan, McArthur, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware—32.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Craig, Emmert, Ericson, Everall, Garst, Gorrell, Healy, Hurst, Lyons, Malloy, Mitchell, McIntire, Ranck, Wilson, Young of Lee—18.

S. P. Miles was declared elected second assistant secretary of the Senate.

Senator Ellison nominated for journal clerks, G. A. Nichols of Emmett county, and F. C. McCutchen of Ida county.

Those voting for G. A. Nichols and F. C. McCutchen were:

Senators Allyn, Berry, Byers, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hober, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Mullan, McArthur, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware—32.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Bolter, Craig, Emmert, Ericson, Everall, Gorrell, Healy, Hurst, Lyons, Malloy, Mitchell, McIntire, Ranck, Wilson, Young of Lee—18.

G. A. Nichols and F. C. McCutchen were declared elected journal clerks of the Senate of the Twenty-seventh General Assembly.

Senator Trewin presiding.

Senator Ellison nominated for engrossing clerk Mrs. Carrie G. Sherman, of Benton county.

Those voting for Mrs. Carrie G. Sherman for engrossing clerk were:

Senators Allyn, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Emmert, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Mullan, McArthur, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Young of Delaware—33.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Craig, Ericson, Everall, Gorrell, Healy, Hurst, Lyons, Malloy, Mitchell, McIntire, Ranck, Wallace, Wilson, Young of Lee—17.

So Mrs. Carrie Sherman was declared duly elected engrossing clerk.

Senator Ellison nominated Mrs. Eva Livingston, of Washington county, for enrolling clerk.

Those voting for Mrs. Livingston were:

Senators Allyn, Berry, Bolter, Carney, Carroll, Druet, Eaton, Ellison, Emmert, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Mullan, McArthur, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware—82.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Byers, Cheshire, Craig, Ericson, Everall, Gorrell, Healy, Hurst, Lyons, Malloy, Mitchell, McIntire, Ranck, Wilson, Young of Lee—18.

Mrs. Eva Livingston was declared duly elected enrolling clerk of the Senate.

Senator Ellison nominated for bill clerk Miss Clara Gillaspie, of Monroe county.

Those voting for Miss Gillaspie were:

Senators Allyn, Bell, Bolter, Carroll, Cheshire, Druet, Eaton, Ellison, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Mullan, McArthur, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware—31.

Absent or not voting:

Senators Alexander, Berry, Blanchard, Byers, Carney, Craig, Emmert, Ericson, Everall, Gorrell, Healy, Hurst, Lyons, Malloy, Mitchell, McIntire, Ranck, Wilson, Young of Lee—19.

So Miss Gillaspie was declared duly elected bill clerk.

Senator Ellison nominated Chas. A. McClure, of Butler county, for file clerk.

Those voting for Chas. A. McClure were:

Senators Allyn, Bell, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Finch, Garst, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, McArthur, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware — 32.

Absent or not voting:

Senators Alexander, Blanchard, Craig, Emmert, Erickson, Everall, Gorrell, Healy, Hurst, Lyons, Malloy, Mitchell, Mullan, McIntire, Ranck, Wilson, Young of Lee—18.

Chas. A. McClure was declared elected file clerk.

Senator Ellison nominated E. C. Collins of Hancock county, for sergeant-at-arms.

Those voting for Mr. Collins were:

Senators Allyn, Bell, Berry, Bolter, Byers, Carroll, Eaton, Ellison, Everall, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, McArthur, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware—31.

Absent or not voting:

Senators Alexander, Blanchard, Carney, Cheshire, Craig, Druet, Emmert, Ericson, Gorrell, Healy, Hurst, Lyons, Malloy, Mitchell, Mullan, McIntire, Ranck, Wilson, Young of Lee—19.

E. C. Collins was declared duly elected sergeant-at-arms of the Senate.

President Parrott presiding.

Senator Ellison nominated Wm. M. McFarland, of Woodbury county, for chief doorkeeper.

Those voting for Mr. McFarland for chief doorkeeper were:

Senators Allyn, Bell, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Funk, Garst, Gilbertson, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Mullan, McArthur, Palmer, Penrose, Perrin, Pusey, Titus, Wallace, Young of Delaware—31.

Absent or not voting:

Senators Alexander, Blanchard, Craig, Emmert, Ericson, Everall, Finch, Gorrell, Harriman, Healy, Hurst, Lyons, Malloy, Mitchell, McIntire, Ranck, Trewin, Wilson, Young of Lee—19.

So William McFarland was declared duly elected chief doorkeeper of the Senate.

Senator Ellison offered the following resolution:

*Resolved*, That Eugene Stiles, Joseph Voss, H. H. Palmer, Albert Root, B. C. Armstrong, N. M. Brown, V. A. Jones and G. H. Russell be and are hereby elected assistant doorkeepers and assigned to duty under the direction of the chief doorkeeper.

Adopted.

Senator Ellison nominated for the office of postmistress Mrs. J. B. Cook, of Carroll county.

Those voting for Mrs. J. B. Cook were:

Senators Allyn, Bell, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Everall, Finch, Funk, Garst, Gilbertson, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Mullan, McArthur, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware—34.

Absent or not voting:

Senators Alexander, Blanchard, Craig, Emmert, Ericson, Gorrell, Harriman, Healy, Hurst, Lyons, Malloy, Mitchell, McIntire, Ranck, Wilson, Young of Lee—16.

Mrs. J. B. Cook was declared elected postmistress of the Twenty-seventh General Assembly.

Senator Ellison nominated for janitors of the cloak room, Jeff. Logan, of Polk county, and W. T. Jones, of Poweshiek county.

Those voting for Jeff. Logan and W. T. Jones for janitors of the cloak room, were:

Senators Allyn, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Everall, Finch, Funk, Garst, Gilbertson, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Mullan, McArthur, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware—33.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Garst, Emmert, Ericson, Everall, Harriman, Healy, Hurst, Lyons, Malloy, Mitchell, McIntire, Ranck, Wilson, Young of Lee—17.

So Jeff. Logan and W. T. Jones were declared duly elected janitors of the cloak room.

Senator Ellison nominated for janitor of the toilet room, C. H. Comley.

Those voting for C. H. Comley were:

Senators Allyn, Bell, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Eaton, Ellison, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Mullan, McArthur, Palmer, Penrose, Pusey, Trewin, Wallace, Young of Delaware—31.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Craig, Druet, Emmert, Ericson, Everall, Gorrell, Healy, Hurst, Lyons, Malloy, Mitchell, McIntire, Perrin, Ranck, Titus, Wilson, Young of Lee—19.

C. H. Comley was declared duly elected janitor of toilet room.

Senator Carney called up his concurrent resolution relative to the appointment of a joint committee and moved to amend by striking out the word "two" and inserting the word "three" in lieu thereof.

Adopted.

The concurrent resolution as amended was adopted.

Senator Cheshire offered the following concurrent resolution:

CONCURRENT RESOLUTION RELATIVE TO INAUGURATION.

*Resolved by the Senate, the House concurring,* That the President of the Senate appoint a committee of five to act in concert with a like committee from the House to make suitable arrangements for the inauguration of the Governor and Lieutenant Governor.

Adopted.

Senator Penrose offered the following resolution:

*Resolved,* That the President appoint a committee to notify the House that the Senate is permanently organized and ready to receive any communication they may have to make.

Adopted.

Senator Cheshire offered the following resolution:

*Resolved,* That George H. Cleggett be authorized to place a barber's chair in the cloak room without expense to the state, for the use of Senators and employes of the Senate.

Adopted.

The President appointed the following committee under resolution by Senator Carney, relative to extra employes:

Senators Carney, Trewin and Cheshire.

□ The President appointed the following committee to notify the House that the Senate was duly organized and ready to receive communications:

Senators Penrose, Bolter and Funk.

Senator Carney moved that the Senate adjourn until 2 o'clock P. M., to-day.

Carried.

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### AFTERNOON SESSION.

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Senate met at 2 o'clock P. M., President Parrott presiding. Senator Kilburn offered the following resolution:

*Resolved*, That a committee of three be appointed to wait upon the Governor and notify him that the Senate is organized and ready to receive any communication from him.

Adopted.

Senator Byers moved that the present officers appear at the bar of the Senate and be sworn in.

Carried.

The following officers appeared at the bar and were sworn in:

- G. A. Newman, secretary.
- C. H. Talmadge, first assistant secretary.
- G. A. Nichols, journal clerk.
- F. C. McCutcheon, journal clerk.
- Carrie B. Sherman, engrossing clerk.
- E. C. Collins, sergeant-at-arms.
- W. H. McFarland, chief doorkeeper.
- Chas. A. McClure, file clerk.
- Mrs. Viola L. Cook, postmistress.
- G. H. Russell, assistant doorkeeper.
- V. A. Jones, assistant doorkeeper.
- Eugene Stiles, assistant doorkeeper.
- H. H. Palmer, assistant doorkeeper.
- N. M. Brown, assistant doorkeeper.
- Joseph Vos, assistant doorkeeper.

B. C. Armstrong, assistant doorkeeper.

Albert Root, assistant doorkeeper.

Jeff. Logan, janitor.

Chas. H. Comley, janitor.

Clara Gillespie, bill clerk.

Mrs. Fred McCausland, committee clerk.

The committee appointed to notify the House that the Senate was duly organized reported duty performed.

The President appointed as committee to notify the Governor that the Senate was organized and ready to receive communications, Senators Kilburn, Young of Delaware, and Ranck.

Senator Carroll offered the following resolution:

*Resolved*, That a committee of three be appointed to notify the House of Representatives that the Senate is ready to meet in joint session at 2 o'clock p. m., January 11, 1898, for the purpose of canvassing the vote for Governor and Lieutenant Governor.

Adopted.

The President appointed the following Senators as such committee: Senators Carroll, Hobart and Gorrell.

The committee appointed to notify the Governor reported that duty performed.

The committee appointed to notify the House in regard to the joint session reported that duty performed.

Senator Byers offered the following concurrent resolution:

*Be it resolved by the Senate, the House concurring*, That the Secretary of State be directed to furnish suitable stationery for the use of the Senate and House.

Adopted.

Senator Cheshire offered the following resolution:

*Resolved*, That the Secretary of the Senate is hereby authorized to assign seats to the reporters in the press gallery.

Adopted.

Senator Byers filed a motion to reconsider the vote by which the concurrent resolution in relation to supplying members with stationery was adopted.

A committee from the House appeared and notified the Senate that the House was duly organized and ready to receive communications.

#### MESSAGE FROM THE HOUSE.

The following message from the House was received:

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 committee of three be appointed by the presiding officers of each House to confer in relation to the appointment of a mail carrier for the Twenty-seventh General Assembly.

JAMES D. ROWEN,  
*Chief Clerk.*

Senator Garst offered the following resolution:

*Resolved,* That Benny Hitz, Frank Judd, Frank Keeney and Donald Douglas, act as temporary pages.

Adopted.

Senator Berry moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

Concurrent resolution relative to the appointment of a committee on mail carrier, was taken up and adopted.

Senator Berry moved to reconsider the vote by which the Senate adopted a resolution on mail carrier this morning.

Carried.

Senator Berry withdrew the resolution.

Senator Byers moved to reconsider the vote by which the concurrent resolution relative to supplying members with stationery was adopted.

Carried.

Senator Byers withdrew the concurrent resolution.

The president appointed the following committee on the part of the Senate on mail carrier:

Senators Berry, Hospers and Palmer.

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

Benny Hitz, Frank Judd, Fred Keeney, Lawrence Patterson and Donald Douglass.

Senator Berry offered the following resolution:

*Resolved,* That the democratic members be allowed to appoint a committee clerk.

Adopted.

Senator Carney moved that the question of furnishing supplies, stationery, letter heads and envelopes be referred to a special committee of three.

Carried.

Senator Carroll offered the following resolution:

*Resolved,* That a committee of five be appointed to employ a chaplain.



Senator Young of Delaware, moved that the resolution be laid on the table.

On this a roll call was demanded.

The yeas were:

Senators Allyn, Bell, Carney, Ellison, Emmert, Ericson, Harriman, Hayward, Hospers, Kilburn, Lewis, Mullan, McIntire, Palmer, Perrin, Wilson, Young of Delaware—17.

The nays were:

Senators Berry, Byers, Carroll, Cheshire, Druet, Eaton, Everall, Finch, Garst, Gilbertson, Gorrell, Hobart, Hotchkiss, Junkin, Lothrop, Lyons, Penrose, Pusey, Ranck, Titus, Wallace—21.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Craig, Funk, Healy, Hurst, Malloy, Mitchell, McArthur, Trewin, Young of Lee—12.

The motion to lay on the table was lost.

Senator Harriman moved to amend the resolution as follows:

I move to amend by inserting the following: "Members from a distance shall have the preference when application is made for them."

Objection being made, the resolution and amendment were laid over under the rule.

Senator Bell offered the following concurrent resolution:

*Resolved by the Senate, the House concurring,* That if the qualifications of all the applicants be equal the preference should be given to an ex-union soldier for mail carrier.

Adopted.

The President appointed as committee on purchasing supplies for members, Senators Carney, Hotchkiss and Hospers.

Senator Garst moved that the following persons be named as additional pages: Clare Charles and Cecil Dixon.

Carried.

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

Carried.

SENATE CHAMBER,  
DES MOINES, Iowa, Tuesday, January 11, 1898. }

Senate met pursuant to adjournment at 10 o'clock A. M., and was called to order by President Parrott.

Prayer was offered by Rev. O. H. L. Wilson, of Green Mountain.

Mrs Eva Livingston, enrolling clerk, and S. P. Miles, second assistant secretary, appeared before the bar of the Senate and were sworn in.

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

Senator Carney, from special committee, submitted the following report:

TO THE PRESIDENT OF THE SENATE—Your committee on supplies respectfully report: That after conference with the members of the executive council, the secretary thereof, and attorney-general, in regard to the manner of drawing supplies for the members of the Twenty-seventh General Assembly, it has been determined that it would, under existing law, be properly accomplished by the passage of a joint resolution.

We therefore report herewith a joint resolution, and respectfully recommend its adoption.

J. L. CARNEY,  
A. C. HOTCHKISS,  
HENRY HOSPERS.  
*Committee.*

CONCURRENT RESOLUTION.

*Resolved, by the Senate of the State of Iowa, the House of Representatives concurring therein, That the Secretary of the Senate and the Clerk of the House be and are hereby authorized to make requisition on the secretary of the executive council for stationery and supplies for each Senator and member of the House as may be designated by each, in an amount not exceeding the following, to-wit: Five hundred letter-heads and five hundred envelopes with names and addresses of Senators and members printed thereon; six blocks of yellow paper, legal size; six quires of legal cap; pens, pen-holders, pencils, ink, rubber bands, paper fasteners, pins, blocks of scratch paper amply sufficient for each member.*

**Adopted.**

President of the Senate announced that the secretary of state had filed with him an envelope purporting to contain

contest papers from the eighteenth senatorial district in which Thos. H. Smith contests the seat of J. M. Emmert.

Senator Carroll moved that the same be read and passed on file.

Carried.

IN THE MATTER OF THE CONTEST FOR THE STATE SENATORSHIP FROM THE  
EIGHTEENTH SENATORIAL DISTRICT OF IOWA.

Thos. H. Smith, Contestant, }  
v. } Notice of contest.  
J. M. Emmert, Incumbent. }

*To J. M. Emmert, Incumbent:*

You are hereby notified that I, the above named contestant, will contest your election as state senator from the eighteenth senatorial district of Iowa, on the grounds set forth in the accompanying and attached statement and declaration of contest, which is made a part hereof.

You are further notified that a duplicate of this notice and statement and declaration of contest, together with the proof of service of the same upon you, will be filed with the secretary of the state of Iowa, to be by him submitted to the lieutenant-governor of Iowa, and by him submitted to the Senate of the state of Iowa, to try and determine such contest before which body you may appear and make such answer and defense as you deem proper.

THOS. H. SMITH,  
*Contestant.*

Harlan, Iowa, December 15, 1897.

IN THE MATTER OF THE CONTEST FOR THE STATE SENATORSHIP FROM THE  
EIGHTEENTH SENATORIAL DISTRICT OF IOWA.

Thos. H. Smith, Contestant, }  
v. } Notice and Declaration of Contest.  
J. M. Emmert, Incumbent. }

*To the Senate of the State of Iowa:*

Comes now Thomas H. Smith and declares and exhibits his intention to contest the election of J. M. Emmert as a member of the Senate of the state of Iowa from the counties of Shelby and Cass, in said state, the same being in the eighteenth senatorial district, pursuant to the statutes in such cases made and provided, and he further declares that he is now, and at all times hereinafter specified, has been a citizen of Shelby county, Iowa, and a duly qualified elector of the second precinct of the city of Harlan, county of Shelby, and state of Iowa, for many years, and was and is qualified to hold the office of state senator. That at the last general election in the state of Iowa he was a candidate on the republican ticket for the office of state senator in the eighteenth senatorial district of Iowa, comprised of the counties of Cass and Shelby, and that the incumbent, J. M. Emmert, was a candidate for said office on the democratic ticket in said senatorial district.

That on or about the 27th day of November, 1897, the state board of canvassers of Iowa, canvassed the returns of the several counties of the state of Iowa, as under the law provided, from which canvass it was

declared this contestant received 4,068 votes, the incumbent received 4,090 and Richard Townsend received 266, and they declared the incumbent elected senator from the eighteenth senatorial district of Iowa.

That this contestant alleges as grounds and causes for his contest, that the board of canvassers in the several precincts as hereinafter designated and set forth, made errors which did materially change the result of said election, in that this contestant would have been declared elected, instead of and in place of the incumbent, J. M. Emmert, in that the contestant on a proper canvass and counting of the votes so cast at said election, in said district, received more votes than did the incumbent, and he alleges that the unlawful canvass and result of same, occurred and exists on account of the following errors.

*First.*—The judges of the said election, and board of canvassers in each of the precincts known and designated as first ward, second ward, third ward and fourth ward, in the city of Atlantic, and Grant township, Benton township, Pymosa township, Washington township, Brighton township, Grove township, Massena township, Cass township, Pleasant township and Bear Grove township, all in Cass county, Iowa, counted a great number of votes, the exact number being unknown to this contestant, for the incumbent, J. M. Emmert, which were voted in said precincts at said election, marked with a cross in the circle at the head of the republican ticket, and with a cross placed in the square opposite the name of the incumbent, J. M. Emmert, which appeared in the line, and under the appellation or title of "Democratic" on the ballots prepared and used in said election. That the number of said ballots so erroneously counted for the incumbent in said townships, wards and precincts were greater in number than the majority the incumbent has over the contestant for said office of senator, as declared by the said state canvassing board, all of which errors the book of county canvassers and state canvassers ratified, accepted and acted upon in declaring the incumbent elected.

*Second.*—That the judges of election and board of canvassers in the precinct known and designated as Benton township, in Cass county, Iowa, contrary to and in violation of law, adjourned and closed the polls on election day for one and one-half hours, from 12 o'clock noon till one o'clock and thirty minutes P. M. of said day, during which time the poll books and ballots were not in possession of or under the control of said judges of election or board of canvassers, nor were they kept at the place where said election was being held, nor were they guarded or protected by any one.

That by reason of said fact it cannot be known that the ballots so canvassed and returned from said precinct as having been cast for the contestant and incumbent were the ballots so voted at said election.

That said election board of said precinct canvassed and returned 155 votes as having been cast for senator, of which the contestant received sixty-four and the incumbent eighty-four.

Which illegal conduct and canvass of said board and returns the board of county canvassers and state canvassing board ratified, accepted and acted upon in declaring the incumbent elected.

*Third.*—That the said judges of election and board of canvassers in the precinct known and designated as Victoria township, in Cass county,

Iowa, made error in this, to-wit: In failing and refusing to count one ballot in which there was a cross within the circle at the head of the ticket designated as "Republican," and which ballot was and is a vote for this contestant and was a ballot properly marked and used at said election as provided by law. The reason claimed for so refusing to count the same, as contestant is informed, is that there was also a cross in one or more squares opposite the name or names of other candidates on said ballot in the line and under the appellation "Republican."

*Fourth.*—That the judge of election and canvassing board of each of the several voting precincts of Cass county, Iowa, known and designated as first ward, second ward, third ward, fourth ward, in the city of Atlantic, Grant township, Benton township, Pymosa township, Washington township, Grove township, Massena township, Cass township, and Bear Grove township, committed errors in the counting and canvass of the ballots, in that ballots were counted and returned as having been cast for the incumbent, J. M. Emmert, which were not in fact voted for him, and on which were identifying marks, and failed to count and return ballots as having been cast for this contestant, which were in fact voted, marked, and cast for him according to law, but the exact number so wrongfully counted and returned for the incumbent, and the failure to count and return for this contestant, he is unable to state, but he alleges that the errors so made in favor of the incumbent, and against the contestant, which if corrected and said ballots correctly counted, the votes cast for the contestant, with those cast for him in the other voting precincts in said district, will give to contestant a greater number of votes than were cast for the incumbent.

Which erroneous canvass and counting of said ballots by said board and judges of election, and returns so made the board of county canvassers and board of state canvassers ratified, accepted and acted upon in declaring the incumbent elected.

That the judges of election and canvassing board of each of the several voting precincts designated and known as first ward and second ward in the city of Harlan, and Douglass township, Greely township, Cass township, Lincoln township, Harlan township, Monroe township, Clay township, Shelby township and Jefferson township, all in Shelby county, Iowa, committed errors in the counting and canvassing of the ballots and making returns thereof, in that ballots marked with a cross within the circle on the ballot at the head of the ticket opposite the appellation or title "Republican," and then a cross in the square opposite the name J. M. Emmert, which was in the line on said ticket under the appellation or title of "Democratic," were counted and returned as voted for the incumbent, J. M. Emmert, and erroneously counted and returned voted ballots as having been voted for the incumbent, which were not in fact voted for him, and on which were identifying marks, and failed to count and return as votes cast for this contestant ballots which were voted and cast for him and were so marked as under the law would be votes cast for this contestant, but the exact number so erroneously counted and returned as having been counted for the incumbent, and those not counted and returned as votes cast for the contestant as herein alleged, he is unable to state, but he alleges that the errors so made in favor of the incumbent and against this contestant, if corrected and said ballots correctly counted, the votes

cast in these several precincts for the contestant, together with those cast for him in the other precincts in said senatorial district, will give to this contestant a greater number of votes for said office of senator than those cast for the incumbent.

Which illegal conduct and erroneous canvass and return so made by the several judges of election and canvassing board, and returns so made, the board of county canvassers and board of state canvassers ratified, accepted and acted upon in declaring the incumbent elected.

*Fifth.*—That the judges of election and board of canvassers in the precinct known and designated as Washington township, in the county of Shelby, and state of Iowa, contrary to, and in violation of law, closed the polls from 12 o'clock noon, to 1 o'clock P. M. on election day, and again for thirty minutes between 6 o'clock P. M. and 7 o'clock P. M., of said day, during which time the poll books and ballots were not in the possession of, nor under the control of the said judges of election or board of canvassers, or any of them, but were left unguarded and in charge of no one and to which others had access.

That by reason of said fact it cannot be known that the ballots so canvassed and returned from said precinct as having been cast for the contestant and incumbent were the ballots so voted at said election.

That said election board of said precinct canvassed and returned 190 ballots as having been cast for senator, of which the contestant received 65, and the incumbent received 125 votes.

Which illegal conduct, canvass and return of said board the board of county canvassers and board of state canvassers ratified, accepted, and acted upon in declaring the incumbent elected.

*Sixth.*—That the judges of election and board of canvassers in the precinct known and designated as Cass township, in the county of Shelby, and state of Iowa, contrary to, and in violation of law, on the day of election closed the polls and adjourned from 12 o'clock noon till 1 o'clock P. M. and again for one hour from 6 o'clock P. M. till 7 o'clock P. M.

That said election board of said precinct canvassed and returned 231 votes as having been cast for senator, of which the contestant received 87, and the incumbent 140.

Which illegal conduct, canvass and return of said board the board of county canvassers, and the board of state canvassers ratified, accepted, and acted upon in deciding the incumbent elected.

*Seventh.*—That the judges of election and board of canvassers in the precinct known and designated as Union township, in the county of Shelby, and state of Iowa, contrary to, and in violation of the law, closed the polls from 12 o'clock noon, to 1 o'clock P. M. on election day, and again for one hour, from 6 to 7 o'clock P. M. of said day.

That said election board of said precinct canvassed and returned 261 ballots as having been cast for senator, of which the contestant received 92, and the incumbent received 168 votes.

Which illegal conduct, canvass and return of said board the board of county canvassers and board of state canvassers ratified, accepted, and acted upon in declaring the incumbent elected.

*Eighth.*—That the judges of election and canvassing board of the precinct known and designated as Jefferson township, Shelby county, Iowa,

refused to count for this contestant and rejected four ballots that were voted by the electors at said election, and marked with a cross within the circle at the head of the ticket opposite the title and appellation "Republican" at the head of the ticket and that it was in fact cast and voted for this contestant

*Ninth.*—That the judges of election and board of canvassers of the voting precinct known and designated as Jefferson township, Shelby county, Iowa, erroneously reported as having been cast for this contestant, only 107 votes, when in truth and fact as shown by the ballots, tally sheet and record, this contestant received 108 votes in said precinct.

*Tenth.*—That the judges of election and board of canvassers in the precinct designated and known as Washington township, erroneously refused to count and rejected two ballots that were voted and cast for this contestant, in that a cross was made in the circle at the head of the ticket, opposite the title and appellation "Republican" for the reason that the voter had written in said ticket, in the blank left for that purpose, the name of a party for whom he wished to vote for a township office.

*Eleventh.*—Contestant further alleges, that the several errors and mistakes herein alleged, were each and all of them affirmed, accepted, and acted upon by the board of county canvassers and board of state canvassers in declaring the incumbent elected, and if the same be corrected and said ballots correctly canvassed, this contestant will receive a greater number of votes for senator than was cast for the incumbent.

And this contestant further states that he will serve on the incumbent, J. M. Emmert, this declaration and statement of contest as required by law, together with the proper notice, and will file this statement with the secretary of the state of Iowa, to be by him submitted to the lieutenant-governor of Iowa, as presiding officer of the Senate of the state of Iowa, to be by him submitted to the state Senate to hear, try and determine such contest at such time as such Senate shall designate, before which said body said incumbent, J. M. Emmert, can appear and make answer and defense if he chooses so to do.

And this contestant respectfully petitions and prays said Senate of the state of Iowa to take cognizance of this statement and jurisdiction of your petitioner's contest, and bring before it the auditors of said Cass county and Shelby county, Iowa, with all returns, papers and ballots returned to their respective offices showing the acts and transaction complained of herein as being erroneous and illegal on the part of said canvassers.

And that it summon and bring before it such other witnesses and papers as shall be necessary to show the acts and transactions complained of herein, and that said ballots be recounted and recanvassed, and that whatever other act or thing be done, which to said honorable body may seem needful and lawful in the premises, to the end that the rights of this contestant may be ascertained and declared, and the ends of law and justice be accomplished and the public interest be subserved.

THOS. H. SMITH,  
*Contestant.*

STATE OF IOWA, }  
SHELBY COUNTY, } ss.

I, Thos. H. Smith, on my oath depose and say that I am the contestant named in the above and foregoing statement and declaration of contest,

and I know the allegations therein contained and that the causes set forth as grounds of contest and said declaration and statement, are true as I verily believe.

THOS. H. SMITH,

Subscribed and sworn to before me by the said Thos. H. Smith this, the 15th day of December, 1897.

[SEAL]

D. O. STUART.

*Notary Public in and for Shelby County, Iowa.*

STATE OF IOWA, }  
CASS COUNTY, } ss.

I, Job Card, on my oath depose and say that I am sheriff of Cass county, Iowa, and that the original of the attached and foregoing notice, statement and declaration of contest, of which the attached and foregoing notice, statement and declaration is a true and exact duplicate, came into my hands for service on the 16th day of December, 1897, and on the 17th day of December, 1897, I served the same on the incumbent, J. M. Emmert, therein named, by he waiving the reading of the said notice, statement and declaration of contest to him, and delivering and giving the same to him and attached hereto is a true and exact duplicate thereof. All done in the city of Atlantic, Cass county, Iowa.

JOB CARD,

*Sheriff Cass County, Iowa.*

Subscribed and sworn to before me this 18th day of December, 1897.

[SEAL]

W. H. McCONVILL,

*Notary Public, Cass County, Iowa.*

Fees, \$1.00. Paid by contestant.

#### 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 concurrent resolutions, in which the concurrence of the House was asked.

Relative to furnishing mailable stationery to members.

Relative to inaugural ceremonies.

Relative to employes other than committee clerks.

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 joint session to canvass votes for governor and lieutenant-governor.

JAS. D. ROWEN,

*Chief Clerk.*

Senator Penrose moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

Concurrent resolution relative to joint session to canvass the vote for governor and lieutenant-governor was read.



Senator Penrose moved that the Senate concur in the resolution.

Carried.

Concurrent resolution relative to employes other than committee clerks was taken up, read and ordered passed on file.

Concurrent resolution relative to inaugural committee was read and ordered passed on file.

Concurrent resolution relative to furnishing stationery for the use of the Senate and House was read and passed on file.

Concurrent resolution relative to the appointment of a committee to procure a chaplain for the Senate and House was taken up and read.

Senator Carroll moved that the concurrent resolution be referred to a committee of five.

Carried.

The resolution offered by Senator Carroll on yesterday was called up and referred to same committee.

Senator Harriman withdrew amendment to resolution offered yesterday and offered the following substitute:

*Resolved*, That a committee of five be appointed to procure a chaplain for the opening session of the Senate each day; said committee shall arrange the matter that clergymen from out of the city of Des Moines may have an opportunity to officiate when giving the committee due notice of a desire so to do.

Referred to committee of five.

Senator Ericson offered the following resolution:

*Resolved*, That the President of the Senate appoint a committee of three on mileage.

Adopted.

The chair announced the following committee on inauguration:

Senators Cheshire, Junkin, Everall, Trewin and Allyn.

The President of the Senate announced the following as a committee on chaplain:

Senators Carroll, Harriman, Perrin, Lyons and Wallace.

The President of the Senate announced the following as a committee on mileage:

Senators Ericson, Lothrop and Hurst.

The governor's private secretary appeared and presented a message from the governor:

Senator Funk moved that it be passed on file and printed in the Journal.

Carried.

## GOVERNOR'S MESSAGE.

To the Senate and House of Representatives: I esteem it a high privilege to congratulate you as the chosen representatives of the people of this great commonwealth.

Great interests of the state—educational, agricultural, financial, commercial and otherwise—have been intrusted to your care and consideration, in the belief that they will be well guarded and judiciously provided for; that while you will closely adhere in practice to the principle of economy, and aim to be diligent in lightening the burdens of taxation, you will not fail to make suitable and liberal provision for the state institutions and the advancement of their interests, to the end that Iowa may never be found lagging behind in the forward movement of Christian civilization and the onward march of progress.

I congratulate you also on the improved condition of our state and the country at large. Not for years has there been such evidences of prosperity, such glowing promise for the future. Everywhere the industrial world is alive with new activity, and agriculture rejoices with commerce over enlarged compensation for labor and more generous returns for investment. For the bestowal of these blessings let us not fail to express our gratitude to the Great Ruler of the universe.

I have had the pleasure of forming a personal acquaintance with those members of your body who were also members of the Twenty-sixth General Assembly, and to know and recognize their ability and their loyalty to the interests of the state. Their experience will be valuable not only to themselves but to their new associates, many of whom I have also the honor to know. On the Twenty-sixth General Assembly devolved great responsibilities, equal to those imposed upon any previous legislature. Besides the usual legislation there was required a revision of all the laws of the state and the formation, adoption and publication of the new code, which, put into a magnificent volume, is now in the hands of the people for their information and convenience. This of itself required much time and labor, but its great benefit to the state greatly compensates therefor.

## THE FINANCES.

Finding from the state auditor's report, made about the 1st of January, 1897, that a deficit existed in the state's finances, in my message to the Twenty-sixth General Assembly at its extra session I called attention to the fact, and recommended such

legislation as would reduce expenses and provide for the early extinguishment of the state's indebtedness. In pursuance of such policy, investigations into expenditures were made and measures taken resulting in quite a saving, and in cutting down the expenses of the state. Steps were also taken toward increasing the revenue, of which I will speak presently.

The events of the past two years clothe the subject of finance with an unusual interest. The reports of the financial officers of the state go into elaborate detail with comparisons made for several years. Such elaboration leaves little more to be said as to the facts, but these are of such a nature as to require the thoughtful consideration of all branches of the government.

The receipts into the general revenue of the state amounted during the term to \$4,101,376.84, and the expenditures as represented by warrants drawn to \$4,731,764.33. The expenses were, therefore, \$630,387.49 in excess of the receipts. There were warrants outstanding at the beginning of the term amounting to \$73,950.25, making the total amount of expenditures to be met \$4,805,714.58. The cash on hand at the beginning of the term was \$312,857.41, which, added to the amount of receipts above stated, made the resources of the treasury \$4,414,234.25. Out of this sum warrants were redeemed to the extent of \$4,358,213.85, and interest was paid on warrants to the extent of \$19,347.44, making the aggregate disbursement \$4,377,561.29. The cash in the treasury at the close of the term, therefore, amounted to \$36,672.96, and the aggregate of the outstanding warrants to \$447,500.73, making the net floating debt \$410,827.77.

This amount of indebtedness is largely the effect of excessive appropriations made by the Twenty-sixth General Assembly, yet not altogether so. This fact is well brought out in the report of the auditor of state. But for the destruction of the main building at the Institution for Feeble Minded Children, an expenditure amounting to \$60,200 during the term, and more subsequently would have been avoided. The extra session of the general assembly, the labors of which, in my opinion, abundantly justify its cost, entailed an expense, including the publication of the new code, of \$170,497.53. The advance of one quarter's support for the hospitals for the insane, a measure in the interest of saving expense, took \$107,821 more. These three items make the floating debt greater by \$338,518.53 than it would have been had no such expenditures been incurred.

Without these expenditures the debt would have been only \$72,309.24.

The Twenty-sixth General Assembly made provision for meeting much of the extraordinary expenses incurred by additional levies and levying certain indirect taxes not heretofore known in this state. One of these was that on capital stock of corporations; another was that on collateral inheritances. Provision was also made for taxing express companies. Moreover, the fees for notarial commissions and those to be paid by commissioners of deeds in other states were made much larger. An increase in the amount of taxes to be collected from insurance companies is also made by the new code. Mainly because of the tax on corporations and the increase of the fee to be paid by notaries public, the moneys turned into the treasury by the secretary of state during the fiscal term amounted to \$28,216.70, an increase over the preceding term of more than \$10,000. The auditor estimates that the receipts from that source during the current term will amount to \$55,000, a gain of nearly 100 per cent. Other additional taxes brought in nearly \$5,000. As the most of these additional receipts came in during the latter part of the fiscal term under review and some of the laws providing for such increased payments into the treasury did not become operative until after that term had expired, the additions to the revenue from these sources may be expected to be much larger in the future.

I am not disposed to look upon the large appropriations made by the Twenty-sixth General Assembly as unwarranted, although some of them, or perhaps the manner thereof, may have been injudicious at the time they were made. The needs of the institutions were great, needs that would have to be met in the early future if not by that body. In justification of the action taken, it may be said that the time was a favorable one for making public improvements. In no year, for several past, has it been possible to build so advantageously as in the year 1896. The contract for the edifice at Cherokee was let at figures which, I am advised, are far below anything that can be obtained to-day. Similar reports are heard concerning other of the improvements that were authorized by the general assembly. I am indeed persuaded that the difference between the prices at which contracts were let during the past two years and those likely to prevail for some time to come, and such as in fact did prevail a few years ago, is nearly if not quite suffi-

cient, taking all the contracts together, to more than reimburse the state for all the interest it will pay on the warrants issued since the regular session of the last general assembly.

I still adhere to the opinion expressed by me in a former message that the manner of evidencing interest-bearing indebtedness through the indorsement of warrants with the date of presentation, from which date they draw interest, is open to serious objection, particularly when the amount of debt of that character becomes large. To incur indebtedness is not necessarily unwise. There are times when it is real economy to do so, both in private business and in that pertaining to the public. This is especially true when the time is opportune for making public improvements that are needed or soon will be. But, in my judgment, the debt should be fully contemplated as such when it is to be incurred, and ample provision made for meeting the same. To trust to receipts to meet expenditures, when it is known they will be inadequate, is not good business policy. Yet that is what is done when hundreds of thousands of dollars of warrants are indorsed for want of funds, as has been the case since the last session of the general assembly, and as had been done repeatedly in former years.

I concur in the spirit of the suggestion of the treasurer of state, that he be empowered to dispose of the indorsed warrants, although I would recommend as preferable action that the treasurer be authorized, when it becomes apparent that the moneys in the treasury are about to be exhausted, to sell the state's obligations, whether in the shape of interest-bearing warrants, such as were issued when the war debt was extinguished in 1861, or of short time revenue bonds, for the purpose of temporarily replenishing the treasury. Such a system would have an advantage over the present plan of contracting indebtedness, because the amount of it and the interest to be paid, with the time of payment, would be fixed and known, and because also the obligations would draw a lower rate of interest either directly or through the premium received from the sale of the obligations. Most of the time the last two years the indorsed warrants of the state were worth more than par, with all their uncertainty as to time of payment. Obligations of a more definite character fixing the date for payment ought to be worth fully as much even at a lower rate of interest. A premium of 2 per cent on the warrants indorsed during the past year, the treasurer states, would have amounted to

\$25,306.46, which is more than was paid in interest during the calendar year 1897; and the same officer reports assurances that 2 per cent could have been had on warrants of large amounts running for a certain time. Failing the adoption of this suggestion, I would recommend, as suggested by the treasurer, that the warrants as to payment be classified. This could be done by providing the funds in the treasury shall first be used for meeting the regular expenses of the state government as provided by law, especially giving them precedence over warrants for public improvements.

I would particularly invite your attention to the remarks of the treasurer of state in respect of the collateral inheritance tax. Better provision should be made for the collection of this tax. It would perhaps be well to give the counties an interest in it and make it the duty of some county officer to attend to the same locally, as the state treasurer is required to do at large.

The Twenty-sixth General Assembly at its regular session provided for the collection of a special tax to be paid at the organization of a corporation, according to the amount of capital stock authorized. The act further provided that existing corporations increasing the amount of their authorized capital should pay a similar tax. The new code (section 1610) through the insertion of a single word seems materially to alter the latter clause. The section, after re-enacting the law in reference to companies newly organized, further provides that "should any corporation thereafter increase its capital stock it shall pay a fee to the secretary of state," etc. This language seems to limit the payment of the fee for an increase in the amount of the capital stock to corporations which pay such fee at organization, and to exempt the older companies from the exaction. I cannot think that such was intended, and would suggest that the section be amended to agree with the statute it was supposed to re enact.

#### INTEREST ON PUBLIC FUNDS.

As another source of revenue, I may call your attention to the subject, already agitated, of interest on the public funds. It is regarded by successful men of business, firms and corporations, as good financiering to utilize all available assets, as far as may be reasonably done, for increasing revenues, and I am unable to see why such rule may not be applied to the funds

belonging to the state that are not immediately needed, and a reasonable rate of interest secured by the state rather than by individuals and corporations from that source.

This system should also apply to the counties, school districts and municipalities of the state. It would undoubtedly operate sensibly to increase the receipts of the state and local treasuries. I recommend that steps be taken to bring about such a system.

#### THE LIBRARY.

The period has witnessed great improvement in the state library. It has been extensively rearranged; and a large additional space utilized that was previously unoccupied. While the work of the department was greatly increased by reason of the unusually large number of books added to the collection, the largest accession there has yet been in any one term, it has been made especially more onerous because of the new and peculiar duties contemplated in the system of traveling libraries provided by the Twenty-sixth General Assembly. Fifty such libraries, containing in all 2,500 volumes, are traveling to the various points in the state selected, being nearly altogether places that are otherwise unsupplied with such facilities.

The additions during the term amounted to 8,299 volumes, including 3,015 by donation and exchange. Procuring the latter occasioned an extensive correspondence, resulting in adding an exceptionally large number of volumes to the collection without cost to the state.

Notwithstanding the large amount of work to be done by the force in the library, that force was, in the interest of economy, cut down by the last general assembly until it was made less than was formerly allowed for a much lighter volume of work.

#### THE SCHOOLS.

The retiring superintendent of public instruction closes his long and very useful incumbency of that high office with a report of great ability, which I deem especially worthy the attention of the general assembly in all its recommendations. The enumeration of persons between the ages of 5 and 21 is 727,694, an increase of 14,553 since the last biennial report. The enrollment is 546,836, a gain of 13,012; and the average attendance reported is 347,620. The number of schoolhouses is

13,744, of which 241 were built during the past year. The value of the schoolhouses is \$16,355,842, or \$710,299 more than in 1895.

During the past decade which began with the retiring superintendent's first accession to the office, while the number of schoolhouses was enlarged by only 992, or about 8 per cent, their value has been augmented by \$4,348,502, or about 35 per cent, indicating that the primary demand for schoolhouses is pretty well supplied, and that attention is now being paid to making them better, more comfortable and more enduring. Another evidence of advancement is seen in the increased proportion of those entitled to school privileges who avail themselves of them. During the decade the enrollment became larger by 49,667, and the average attendance by 52,688. During the same time the number within the school ages increased 15½ per cent, while those in daily average attendance increased 17½ per cent. The amount paid teachers last year was \$5,264,354, an increase of about 28 per cent in the decade, while the cost of tuition has diminished during that time from \$2.04 per month per pupil, to \$1.87. The number of inexperienced teachers is yet very large. Of 24,445 certificates issued during last year, more than 30 per cent were to persons having had less than one year's experience, and nearly 15 per cent to those with no previous experience. The recent changes in the school laws, notably those providing for furnishing text-books free, and allowing boards in the rural districts to furnish transportation to pupils even beyond the lines of the districts, are both calculated, in my judgment, to enlarge the usefulness of the schools. The latter provision when it shall be found, as I believe it will be, cheaper pecuniarily and better otherwise to provide such transportation than to sustain weak district organizations, ought to have a tendency to diminish the number of such organizations, a consummation long felt to be desirable. The considerable extension of the powers of the district meetings with the corresponding limitation of those of the school board is another good feature of the new school laws. It seems indeed that the entire school law may remain unchanged for years to come without detriment.

#### STATE INSTITUTIONS.

As the state institutions have been visited during the last few months by an intelligent committee appointed from its members by the last general assembly, which committee will doubtless



soon report to the legislature, I do not deem it proper to make a lengthy review of the reports of the several state institutions, but will confine myself to brief mention of matters concerning them which in my judgment should have attention.

#### THE UNIVERSITY.

The Twenty-sixth General Assembly directed the levy for the succeeding five years of a special tax of one-tenth of a mill per annum and placed the same at the disposal of the board of regents. That body devoted the proceeds of the first year's tax to the erection and equipment of a hospital for the medical department and the construction of a heating plant for the use of the new building and some others. The erection of a collegiate building is to follow, an edifice such as will provide for an increased attendance of 30 or 40 per cent, which is no greater rate of gain than that of the past four years. The attendance at the institution during the period shows an increase of 17 per cent over the preceding one, while the number of students has doubled in the last eight years, and every indication points to a yet larger proportionate gain of attendance in the coming years. This institution was the victim of fire last June, which practically destroyed the general library, wrecked the building that contained it, and did much damage to the physical laboratory. The loss is estimated at over \$82,000. The income of the university for its support for the period amounted to \$264,525.85, of which \$113,775.83 was derived from the students in the professional departments for tuition and fees, and \$32,249.97 from investments. The remainder was drawn from the state treasury. The expenditures for the same period amounted to \$270,262.16, of which \$104,091.22 was the cost of the collegiate department.

This institution has steadily grown in the confidence and regard of the people until it has become one of the leading seats of learning in the west. While I trust that no argument is needed to convince the general assembly of the desirability of strengthening the university in its various departments, yet I think it may be proper thus to remind the legislative body of what I deem the rightful demand of this summit of our common school system on the liberality of the state.

The board of regents asks for an allowance of \$39,100 for repairing damages by the fire, repair and incidental fund, law library and various laboratories, and to permit of an exhibit at the Trans-Mississippi Exposition; also \$75,000 equally divided

through a five years' period for renewing the library, an annual allowance of \$1,000 for the university publications, and a yearly addition to the endowment fund of \$15,000, the aggregate for the biennial term asked for being \$101,100.

#### COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

The appropriations for this institution made by the last general assembly seem to have been expended judiciously and to the marked benefit of the college and its students. One of the deepest wells in the state now furnishes a bountiful supply of water of the best character. The want of this supply was long a need of the institution, the doors of which were closed on account of it only a few years ago. The water is carried to all parts of the buildings, affording ample protection against fire.

There were graduated during the term, 105 in eight courses. This was somewhat less than in the preceding term. The institution has felt the stress of the times severely, but its work is none the less well done. I cannot but speak in high praise of that work, which I believe deserves the encomiums bestowed upon it.

During the term \$132,879 was expended in the operation of the college, \$30,292.14 on account of the national experiment station and \$74,128.72 in repairs and improvements, such as were authorized by the general assembly. The last item is the only one that was at the expense of the state treasury. As many of the students of this school maintain themselves during their sojourn in the college by their own labors and exertions, and as school teaching is the resort of a large number of the students during the vacation, which is in winter, I recommend that a chair of pedagogy be authorized in the school. It would be a great benefit to many of the students in the direction indicated, but it would be of more value to the public because of its better preparing for their work those who go out to teach.

For this chair, for the purchase of a residence for the president, for improvements in the college museum and laboratory and betterment of the buildings and grounds, the board asks that \$44,475 be appropriated. The board also asks authority to purchase a tract of eighty acres adjoining the college farm, which appears to be needed, and it will cost the state nothing,

the use for the purpose of a part of the endowment fund being authorized by the congressional act of 1862.

The college has heretofore closed its school year in the month of November, making it inconvenient both for those who graduate to find occupation for a time, and for those who desire to enter upon passing from the high schools of the state. The new code changes the fiscal term of the college so that it is the same as that of the state generally. It is now proposed that section 2650 of the code be altered so that it shall conform to the change.

The endowment of the college amounts to \$681,033.52. This fund has been well enough managed to make it the second most productive of all the funds of similar colleges throughout the country, whereas eighteen like institutions were at the outset better provided for in this respect.

#### NORMAL SCHOOL.

The Normal school is growing in popularity and usefulness. Its enrollment last year was 1,441, a gain of over 25 per cent in two years. These figures demonstrate the magnitude of this educational enterprise of the state. A new building was erected in the year 1895; yet the demands of the school for more room are as urgent as they were before that structure was built.

There is a growing demand for teachers of ability and experience. Iowa is too old as a state to have it said of her that so large a proportion of her teachers is composed of those who are without any previous experience, and a still larger proportion of those who are only a little better than novices. The Normal school is calculated to do much toward remedying this state of affairs. Yet it cannot do all that is needed. The normal institutes are very helpful in the matter of improving the quality of instruction imparted in the schools. But yet more is demanded. This would be best met by additional normal schools, but that appears to be impracticable for some time to come.

This school is doing a notable work for the state. That work is more and more felt with the succeeding years through the graduates of the institution and also through those who have spent more or less time at the school. In no profession can a previous thorough training be of more advantage than in that of the instructor, and it is a matter of gratification that the fact is

becoming more and more appreciated by our people that this school is providing the kind of training required. Moreover, it is gratifying to know that the value of the school as a preparatory in this respect is being increasingly appreciated by those who desire to become teachers. Thus is the institution more closely in touch with the common schools of the state than any other, and as such is deserving of liberal fostering care from the general assembly, because the more those schools have for instructors persons who have had the benefit of the training the Normal school imparts, the better it will be for the schools and the children who are in the succeeding years to obtain schooling there, and many of them all of it. The board asks for an additional permanent annual allowance of \$33,600 for paying teachers' contingent expenses, library and librarians, military instructor, cases, fixtures, and furniture for museum, library and laboratory, and for improvement of grounds; and an additional annual allowance for three years of \$25,000 for new buildings.

#### ORPHANS' HOME.

The term witnessed a larger accession to the Orphans' home than any former one, and like nearly all the other institutions shows a greater attendance at the close of the term than at any previous period. A somewhat curious feature of the admissions is that the number of soldiers' orphans is rather on the increase, while that of county children remains nearly stationary. Indeed the number of the latter received during the term of 1883-1885 was much larger than during that just closed. During the term which ended June 30, 1889, there were received 29 soldiers' orphans, and 75 other children, and there remained at that time 88 of the former and 282 of the latter. Two years later the board reported 172 soldiers' orphans admitted, and 88 others, and there were left of the former 198 and 202 of the latter. The board accounts for the large increase in the number of soldiers' orphans in the fact that many sent had previously been admitted as county children through want of proper investigation of applicants and preparation of papers. Thus, part of the increase was because transfers from one designation to the other were made. The following term the number of soldiers' orphans admitted was 124, during the next 136, and during that just closed 177. Notwithstanding the explanation given, one cannot but be surprised that thirty-three years after

the close of the war the number of the orphans of soldiers should show such marked increase, averaging 146 the past few years, and only 29 from 1877 to 1889.

The board of trustees calls attention to the fact that children less than 10 years of age, who are too young to realize what they are doing, are sent to the Industrial school as criminals rather than to the home, apparently because in the former case the state pays for their care and in the latter it is a burden upon the county. If such is the case it should have decided legislative attention. It must be a case of exceptional depravity indeed that will justify sending a child of that tender age to the Industrial school.

The board asks the passage of a law whereby children abandoned by parents, and those found in homes of vice, may be rescued and placed in custody of the officers of the Orphans' home until they reach their majority, a request that should be heeded.

More land is asked for in order that the boys may have a more practical knowledge of Iowa's leading industry. The board also asks that seven one-story cottages be raised, to correspond with the others which have all been improved. For the gymnasium the board holds \$3,750, the proceeds of the sale of property bequeathed to the institution, to which they ask that enough be added for a building to be used as chapel, kindergarten and gymnasium.

The board of health of the city of Davenport having given notice that the sewage of the institution cannot hereafter take the course which it has done from the first, owing to the fact that the creek into which it passes runs several miles through pastures, an allowance is therefore asked to provide for such change of the sewerage system as may be necessary to connect it with that of the city. The board thinks it advisable that there be a building erected for industrial pursuits, to be used exclusively by the boys, as the present one is nearly all occupied by the girls.

These improvements and others believed to be advisable the board estimates will require an appropriation of \$50,050.

#### SOLDIERS' HOME.

The Soldiers' home had a population June 30 of 636, thirty-two being women. The increase over the preceding year was thirty-seven, eleven of them being women, and during the fiscal term 120, twenty being women. Applications for admission continue to be more than the institution can accommodate. By

way of relieving the pressure, the board has adopted a new rule in reference to admissions of those receiving pensions, the effect of which will be not to admit those having pensions of \$16 or more per month.

The hospital which was provided for by the last general assembly has been built and was first occupied at the beginning of the year 1897. The building is a capacious and well arranged edifice and appears to be admirably adapted for the purposes for which it is designed. As in all the better class of hospitals in the country, trained nurses are employed. Here, and indeed throughout the home, no effort is spared to make comfortable the declining years of the veterans of the republic.

Some years ago the general assembly made provision for the erection of a number of cottages. Experience with these buildings would seem to demonstrate at least that no more of them are wanted. Yet there is need that the more aged veterans should have special accommodations. To meet this need the board asks that \$25,000 be appropriated for the erection of a building for old people, where the veterans and their wives may be provided for. It is probable that the number of these will be considerably increased for a time, owing to a modification made by the new code in the restrictions as to admission.

The litigation which was begun some time ago in the federal court, and which took the shape of a criminal prosecution against the members of the board, for the purpose of preventing the retention of any part of the pension money by the home, was summarily disposed of by the court, and the accused discharged from custody, thus sustaining the action of the board.

In addition to the amount asked for the old people's building, the board estimates that \$16,500 will be needed for furnishing the proposed building, for independent waterworks, for an ice house and for additional storage building.

#### CHARITABLE INSTITUTIONS.

The trustees of the Industrial Home for the Blind note marked improvement in the management of the institution and in the product manufactured. A demand has sprung up for this product even in other states. The board calls attention to the fact that under the new code all the indigent blind of the state are entitled to admission, there being no limitation as heretofore to those of able body and mind. This being the

case, it will be necessary, the trustees think, that the accommodations of the home be greatly increased. The board asks \$34,800 for improvements it deems required.

The improvements contemplated at the College for the Blind in the action of the last general assembly have been satisfactorily completed, and the school is doing a good work. The trustees ask for \$20,000 for a gymnasium and a sewerage system. That both these improvements are needed, and the latter unquestionably so, I have no doubt. I commend to your especial attention the remarks of the trustees and principal on these points. The trustees also ask for \$6 000 for contingent and repair fund, painting, library and school apparatus, and furniture and bedding. The enrollment is 246.

The School for the Deaf, caring for about 300 mutes, asks for \$8,000 to supply needs.

The Institution for Feeble-Minded Children labored under exceptionally great difficulties during the term. Improvements had been made in accordance with the provisions of the act of the Twenty-sixth General Assembly at its regular session, and the institution expected soon to be in condition to do better work than ever before, when the fire which destroyed the main building deranged all the plans of the management. This calamity entailed a loss of about \$125,000. The action taken at the extra session has enabled the board to some extent to overcome the evil brought upon the institution by the fire. The board asks for \$49,655 for the ensuing period. In considering the wants of this institution it will be remembered that the number of inmates increased during the last period from 574 to 698. The care of this class of unfortunates is one of the gravest responsibility. The dictates of humanity require that they be treated with the greatest kindness, while the welfare of the community demands that they be kept under restraint in perhaps most cases after they have arrived at their majority. The superintendent cites the prevalent opinion among those having charge of imbeciles that "states need protection against the ever increasing number of these deficient and dependents." I would commend to your attention the measures to accomplish this object suggested in the report of the superintendent.

#### THE INSANE.

The patients treated at the hospitals for the insane during the term numbered 4,375, of whom 2,326 were of the male sex.

There were admitted and readmitted during the period 1,969, 1,186 being males. There were discharged during the period 607 as recovered, 580 as improved and 248 as unimproved, while 397 died. There have been treated at the hospitals from the beginning 10,327 males and 7,416 females, including transfers. Of the whole number 5,264 have been discharged recovered, 4,439 improved and 3,577 unimproved or transferred. The number of deaths is 3,498. Of those admitted during the period 496 were foreign born, or a little more than one-fourth of the whole number. This is considerably more than the proportion of the foreign population in the state at large. Of those admitted during the period 132 are supported by the state, they having been sent to the hospitals as having no known residence in Iowa. Legislation would seem to be needed to insure more care on the part of examining commissioners in making inquiry as to the residences of such persons, and where practicable to secure their return to the states whence they come. If the law were changed so as to require the counties sending such patients to the hospitals to furnish one-half the cost of their support, it would help accomplish the desired object.

Section 1428 of the code of 1873, which, as amended by subsequent enactments, is section 2292 of the code of 1897, provides for the levying of a tax by the boards of supervisors to meet the charges for keeping the patients of the respective counties at the hospitals, which tax, when collected, is to be paid into the state treasury. Under color of the authority thus given there has been levied in the several counties of the state during the past ten years the sum of \$3,900,638.89, of which all that has reached the treasury is \$2,953,351.38, leaving about 25 per cent unaccounted for. It will not do to say that the tax was not collected, for I find that while \$12,580,081.03 was levied for state purposes during the same period there was paid into the treasury on that account \$12,107,049.57, the deficiency being less than 4 per cent. Now I would not be understood as saying that the counties owe the state this large sum of money. They do not, but they did owe at the close of the fiscal term \$51,015.35, which, in view of the enormous amounts raised, was that much more than they should have owed. Of the \$947,288.51 not accounted for, more than \$800,000 was levied under color of authority and improperly diverted to other purposes. What legislation is advisable to



put a stop to such irregularities, to speak of them not more harshly, I leave to the consideration of the general assembly.

The cost of caring for patients at the hospitals was \$13.90 per month.

The amounts asked for repairs and betterments at the several hospitals are as follows: At Mt. Pleasant, for specific purposes, \$20,750; for annual allowance, \$8,000; making for the term \$38,750; at Independence, for specific purposes, \$71,625; at Clarinda, for specific purposes, \$151,740; the total aggregating \$260,115.

The hospital at Cherokee cannot be hastened to completion too soon. Already the existing hospitals are overcrowded, and the new one would doubtless soon be comparatively well filled if it were ready for occupancy. The insane appeal to us for the kindest care. The century now closing—I may say the half century—has witnessed a notable improvement in the care of the insane; indeed, it might be called a revolution. Fifty years ago the condition of most of the insane was a reproach to the civilization of the age. The horrors of the treatment to which they were subjected are almost beyond belief at this time. Neither is it very many years since this unfortunate class of people ceased to be barbarously treated, if, indeed, such treatment has yet ceased altogether. There has recently manifested itself in this state a disposition to return to the system of local care of the insane by placing them in county asylums. It is urged solely on the ground of "economy;" of immediate saving; but will the insane be so well cared for as in the state institutions? Are they not likely to be placed under the care of attendants ignorant of the character of the work to be done, and possessing as a prime qualification muscular strength, instead of the trained nurses that now do duty at the state hospitals? Will the superintendent or even the physician in charge be an alienist? The manner in which these questions can be truthfully answered in respect to any such county institution will tell better whether real economy is practiced.

I most earnestly recommend, as have several of my predecessors, that the powers of the visiting committee to the hospitals for the insane be enlarged so as to embrace an inspection of every hospital or asylum in the state where insane persons are kept, and I would include, too, those not under the control of the public authorities. One of the boards of trustees well argues, if there is justification for the existence of such a committee with reference to the state hospitals which are under

the direction of boards of trustees chosen for that particular work, there is imperative need for the visitation of private hospitals, private asylums and poor houses.

#### INDUSTRIAL SCHOOL.

The new buildings provided for by the last general assembly have been erected and completed within the appropriations. For the boys' department, the board asks a further appropriation of \$39,350 for a new school building, for a new family building, and for repairs and contingent, for heating six family buildings, enlarging the chapel, and erecting a pest house. A school building is undoubtedly much needed, and one additional family building will still leave the cottages overcrowded. That the mode of heating should be improved cannot be doubted. To warm the buildings of a public institution by means of stoves, with the attendant danger from fire, approaches criminality. For the girls' department \$19,100 is asked. Among the items going to make up this aggregate is one for a family building for the little girls. It is objected that at present these children are under the necessity of associating with girls much older than themselves, by whom they cannot but be in some measure influenced. I am constrained to think it questionable policy to have little girls sent to this institution. Provision had better be made, as above suggested, for the smaller ones, both boys and girls, at the Home for Indigent Children.

#### THE PENITENTIARIES.

While the population at nearly all our institutions has much increased within the last few years, the fact is notably so at the penitentiaries. In 1889 the number at both prisons was 615, or only two more than the number at Anamosa at the close of the last fiscal term. In the two prisons there were at the later date 1,139 convicts, an augmentation of 85 per cent in eight years, when the number of people increased only a little more than 15 per cent. What has brought about this undesirable state of affairs is a subject of very diverse opinions. One suggestion that is made by the warden of the Fort Madison penitentiary has, I think, great force, which is that the absence of an habitual criminal law offers what may be called inducement for the criminals of other states to migrate here. Illinois has recently adopted such a law, following the example of Ohio, which has had one for years. I look upon an amendment to our existing law that would introduce a like system as

worthy of your most serious consideration. The Ohio law makes the penalty for the first felony (other than murder) committed by a criminal an indeterminate one between the minimum and maximum terms of imprisonment prescribed for the crime. For the second felony the penalty is fixed by the court pronouncing sentence. For the third felony imprisonment for life is adjudged. Provision is made for good time allowance to first and second term convicts and for the paroling of the former. The new code enacts the following:

"SEC. 4846. If any person, having before been twice convicted within this state of larceny, be again convicted of larceny, he shall be deemed a common thief, and imprisoned in the penitentiary not more than seven years, or fined not exceeding one thousand dollars and imprisoned in the county jail not more than one year."

This provision was in the code of 1851, but with a lighter maximum penalty. It was enacted then, as I assume it was enacted last year, with the object in view of having it reach criminals twice convicted of petty larceny. An attempt to punish one such under the former code elicited from the court an interpretation that as it then read (and as it now reads) the penalty was incurred only in case of two previous convictions of felony. This being the case, the section was dropped from the code of 1878 as substantially surplusage, the penalty then being no greater than was prescribed for offenses previously committed. I recommend that the section be amended so as to provide for the indictment as a common thief of a criminal who has been twice previously convicted of petty larceny. The thief who confines his repeated crimes to jail offenses soon becomes one of the worst characters in any community.

Some system of prison labor ought to be devised for furnishing employment for prisoners otherwise idle. This will become increasingly important as the time approaches for the termination of the contracts at Fort Madison and the completion of the edifice at Anamosa. I am advised by one who has made a study of the subject, who is one of the foremost penologists of Iowa, and who has had actual experience in prison management, that experimentation in other states has developed systems that do away with the objection of unfair competition with free labor, and at the same time utilize the labor of convicts so as to make them self-supporting and allow the convict the

amount he can earn over and beyond the cost of his support. Iowa has made no progress in this matter. He adds: "At least one system other than the contract system has been shown to be a pronounced success in the states of Illinois and New York." In the latter state the statute provides that the surplus products of the labor of the prisons shall be disposed of to other public institutions as well as to the state departments and the counties and other political divisions of the state at prices determined on by the board of charities and corrections. This disposition of the goods manufactured I look upon as especially desirable; and it might be applied to the products of all our state institutions, such as the Home for the Blind and the hospitals.

I do not deem it nearly so essential that the prisons be profitable in a pecuniary sense as that they shall be remunerative in the larger sense of making better men and women of the prisoners, so that upon their release from custody they shall become builders of the state and no longer destroyers.

The good time law now in force in this state is gravely defective in making no distinction between first term and older criminals. In the spirit of the foregoing recommendation concerning the indeterminate sentence, I would suggest that the diminution for second term convicts should be only half of that allowed those serving their first term, and that those in for more than a second term be allowed none at all.

In reference to the government of the penitentiaries, I have a few suggestions to offer. In my judgment, these institutions should come under the supervision of a board, such as governs the industrial schools. In fact I would recommend that the powers of that board be enlarged so that it should have like control of the penitentiaries. The penologist whom I have before quoted uses language on this subject which I adopt, while I commend it to the attention of the general assembly: "In all the state institutions except its two penitentiaries the superintendents are selected by the boards of trustees and without any definite term of office. They are subject to removal at any time for cause, but retained if faithful and competent. They are thus encouraged to make special effort to fit themselves for the proper discharge of their important and highly responsible duties. It goes without saying that better public service is procured under such a system. It is difficult to conceive why wardens of our penitentiaries should not be

selected in the same way. The present system which fixes the tenure of these two offices at two years, and provides for their election on joint ballot in the general assembly, absolutely precludes the idea of any man being able to hold the office beyond such time as may be fixed by political precedent or custom, no matter how capable or well qualified he may be. The science of penology has long been fully recognized. The man who takes the time to fully qualify himself to be the custodian of the criminal classes is as useful to the general public as the man who has taken the same time and pains to fit himself for the proper care of the insane. If it were proposed to make the office of superintendents of our hospitals for the insane elective on joint ballot at each session of the assembly, such proposition would meet with little favor. It is also difficult to conceive why the whole burden and responsibility of the supervision of our two penitentiaries should be thrown upon the chief executive when it is clear that he cannot take the time necessary to give such close supervision as is given by the boards of trustees to the other state institutions. It has long been my opinion that, with all the other high and important duties the governor of our great state is called upon to perform, he should be relieved of the onerous duty of supervising the affairs of our penal institutions."

In another respect such a board might be of important service. It could act as a board of parole, as is the case with the Industrial school. I think it preferable to the proposed court of pardons with its ponderous judicial procedure. When a man is finally committed to the penitentiary for crime, judicial proceedings are at an end. Thenceforth punishment, and with it pardon and parole, belongs to the executive department of the government, the exercise of which ought not to be made to depend upon the ability of the prisoner and his friends to employ attorneys to plead his case before another court. I have found the Industrial school board of great assistance to me when considering applications for release from that institution.

At the Fort Madison penitentiary the warden, by skillful handling of the labor of the prison, has been able to construct 140 new cells for several thousand dollars less than was allowed him for the purpose by the last general assembly. Having enlarged the grounds, he has also constructed a new wall at an expense less than half of what it was estimated it would cost.

The warden recommends that the amount allowed for the construction of cells that has not been used be put into the erection of a shop in which men now idle may be employed. He asks \$12,800 for improvements and repairs.

At the Anamosa penitentiary the large center building provided for by the Twenty-sixth General Assembly, approaches completion. It is capacious and well and substantially built. Under the advice of the executive council, the warden used a part of his support fund for the sinking of a well for a supply of water for the prison. This well is found capable of producing 15,000 gallons an hour for fifteen hours, and a tank has been built upon it that holds 45,000 gallons. It is contemplated to increase the capacity of this tank to 60,000 gallons. From the savings in the support fund the warden was also enabled largely to repair damages caused by a calamitous fire. Extensive as are the structures connected with this institution, they unfortunately hardly keep pace with the demands for their use. For continuing the work on this prison the warden estimates that \$45,174 will be needed.

#### INSTITUTION BOARDS.

There has been much discussion of late as to the desirability of a single board to have charge of all the institutions of the state, the members of such board to be expected to give their entire time to the work and to be suitably compensated there for. It is urged that such a board, being familiar with all the institutions, would be in a position to know their comparative needs and intelligently to advise the general assembly thereon, and thus materially to aid that body in its determination as to the amount to be expended for support and betterments. It is also urged that such a system of management would be less expensive to the state than the one now in vogue. I can not bring myself to believe that such a consolidation of the existing boards, and placing all the institutions under one board, will afford a remedy for any of the evils supposed to inhere in the present system. I find that the pay and other expenses of all the regents, trustees and directors amounted to \$29,615.66 for the last fiscal term, or \$14,807.83 for each year. I much doubt whether the expenses of the proposed board of control would be materially less with its members paid the salaries that men ought to have who are competent to fill such places and who would be expected to make the performance of their duties their sole active business for the time. But the incongruity of

having the State university and the penitentiaries, the Agricultural college and the hospitals for the insane, the Normal school and the Institution for Feeble Minded Children, all under the control of one and the same board, would, in my judgment, more than offset any benefit, pecuniary or otherwise, that would be derived from the proposed consolidation. Nevertheless, I believe that there ought to be a reduction in the number of boards. I can not see why institutions of a kindred character may not be supervised by a single board. For instance, the purely benevolent institutions, that is, the hospitals for the insane, might be put under one management with advantage. So also might those which combine education with personal support, such as the Orphans' home and the institutions for the blind, deaf and feeble minded. The higher educational institutions might remain under separate boards, although I do not see why the Normal school might not be beneficially placed under the control of the board of regents. The Soldiers' home, unique as it is in character, must remain under separate control. The industrial schools are now under one board, and very satisfactorily so. If it or a similar board had also supervision of the penitentiaries, as I have above intimated, I fully believe a great advance would be made in prison management. While I think such reduction in the number of boards would be of advantage on other grounds, I am persuaded that it would effect a noticeable saving in the expenses of the institutions. Last term the hospital boards drew from the state treasury per diem and expenses \$7,503.95, and the boards of the Orphans' home and the institutions for the defective classes \$8,243.77; while that of the Industrial school, which has what are really two separate institutions under its control, drew only \$945.37. With only three boards for these institutions the saving here ought to amount to nearly one-half, even if the penitentiaries were to be brought under their supervision.

#### SPECIAL APPROPRIATIONS.

The amounts asked for the several institutions of the state, whether as additional, permanent allowances or special appropriations, are as follows:

	Annual Allowance.	Specific Approp'tion.	Total Term.
University—			
Permanent.....	\$15,000	.....	.....
For five years.....	15,000	.....	.....
University publications.....		\$ 1,000	
Improvements, etc.....		41,100	\$ 101,100

College of Agriculture.....		44,475	44,475
Normal School—			
Permanent.....	\$33,600		
For three years.....	25,000		
Repairs.....		1,000	118,200
Orphans' Home.....		50,050	50,050
Soldiers' Home.....		41,500	41,500
Industrial Home for the Blind.....		34,300	34,300
College for the Blind.....		27,600	27,600
School for the Deaf.....		8,000	8,000
Feeble-Minded Children.....		49,655	49,655
Hospital at Mt. Pleasant.....	8,000		36,750
Annual.....		20,750	
Hospital at Independence.....		71,625	71,625
Hospital at Clarinda.....		151,740	151,740
Hospital at Cherokee.....		279,000	279,000
Industrial School, boys' department.....		39,350	
Industrial School, girls' department.....		19,100	58,450
Ft Madison Penitentiary.....		12,800	12,800
Anamosa Penitentiary.....		45,174	45,174
Benedict Home.....		12,000	12,000
Fish and Game Warden.....		13,000	13,000
Omaha Exposition.....		47,400	47,400
Memorial Hall, additional.....		30,000	30,000
Total.....	\$97,700	\$ 1,037,619	\$ 1,232,319
Total additional annual allowance.....			\$97,600

The amount proposed for specific appropriations is thus \$1,037,619, while an annual allowance of \$97,600 or \$195,200 for the two years, is also asked, part of it permanent and part terminating; making in all \$1,232,319 for the term.

It will be in order now to consider the resources of the treasury.

The auditor of state estimates the receipts of general revenue from sources other than the state levy at \$1,361,000 and from the state tax at \$2,650,000, making the aggregate receipts \$4,011,000. The estimated receipts from the state tax, however, includes \$610,000, the product during the first half of the year 1899 of a levy of two mills, which levy was the maximum that could be applied at the time the auditor's report was made. The provision of law fixing the levy having been repealed, the amount to be received from state taxes during the last six months of the fiscal term will depend on the expenditures the present general assembly will authorize. The ordinary expenditures, including interest on warrants outstanding, are estimated at \$3,500,348, and there were undrawn special appropriations



that might be drawn during the next fiscal term amounting to \$558,437.61.

The amount of the floating debt at that time, as above stated, was \$410,827.77. To get the state entirely out of debt by the first of July, 1899, would require that \$3,110,000 be raised from taxes during the fiscal term, and this would permit of no special appropriations by the present general assembly. But as the estimates are made for a period, about nine months of which will have expired before the general assembly will have made its appropriations, I have obtained from the financial officers of the state a statement of the gross transactions of the treasury for the first six months of that period. Those officers inform me that the receipts for that period amounted to \$946,303.91 and the sum of the warrants issued to \$995,152.18, and there are yet undrawn of special appropriations \$141,338.94. On the other hand, warrants were canceled amounting to \$862,682.94, and \$15,121.06 interest paid, making the total disbursements \$877,804. The amount of outstanding warrants at the close of the calendar year was \$579,966 and the cash in the treasury \$108,645.47, making the net indebtedness \$471,321.50. While the net floating indebtedness was thus larger by \$60,493.73 at the end of the calendar year than at the close of the fiscal term, nevertheless the condition of the state's finances is much more favorable than at that time. On June 30 there remained undrawn of appropriations made for specific purposes an aggregate of \$308,437.61, which, added to the net floating debt, made a total of actual and contingent liabilities beyond the amount in the treasury of \$719,265.38. At the close of the year there remained undrawn of these appropriations only \$141,338.94, which, added to the net debt at that time, made the actual and contingent liabilities \$612,660.44, or \$106,604.94 less in amount than it was six months earlier. The expenditures of the present year, allowing \$140,000 for the expenses of the session and the miscellaneous items of appropriations usually found in the general appropriation bill, may be estimated at \$1,820,000. To this should be added \$125,000 to be drawn, as already provided for, for the new hospital at Cherokee, making the sum to be paid out \$1,945,000. If the receipts be estimated at \$2,150,000, and that is somewhat larger than the auditor's estimate, there will be an excess of only \$205,000 with which to pay off the net debt at the beginning of the year, and such of the undrawn appropriations as may yet be

called for. Of the latter, however, it is probable that less than \$100,000 will ever be drawn on, the items in many cases representing balances of appropriations that have done their work long ago without exhausting the amount allowed. The following is a list of such balances kindly furnished by the auditor:

Agricultural College, improvement fund.....	\$ 26,632.64
College for the Blind.....	7,495.98
Benedict Home.....	2,912.82
Institution for Feeble Minded Children, improvements.....	19,800.00
Hospital for Insane—Cherokee.....	169.36
Clarinda.....	.75
Mt. Pleasant.....	505.34
Industrial schools.....	1,400.00
State University, improvements.....	7,356.55
Normal school.....	1,601.20
New Orleans Exposition claims.....	12,050.00
Orphans' Home, improvements.....	2,831.42
Penitentiary, Anamosa.....	9,050.25
Penitentiary, Fort Madison.....	6,825.38
Providential contingencies.....	9,079.77
Soldiers' Home, improvements.....	294.67
Iowa and Missouri Boundary Commission.....	219.82
Gray uniforms.....	961.00
Capitol repairs.....	1,151.99
Trans-Mississippi Exposition.....	6,000.00
Memorial building.....	25,000.00
<b>Total.....</b>	<b>\$141,338.94</b>

But, assuming that only \$75,000 of the sum of these balances should yet be called for, the net indebtedness at the end of the year 1898 will be about \$335,000, without any specific appropriations by this General Assembly. To this amount should be added, say, \$35,000, which must be appropriated for expenditures made under authority of law, but for which the last general assembly failed to provide funds. The net indebtedness at the close of the year 1898 will therefore approximate \$370,000. This being true, every proposed additional expenditure of public moneys should be scrutinized with the utmost care and as little as possible be allowed to be drawn before the spring of 1899. The resources and expenditures during the latter year will depend on the action of the present general assembly. While extravagance is ever to be avoided, the state on the other hand should never be panic stricken.

#### BENEDICT HOME.

This institution continues its work of reclamation. It was founded by the Woman's Christian Temperance Union and is

managed under its direction, and as I believe the management is judicious. It is indeed a grand benevolent institution, and is a continuous instrumentality for rescuing and redeeming the unfortunate.

The family have, under the direction of the superintendent, done all the work about the home, indoors and out. Even for the school competent teachers are found in the family. The inmates, doing all the nursing, soon acquire a facility at that occupation that is found to be of service to them when they have returned to the world. This is indeed true regarding practically all the occupations pursued at the institution. The whole number of inmates during the term was 170.

For the support of this home, including an allowance made several years ago for the construction of a building, the state treasury has contributed up to the present time a little in excess of \$38,000. The treasurer reports little other means of support than that thus derived from the state. I am led to think that this amount of interest in the institution ought to have its representative on the managing board of the home, and I recommend that steps be taken to secure such representation.

For support during the next biennial term the trustees ask for \$12,000. Their valuable report, embracing that of the treasurer, superintendent and surgeon, has been handed to me. It has been for several years printed as a state document, but the authority to do so does not appear in the new code.

#### FISH AND GAME.

The work of this commission is steadily increasing in importance, the demand during the term for supplies of fish for stocking purposes exceeding that of any former term. The work of the commission is thus seen to grow in popular regard, a fact which is further evidenced by the increased favor with which prosecutions of violators of the law are regarded. Over five hundred poachers were convicted and fines imposed amounting to \$6,458, which is \$458 more than was allowed for the support of the commission for the fiscal term. The dam authorized at the last session of the general assembly, to be constructed at the outlet of East Okoboji has been completed and will have the effect to retain over two feet more of water in Okoboji than there otherwise would have been. The canal provided for in the same act between Spirit lake and Little Spirit lake, about 500 feet in length, has also been completed and already effectively accomplishes its purpose. The expense

of making the dam and the canal was kept within the appropriation of \$1,000. A fish car has been provided and completely and admirably equipped, at a cost of \$1,600, \$800 of which was paid out of the ordinary support fund. Several railroad companies allow the car to pass free over their lines. The fish commissioner has thus been enabled to transport over 1,500,000 fish from the bayous of the state and place them in several of the interior lakes and rivers. A supply pond has been kindly furnished by the town of Sabula, where the fish taken from the bayous are kept awaiting transportation. By this means enormous quantities of food fish, which would otherwise be lost by the drying up or the freezing of the bayous is saved.

Of the appropriation made by the Twenty-fifth General Assembly amounting to \$6,000 there was covered into the treasury \$1,219.65. Of the similar amount appropriated by the last general assembly there remained unexpended, on the 1st day of November last, \$762.48, additional expenditures being required because of fruitless litigation designed to hinder the work of the commission.

The new code greatly enlarges the work of this officer in giving him supervision of game interests. This will necessitate the appointment of many deputies to assist him. The statute requires that their services be rendered without expense to the state. There should nevertheless be provision for compensating them in some manner. This may be done by allowing the warden a contingent fund out of which deputies should be paid for services actually rendered. The warden asks for an allowance of \$21,100 for the protection of fish and game and performing the duties imposed upon him.

#### BUREAU OF LABOR STATISTICS.

The commissioner of labor statistics presents a voluminous report. The last general assembly enlarged the powers and duties of that officer and increased the capacity of that office for usefulness. Under the authority granted by that law, the commissioner or his deputy has visited nearly every city and town in the state to get lists of establishments having five or more employees. These establishments were called upon to furnish information in reply to questions asked them, which information has been compiled and is presented in tabular form. The data upon which these tables are based are constituted of verified statements of the employers. Owing to the fact that there

had been no compilation of the lists of employers in the state, the attention of the bureau during the term was largely taken up with procuring the information necessary for completing the lists, and the commissioner found himself unable to give the time necessary during the term for getting corresponding information from employees. The commissioner recommends that there be a bulletin furnished quarterly by the bureau, which shall publish information coming to the knowledge of the commissioner between times. A law requiring the boxing or covering of all dangerous machinery and shafting, and the placing of railings around fly wheels and vats, is recommended with authority given some officer to enforce the same. Examination of persons undertaking to handle stationary boilers is also suggested. The commissioner collates the experience of many of the cities of the state in respect to the collection of poll taxes, from which it would appear that a comparatively small number of persons liable to pay such taxes ever do so. In view of this fact and of the further fact that cripples and worn out men, who are considered in the theory of the law unable to work such tax, are employed by those who should pay them, to work out the same, the commissioner recommends that the law be repealed.

#### MINE INSPECTION.

The report of the mine inspectors indicates a revival to some extent in this important industry. The number of mines is 358, or eighteen more than was reported the preceding term. The output was 7,325,224 tons, valued at the mines at \$8,534,677. An increase in the output is thus shown amounting to 352,015 tons, but the value is less by \$472,897. The wages paid amounted to \$5,642,342 for miners and \$2,161,752 for all other employees, aggregating \$354,129 more than in the preceding term, while the average paid miners was 77 cents per ton, a decline of 13 cents.

The desirability of enlarging the home market for our coal is forcibly presented by the inspectors. Immense deposits of coal yet underlie the soil of Iowa. The enactment of legislation which may encourage the planting of additional manufactures in this state and the expansion of those now in existence well deserves the attention of the general assembly. The number of fatalities was 45, and of non-fatal accidents was 102. The previous term the numbers were, respectively, 39 and 80.

This unsatisfactory showing is an argument for greater care on the part of both employers and employees. Doubtless greed on the one hand and recklessness on the other do much to augment the hazard of life in the mine. The work of the inspectors I believe to be well done, and I do not doubt that but for their vigilance a much worse showing in this respect would be made. Whatever legislation may do toward remedying the evil ought to be tried. But no legislation can prevent the consequences of recklessness on the part of those who become victims to accident. Indeed, there is always danger that the knowledge of the existence of such legislation will tend to make those it is intended to protect less careful of their own safety.

#### GEOLOGICAL SURVEY.

The work of the geological survey has been carried steadily forward. There are now twenty-six counties which have been covered by the detailed mapping, and in addition special reports have been issued upon the coal, gypsum, lead, and zinc and artesian waters of the state. The seven volumes so far published contain much that is of the highest value to our citizens, from both educational and economic points of view. They have been widely distributed and are the best possible advertisements of our resources. The work is proving an important aid in the development of our mineral deposits and has led to important investments.

Recently the survey has undertaken the collection of statistics of our mineral productions. The returns so far indicate a most gratifying increase in business. In many quarters the building brick output has increased from 40 to 100 per cent. The gypsum industry is flourishing and the coal industry for the latter half of the year has shown a marked improvement.

#### AGRICULTURE.

The weather and crop service makes a gratifying report of the aggregate soil products of Iowa for the past season, showing that the farmers are in condition to receive a fair share of the benefits of our increasing prosperity. Despite unfavorable weather conditions in the planting season, and the severe drouth of the late summer and autumn, Iowa still leads all the states in the production of corn, having a total yield of 239,452,150 bushels of that great staple, harvested in the best possible condition. There has been an increase in the acreage and total yield of wheat, and we have harvested this year 14,613,054

bushels, giving us a liberal surplus beyond our requirements for home consumption. We lead all other states in the production of oats, having a total output of 132,571,155 bushels. Our output of the staple cereals amounts to 404,203,559 bushels, and we have harvested 5,301,404 tons of cultivated and prairie hay. The total value of our soil products, which are mainly consumed in the production of live stock, dairy and poultry products, etc., is estimated to exceed \$200,000,000—a sum nearly equal to the world's production of gold for the year, and approximating the value of the cotton crop of the United States. These figures serve to remind us of the fact that our foremost industry is entitled to the fostering care of all who are charged with legislative and executive responsibilities.

#### DAIRY DEPARTMENT.

The development of the dairy interests in our state during the past year has been large. At the present time there are only three counties in the state without creameries in operation. The increase in the number of creameries for the past year over and above those that have closed or discontinued business is eighty-one. This is a larger increase than for a number of years, and indicates the effect of dairy agitation and information. Territory that heretofore has not been considered as properly a part of the dairy district is now regarded as a good field for development, and two-thirds of the number of new creameries have been established in this class of territory. There are now 891 creamery plants in the state, the largest number that has ever been in operation. The favorable conditions during the entire year of 1896, for the production of butter, placed a mark so high in the quantity shipped to markets outside of the state that it was unreasonable to expect that amount would be increased during a corresponding period for some time to come. But it is now found, notwithstanding the partial drouth of the past season and the unfavorable spring months, that the shipments to markets outside reached 99,457,684 gross pounds, being an increase over 1896 of 4,280,441 pounds. These shipments represent 83,620,081 net pounds of butter, and a valuation of \$15,000,000, which amount came directly into Iowa from neighboring states and foreign markets. The New York market for the year ending November, 1897, shows an average of 18 85-100 cents per pound for fancy creamery butter, a slight improvement over the average

for the previous year. As 71 per cent of our shipments are billed to New York city, our people are materially interested in that market.

The agricultural department at Washington has been active in furnishing information and investigating foreign markets, especially the English markets, by making experimental shipments from our leading dairy states. Individual shipments by the carload of fine Iowa creamery butter have been forwarded from some counties directly to Liverpool and London. That these goods met with favor is reason for congratulation and shows to what a high degree the production of creamery butter has reached in Iowa.

The city milk inspection law at the present time covers thirteen cities, or those having more than 10,000 population. The experimental stage of this inspection is now past, and it would be well to extend it to other cities.

The expenditures of the department for the year ended October 31, 1897, amounted to \$5,432.53.

#### STATE VETERINARY INSPECTION.

The work of the state veterinary surgeon has steadily multiplied until now it takes up substantially all the time of the officer. He is called almost constantly, and into practically all parts of the state, and his labors have been instrumental in staying the progress in many instances of contagious diseases among domestic animals. His report is one of exceptional interest at this time, and I invite attention to his recommendations, especially the one in regard to the inspection of animals being brought into the state for breeding purposes. The time has come, in my judgment, when this officer should have a fixed salary, with a suitable allowance for expenses. He should also have an office at the state house, so that his services may be the more readily secured when needed.

#### HORTICULTURE.

Under the provisions of the new code the Iowa State Horticultural society is allowed to draw office supplies from the supply department of the state. Horticulture is a growing industry and should be fostered, for we not only need fruits for food but for export as well. Already a large quantity of fruit is being shipped out of the state, bringing in a large amount of money. The protection of the homes of Iowa with trees and ornamenting them with shrubs and flowers should



not be lost sight of, and the work of the society should be encouraged and extended.

#### PUBLIC LANDS.

Of the public lands belonging to the state there were patented during the period 2,432,715 acres, and there remain unpatented of lands other than swamp and railroad lands 5,673,613 acres. The amount of swamp and railroad lands is too indefinite to be computed. There yet remain unsold of the other lands 617,770 acres. These are in the grants for the common schools and the university, including some lands donated to the latter. The question of the title to meandered lakes is yet in the courts. A decision made, while against the contention of the state to title in that particular case, nevertheless favors the general principle that the title to these lakes passed to the state when it entered the union as an incident of sovereignty. This would seem to be a correct determination; if so, the title to these lakes can not pass without further action by the general assembly, which action, however, is not desirable, nor is it recommended.

#### FINANCIAL INSTITUTIONS.

The savings banks of the state numbered, at the close of the term, 166, and the other banks under the supervision of the auditor 206, an increase of eight in the whole number in the two years. They held deposits June 30th, amounting to \$45,442,894.16, and the assets amounted to \$65,799,440.96, an increase over the figures of the year preceding of \$1,476,100.87 in the first item and of \$1,170,959.88 in the other. The increase for the biennial period was \$1,615,757.61 in deposits and in gross assets \$1,754,383.07. Reports at the close of business October 5th showed a further increase in the deposits of \$5,048,631.44, and in the volume of assets of \$4,735,088.42. This amount of deposits exceeds that of June 30, 1892, which was the highest line before the crisis of 1893, by over \$8,000,000. On October 5, 1897, the national banks held of individual deposits \$27,502,301.25. Money is evidently coming from its hiding place, and is seeking its great reservoir to be drawn thence for the use of enlarging business and industrial activity.

The last general assembly at its regular session put building and loan associations under the supervision of the auditor of state, first requiring, however, the executive council to pass upon the articles of incorporation and by-laws of the several

associations. Under the authority thus given, the council approved the papers of eighty-seven domestic local associations, twenty-nine domestic associations and one association from Minnesota. These associations reported to the auditor of state December 31, 1896, assets amounting to \$12,565,465.16. These assets are likely to increase much more rapidly with the associations under the supervision of responsible officials.

The controller of the currency in his report of last winter gives the deposits in the loan and trust companies of Iowa as \$4,364,963, and those in private banks as \$5,233,187. The deposits in these various institutions, therefore, aggregate \$100,157,452.

#### SEMI-CENTENNIAL CELEBRATION.

In accordance with provision made therefor by the last general assembly, I appointed a commission consisting of Philip M. Crapo and George F. Henry, of Burlington, and Hon. John Scott, of Nevada, to arrange for a suitable celebration of the semi-centennial of Iowa. The commission began immediately to make arrangements for a celebration of the occasion such as would be creditable to the state. By dint of hard work and untiring perseverance the commission was quite successful. The city of Burlington contributed the amount which the legislature made a condition precedent of any payment out of the state treasury. The celebration took place in October, 1896, occupying eight days. A full history has been prepared by the commission, which history I recommend be published under state authority. The celebration cost the state the sum of \$9,976, the remaining \$24 of the \$10,000 appropriated having been returned to the state treasury by the commission.

#### MEMORIAL AND HISTORICAL BUILDING.

At its regular session the Twenty-sixth General Assembly made a beginning toward the erection of a memorial and historical building, appropriating \$25,000 for the purchase of grounds and the procurement of plans. At the second session of that body provision was made for the construction of a part of the building—the same to be completed, however, including the purchase of the grounds, within the appropriation. After due examination of the proposed sites, selection was made of a tract 100 by 141 feet immediately east of the state house, and it was purchased for the sum of \$4,300, which was considerably

less than any tract as large could be obtained anywhere else adjacent to Capitol square, which is where the statute required the site to be.

Several architects submitted plans on invitation. One of these, that of O. O. Smith, of Des Moines, was selected, and he was chosen the architect and instructed to prepare full estimates of the cost of a fire-proof building (and the executive council would have none other), which he accordingly did.

On examination, the council became convinced that such a building of a size that would be satisfactory to the people, or adequate for even a beginning of the contemplated edifice, could not be built for the means available after paying for the site. It was therefore determined by the council to relegate the matter to the general assembly. It is accordingly left for consideration at the session now opening. I deem this subject one of the first importance. Already the collection fills the rooms of the historical department, and it will soon be practically impossible to crowd in any more.

The department is feeling the force of the truth that "to him that hath shall be given." Many people are now found who are anxious to help swell the collection, provided their contributions can be suitably and safely cared for. The fine library of the state and other papers going back to the beginning of the federal government, left by Hon. James F. Wilson, is ready for turning over to the department when proper provision has been made for receiving and caring for it. Other very valuable collections are offered on like conditions.

The opportunity to procure these ought not to be missed. I am indeed persuaded from the extent of the offerings that the new building, when it shall have been completed, will barely hold the treasures, literary, historical, artistic, archæological and curios, that will then be ready for it. I therefore recommend that \$30,000 be added to the balance remaining of the former appropriation, in order that the memorial and historical building may be pushed to completion. The lowest estimate made by the architect for the erection and completion of this building is \$49,000.

#### THE TRANS-MISSISSIPPI AND INTERNATIONAL EXPOSITION.

Under authority conferred upon the executive council by the Twenty-sixth General Assembly, that body chose a committee composed of one person from each congressional district to take charge of such exhibits as this state should make in the

Trans-Mississippi and International exposition. The committee at once actively engaged in the work assigned it. It has secured ground space for a building and floor room in the halls. It has also done much towards bringing the exposition to the attention of our people.

In preparing the way for a great exhibit, the committee appointed a sub-committee to submit estimates of the cost of preparing, installing and maintaining exhibits to be worthy of the state, which sub-committee has prepared a report that has been sent to me in advance of its presentation to the committee-at-large, which will not meet until next week. The report asks for the purposes of the exhibit an additional allowance of \$47,400.

The governor of Nebraska has written me, advising me that it is contemplated to erect a grand commemorative arch, towards the construction of which each of twenty-four states, including our own, is invited to contribute one course of stone.

Iowa has contributed much of public funds and immensely of private resources towards like expositions which were at such a distance from her borders that no appreciable return has been received for the vast outlay of money. It would seem that this one, which is almost within those borders, should receive encouragement, both public and private, from the people of Iowa. How the treasury, however, can be drawn on for any more, I confess I am at a loss to know.

#### UNITED STATES BATTLE SHIP IOWA.

The state of Iowa has been honored with the name of one of the largest and most powerful war vessels now afloat. At its launching at Philadelphia, Pa., March 28, 1896, the state officers, including myself and staff, the senators and representatives in congress from Iowa, and many prominent citizens of the state were present, and the christening was done by Miss Mary Lord Drake, now Mrs. George W. Sturdivant.

Under the authority conferred by the last general assembly, an elaborate and elegant silver service was procured and the same fitted into handsome cabinets, and on Monday, July 19, 1897, the service was at Newport, R. I., formally presented to the ship and accepted by its commander. Owing to a painful accident that occurred to me a few days before, from the effects of which I have not yet fully recovered, I was unable to be present. The state was well represented, however, by the

auditor of state, the treasurer of state and the speaker of the house of representatives.

The appropriation of \$5,000 was exhausted in the purchase of the service, so that the expenses attending the presentation, as had been those incurred for the representation of the state at the launching, were personally met by the officers attending on those occasions.

#### IOWA NATIONAL GUARD.

It should be a source of satisfaction to the people to know that the efficiency of the Iowa National Guard is now at a higher standard than at any period in its history. The National Guard is really the bulwark of the nation's defense. It supplies in this country the place standing armies occupy in other countries. In this state it is composed, rank and file, of our very best citizens; young men, and middle aged, and in many instances veterans of the late war, representing the various business interests and professions, men who are willing to make a sacrifice of time, labor and money in acquiring military education and training to prepare themselves for the nation's defense, and to serve the state when necessity arises in the enforcement of the law and the preservation of peace and good order. The same regulations and tactics apply to and govern the Iowa National guard and the regular army of the United States. These gallant sons of Iowa are devoting their services in the line of duty without compensation. They are, and ought to be, ambitious. Their only reward is that of rank and promotion, and the same rule in this respect should be applied to them as governs rank and promotion in the regular army.

The adjutant general reports that there has been no change in the organization during the biennial period. The force consists of two brigades of infantry, each composed of two regiments of twelve companies, divided into three battalions of four companies each, and each regiment is furnished with a regimental band, the whole numbering at the last quarterly report 2,498 officers and enlisted men.

The code provides for the organization of two troops of cavalry and two batteries of artillery. This has not been done for the reason that the expense to the state of organizing and equipping a four-gun battery would not be less than \$20,000, and a troop of cavalry would cost nearly or quite as much, and the adjutant-general has not deemed it advisable to organize these two branches unless with funds to put them on equal

footing with the infantry branch of the service, the present appropriation, with close economy, being barely sufficient for maintaining properly the existing force. He suggests that on the organization of the staff corps under the new code full equipment should be purchased for each staff department, and that all equipments for the furnishing of staff departments, except uniforms and arms, should be kept stored in the quartermaster's quarters. The changes in the military law provided for in the new code were judicious. The staff organizations were too extended, the bulk of them being unnecessary and only occasionally used. The additional appropriation of \$100 to each company and band for armory rents was a wise provision and very much needed.

The pioneer lawmakers of Iowa wisely provided in the state constitution that all military officers who command troops in state service shall be elected by the persons to perform the military duty. The military code of Iowa is in strict conformity with the constitutional provision, and the active militia is designated "The Iowa National Guard."

The first elections held at the beginning of the biennial period developed such a disregard for the law and for fairness in the conduct of elections that strict orders and instructions were at once issued for the government of all future elections. National Guard elections have since been conducted with as much regard for law and honesty as are those for civil officers. Elections have been held to fill the positions of colonel and lieutenant-colonel of the First, Second and Fourth regiments, for majors in all four of the regiments, and for company officers in nearly every organization. Four elections were held for major in the Second regiment and six in the First before a choice was made, and all these elections were conducted in strict compliance with the law and the orders governing elections.

Annual inspections have been made each year at the company station by the assistant inspector-general, accompanied by the army officer on detail with the Iowa National guard. They have made careful inspection of all property in the possession of the companies, the means and facilities for caring for it, and the proficiency of the officers and enlisted men in the duties required of them. The written reports of those inspections are filed for the information of the department. The time devoted to these annual inspections heretofore has been entirely too short for obtaining the information necessary

to acquire a proper knowledge of the efficiency and standing of the commands. These inspections should definitely determine the status of the company as to its equipment and the care of the same; the personal, moral and social standing of the officers and enlisted men; the interest in, and knowledge the citizens of the town have of the company, together with all the surroundings, so that on this report will depend the future fate of the company. There should be no hesitancy in disbanding any company falling below the standard required for membership in the guard.

The adjutant-general, in speaking of the war records, says that during the term 485 requests were made for certificates showing the records and service of Iowa soldiers and sailors during the war of the rebellion, and 842 requests for information as to service and addresses. This information is required by old soldiers for the prosecution of pension claims, for procuring admission to soldiers' homes and Grand Army posts, and for prosecuting homestead and pre-emption claims on government land. The business is steadily increasing, and he recommends that an additional clerk be provided to have exclusive charge of this class of work, under the supervision of the adjutant general.

He also recommends the purchase at a reasonable cost of an eighty acre tract now being used for the state rifle range, upon which the state holds a ten years' lease from June 1, 1895, at a yearly rent of \$160. There has been expended about \$3,000 in the way of improvements for range purposes, and to complete and preserve the work already done it will be necessary to expend not less than \$1,000 more.

In view of accidents occurring and likely to occur to members of the guard while in the line of duty, the adjutant-general suggests that the general assembly should make some suitable provision covering such accidents. He recommends that immediate provision be made for Private James Dalley, to compensate him for injuries received while engaged in firing a cannon salute at the camp of the Fourth regiment last August. The annual encampments for the biennial period have been by regiments, the drills and ceremonies all being substantially in compliance with the orders and instructions from the office of the adjutant-general, giving the whole tour of camp instruction a uniformity not heretofore attained in the Guard. The large percentage of attendance shows that the officers and

enlisted men of the Guard are giving attention to the instructions in the annual encampments. The aggregate attendance at the four encampments was 2,015 out of a total number composing the guard of 2,498. The annual encampments have shown a marked improvement in discipline and in all attainments necessary to a well organized military force ready in a few hours to be mobilized for any active service that may be required.

#### THE CHATTANOOGA BATTLE FIELDS.

Nearly all the states that were represented in the battles fought near Chattanooga have erected monuments to designate the positions occupied by their regiments in the sanguinary conflicts of those fearful months. I am advised that provision has been made for the rearing of between 150 and 200 such monuments. Iowa was not, it is true, represented in the struggle at Chickamauga, but in the later fight on Missionary Ridge and Lookout Mountain many Iowa regiments were engaged. While about \$400,000 has been appropriated by other states for monuments on these historic grounds, Iowa has done nothing of the kind. It does look as if Iowa ought to move in the same direction. Her part in the noble record of the Army of the Tennessee would seem to demand that when the position of the various organizations constituting that army are to be indicated on one of its great battle fields the places where the brave regiments of Iowa fought should not remain unmarked.

#### THE SOLDIERS' MONUMENT.

When the soldiers' monument was almost completed the general assembly abolished the commission which had nearly finished that elegant memorial, and the same was turned over to the executive council. That body has caused the contracts which had been entered into by the commission to be completed, and the monument is now finished in accordance with the designs. There yet remains of the amount appropriated \$3,747.25.

#### TENNESSEE CENTENNIAL.

The authorities of the state of Tennessee invited the people of Iowa to assist in the celebration of the centennial anniversary of the admission of that commonwealth into the union in 1796. Owing to the large demand upon the public funds that it was thought ought in some manner be provided for, the



general assembly did not see the way clear to make any appropriation for our participation in the celebration. Nevertheless, I appointed a number of gentlemen to act as a commission with Fulton S. White, of Des Moines, at its head. The commission made no little effort to secure a creditable representation from Iowa at the exposition, which was held at Nashville during the year 1897. Being without means, other than what they themselves supplied, to do the work expected their work was necessarily crippled. Nevertheless, the members of the commission deserve the thanks of the state for the showing they succeeded in making.

#### INDIA RELIEF.

Early in the year 1897, I made an appeal to the people asking for contributions of corn for India's starving people, and appointed on a commission for that purpose Hoyt Sherman, Edwin H. Conger, George L. Godfrey, Joseph D. McGarraugh, Rev. Leon A. Harvey and William L. Carpenter. Assurances had been received of free transportation of unlimited amounts of grain on the various Pacific roads to San Francisco, whence the contributions were to be taken to India in a vessel furnished by the national government. The response to the appeal was generous, and large quantities of grain were taken to St. Joseph, Mo., for drying, preparatory to the long journey. The transportation on the railroads to that point was freely furnished on the various lines, a liberality that was found to make heavy exactions on some of those lines. Either the assurances of free transportation to the Pacific were not well founded, or the lines refused to make good such assurances; and only a limited quantity of the generous offerings went that way. The consequence was that the commission had to sell most of the corn, which was done, and the proceeds remitted through the relief organization at New York to India. The members of the commission labored with zeal and fidelity to forward the work intrusted to them. This is particularly true of Major Sherman, the chairman, who gave most of his time to the work for several weeks, and to whose energy and perseverance the success of the benevolent enterprise is largely to be attributed.

#### THE NEW CODE.

A few defects (very few in view of the magnitude of the work) have been met with in the new code, which require action by the general assembly. In another part of this paper I have

called attention to one in the provision that aims to levy a special tax on corporations increasing their capital.

I may mention some others that have been brought to my attention. Chapter 11 of Title XII provides for the appointment of a number of inspectors of the products of petroleum, not more than fourteen in all, who are to take office on the first day of July in each even-numbered year, thus doing away with the office of state oil inspector, with his deputies. No provision is made for the interval between the taking effect of the new code and the incoming of the new officers. The law does, however, provide for continuing the inspection and provides penalties for the sale of oil which has not been inspected. I asked the attorney-general for an opinion as to the proper course to be pursued under the circumstances. That officer replied, expressing the opinion that the state oil inspector was authorized to hold until his successors under the new law are prepared to take office. Accordingly, the inspection has gone on with the former officers. It would be well, in my judgment, for the general assembly to pass a curative act in reference to the oil inspection.

A similar act will probably also be needed to legalize the doings of the boards of the institutions, the number of the members whereof is diminished by the new law. These are the Soldiers' Home, the College for the Blind, and the Industrial Home for the Blind. In respect of the board of the last named institution further legislation will be needed in order to bring about a reduction in the number of trustees from six to three. The membership of the other boards will be reduced to the proper number, without further action, on the first day of the coming May.

Chapter 7 of Title II, provides for the executive council, defines its duties, and authorizes it to make sundry expenditures in the performance of those duties, but it makes direct provision for paying only for advertising for sealed proposals for supplies. The supplies themselves are to be paid for, and all other expenditures met, out of any appropriation made for that purpose by the general assembly. But no appropriation was made to be used after the new code took effect. In consequence, there has been no money to pay for the supplies procured biennially, in accordance with custom, for the use of the general assembly and the departments of the state government, including paper for the public printing. The supplies were

obtained, however, while the contractors are unpaid. The pay also of the secretary of the executive council and the assistance in his office is also unprovided for. The amount of indebtedness thus incurred is about \$25,000. An appropriation should be promptly made for the payment of this indebtedness as well as for meeting the constantly recurring expenditures authorized by the chapter cited.

Certain permanent appropriations to state institutions that were undrawn October 1st are deemed to have been repealed by the new code. The effect has been to deprive one institution at least—the College of Agriculture—of moneys with which to meet expenditures already made, to be paid for out of funds which the authorities of the college, knowing the condition of the treasury, were in the habit of drawing only when they were absolutely needed. An appropriation of about \$10,000 will be required to meet deficiencies in this respect.

The new code, while requiring various kinds of written instruments to be acknowledged, fails to give authority to any officer to take such acknowledgment except when made to conveyances. Acknowledgments to articles of incorporation, however, have been made before the officers entitled to take acknowledgments of any kind, and these articles have been accepted by the secretary of state under the advice of the attorney-general, a course that, in my judgment, seemed unavoidable. When the needed amendment is made to the law in this respect, it will be necessary also that the acknowledgments thus taken without authority be legalized.

#### ELECTION LAWS.

The election laws of the state are, I believe, giving good satisfaction, except possibly as to the amendment adopted last session, practically forbidding the use of both the circle and the square by the voter in indicating his preference. I believe that the former rule was preferable and would recommend its restoration, with provision for better enabling the elector to designate his choice when more than one person is to be elected to the same office, as in case of judges of the district court or in that of justices of the peace. What is known as the "Australian ballot" system of voting is not intended in any manner to restrict the freedom of the voter. On the contrary, it contemplates enlarging that freedom to the utmost limit by guarding, as it should be guarded, the secrecy of the ballot. What-

ever may be done to insure the utmost freedom of expression of the will of the elector, without in any manner impairing the secrecy of that expression, should, in my judgment, find its proper place on the statute books.

There is an expense connected with the registration law that it would seem might be obviated. I refer to the requirement that registers of election shall be in attendance on the day of election somewhere convenient to the voting place for the purpose of registering those entitled to registration on that day. This, it would seem, could be attended to by the judges of election, and thus the expense be saved of the additional officers and the room that may be hired for their occupancy. I am advised that very few at most apply for registration on election day. There could therefore be little if any inconvenience occasioned by the change.

There is a widespread desire, especially among people living in the cities, that there be enacted a law for the regulation of primary elections. Many states have adopted enactments of the kind, and I believe no state has abandoned the effort after such enactment. The Kentucky law on the subject has attracted much attention, and seems to be generally considered the best yet enacted by any of the states. It provides that each elector may, when registering his name as such, also enter his "party affiliation;" having done which, and not otherwise, he is entitled to participate in the primary elections of his party.

#### THE MULCT TAX.

The prohibitory law of the state as modified by the act of 1894, if not entirely popular, is at least generally acquiesced in by the people as perhaps the one which, while not satisfactory to either of the opposing views on the subject, seems to meet with least ostensible opposition in its enforcement. One modification ought in my judgment to be made, in respect to druggists selling intoxicants. I recommend that a tax of the character of the mulct levy be laid on all drug stores where liquor is sold in quantities or otherwise than in pharmaceutical preparations. The amount of the tax it would be well, in my judgment, to fix at about half that exacted of the place where drinking is allowed on the premises.

#### REWARDS.

The statutes authorize the governor to offer a reward "for the arrest and delivery to the proper authorities" of any per-

son charged with the commission of certain kinds of crime who "has not been arrested or has escaped from arrest." In all cases where I thought the reward was authorized I have offered it, when application was made to me. I have been repeatedly asked also to offer such rewards where the offender was unknown, and where it was desired to use the reward to secure the services of detectives or others for ferreting out the criminals and bringing them to justice. In such cases, being satisfied that the statute did not authorize it, I have invariably declined to comply with the request, although I am aware that a contrary practice has prevailed, to some extent at least, in this state. My own observations as a private citizen, having had occasion to cause the perpetrators of crime to be ascertained and arrested, makes me believe that rewards for unknown parties are rather harmful than helpful in reaching the end desired. Since I made the ruling referred to, the section has been revised and re-enacted, and the governor's authority extended in the matter of offering rewards, but no change was made in the particular to which I have referred, and the language of the section still authorizes a reward to be offered only for a person or persons charged with crime. I look upon this action of the legislature as a vindication of the interpretation I have put upon the statute, although the statute itself is so clear, to my mind, that I have had no doubt as to the correctness of that interpretation. If further legislation in this respect is desired, it would be better to authorize the employment by state or local authorities of detectives for the purpose of ascertaining who the criminals are.

#### CRIME.

The number of convictions for the year that ended October 31, 1896, was 1,225, and for the eleven months terminating with September last, about 1,200. The court costs for the year first mentioned amounted to \$421,816.15, and the sum paid county attorneys was \$83,428.17 besides. The fines imposed were \$82,899.05, and those collected \$37,629.73. The number of convictions is happily less than reported for several years prior.

#### JOINT RESOLUTIONS.

The code provides that the general assembly "shall, by statute or joint resolution, designate the amount to be expended for general state purposes during the biennial period next ensu-

ing." Section 152 of the code enacts that "every officer, board, court or commissioner 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." This legislation, if it remains, and I do not think it objectionable, needs supplementing. There should be some statutory definition of what constitutes a "joint resolution" and how it should be passed, the constitution being entirely silent on the subject. That instrument makes provision only for the enactment of laws, even providing what shall be the enacting clause. In this respect it is quite unlike the federal constitution, which distinctly provides that "every order, resolution, or vote" to which the concurrence of the two houses may be necessary (except on a question of adjournment) shall be "subject to the rules and regulations prescribed in the case of a bill." The practice has prevailed in this state of passing upon joint resolutions precisely as bills, except that, as I am advised, the rules of the houses have not always required that each joint resolution receive a majority vote of the members of both houses on its passage. They have ordinarily, however, perhaps always, been presented to the governor for his signature. During the regular session of the Twenty-sixth General Assembly I signed a few that were presented to me that were in the shape of memorials to congress, although then in doubt as to the propriety of so doing. More mature deliberation satisfied me that if a "joint resolution" had weight at all under the constitution and laws of the state it was just as valid without my signature as with it or even if disapproved by me. Hence, I declined to act on those that were presented in the latter part of the regular session and altogether on those passed at the called session. In this I find that I am in accord with at least one of my predecessors. I recommend that the legislature define by positive enactment the process which joint resolutions shall go through in order to give them validity. I deem this especially important in view of the provision cited in regard to designating the amount of revenue to be expended during the biennial period.

#### CONCLUSION.

I should do injustice to my own feelings if I should refrain in this message from expressing my thanks to my associates in the executive council, and to my other associates in public

office, for the many kindnesses shown me and for their valuable aid in conducting the administration of the state's affairs.

Fellow citizens: it is with confidence that the legislative body will not be wanting in devising liberal things in the interest of all the people, in avoiding anything like extravagance in expenditure, while also avoiding that semblance of economy that is only parsimony, and remembering the truth of the scripture which says: "There is that scattereth yet increaseth and there is that withholdeth more than is meet yet it tendeth to poverty," that I close this paper. Confident I am that all the interests of our state are safe in your keeping; that you will labor for the greatest good, not "of the greatest number" but of all. Those interests are all very dear to me. Here has been my only home from early childhood, since before the time that there was an "Iowa" on the map. I have seen all its growth and participated in it; its handful of people grow into millions; its vast stretch of bleak and forbidding prairie made the most productive fields on earth; and the embryo commonwealth become the tenth state in the Union in point of population, foremost in agricultural productions, and in the van of educational effort. Here, too, when I lay aside the burden of earth-life, I intend my mortal remains shall rest. In the record of Iowa as the home of one of the most enlightened bodies of people on earth; as the land whence went forth at the country's call myriads of men to save that country to themselves and their posterity, of whom I am thankful I was permitted to be one; and in all her luminous past, I rejoice. In her future of glowing promise I have an abiding trust.

In surrendering the office with which the people honored me, it is a matter of profound gratification to me to know that one comes to take my place who is worthy of the best traditions of the state, one in whom the people have confidence that he will discharge the duties he assumes with a determination to serve well the commonwealth.

F. M. DRAKE.

January 11, 1898.

Senator Penrose moved that the Senate do now adjourn until 1:45 this afternoon.

Carried.

### AFTERNOON SESSION.

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Senate met pursuant to adjournment at 1:45 o'clock P. M.

#### MESSAGE FROM THE HOUSE.

A committee from the House appeared and notified the Senate that the House was ready to receive the Senate in joint convention to canvass the vote for governor and lieutenant-governor at the last November election.

The time having arrived to go into joint convention, the President directed the sergeant-at-arms to draw up the Senate in line to accompany him to the chamber of the House of Representatives.

#### JOINT CONVENTION.

Lieutenant Governor Parrott, President of the Senate, called the joint convention to order.

The roll was then called and the following members of the Twenty-seventh General Assembly answered to their names:

Messrs. Alberson, Anderson of Lyon, Anderson of Palo Alto, Allyn, Bailey, Baker, Barrett, Beal, Bell, Berry, Bird, Blake, Blume, Bolter, Bowen, Boyd, Brighton, Bull, Byers, Carney, Carroll, Carr, Cheshire, Christie, Clark of Adams, Clark of Hamilton, Classen, Conley, Cook, Davis, Dempster, De Wolf, Dickens, Downing, Dows, Eaton of Mitchell, Eaton of Page, Ellison, Emmert, Emmett, Ericson, Everall, Farley, Funk of Dickinson, Funk of Hardin, Frink, Garst, Gibson of Plymouth, Gibson of Union, Geisler, Gilbertson, Good, Gorrell, Hansmann, Harbert, Harriman, Hathaway, Hauger, Hazen, Hayward, Hinkle, Hinkson, Hobart, Hoppers, Hotchkiss, Hughes, Hunt, Hurst, Jackson, Jaeger, Jay, Johnston, Jones, Junkin, Kilburn, Kelly, Klemme, Krieger, Lewis, Lothrop, Lyons, Ladd, Lambert, Lavender, Letts, Malloy, Mullan, McArthur, McIntire, Madden, McCully, McCurdy, McGinn, Merriam, Miller of Buena Vista, Miller of Cedar, Miller of Fayette, Miller of Warren, Nabstedt, Nietert, Nolan, Now-



ers, Overfield, Penick, Perrott, Porter, Potter of Pottawattamie, Powers of Jasper, Power of Lee, Prentis, Palmer, Penrose, Perrin, Pusey, Ray, Reynolds, Ranck, Santee, Sauer, Shambaugh, Sheeau, Smith of Greene, Smith of Harrison, Stallcop, Stewart, Titus, Trewin, Veneman, Wallace, Wemple, Whelan, Wilson of Clinton, Young of Delaware, Young of Lee—137.

Those not present were:

Messrs. Alexander, Arnold, Blanchard, Craig, Druet, Finch, Hanson, Healy, Mitchell, Parker, Potter of Bremer, Towner, Van Houten—13.

It was declared by the President of the joint convention that a majority of the General Assembly was present.

Senator Gilbertson was selected as teller on behalf of the Senate, and Representative Jackson as teller for the House.

The Speaker then opened the returns in the presence of the joint convention, which then proceeded to canvass the vote cast for governor and lieutenant-governor of the state of Iowa, at the election in November, 1897.

On motion of Representative Potter of Pottawattamie, the joint committee adjourned until 3:45 P. M.

The joint convention reconvened at 3:45 P. M.

Tellers not being ready to report, Senator Carroll moved that the joint convention take a recess until 4:30 P. M.

Carried.

The joint committee reassembled at 4:30 P. M.

The tellers reported and the president of the convention announced the vote in its presence, as follows:

FOR GOVERNOR.

Whole number of votes cast .....	438,293
Leslie M. Shaw .....	224,729
Fred E. White .....	194,853
Charles A. Lloyd .....	5,296
John Cleggitt .....	4,296
Samuel Phelps Leland .....	8,243
M. J. Kremer .....	876

Whereupon Leslie M. Shaw was declared duly elected governor of Iowa for the ensuing term.

## FOR LIEUTENANT GOVERNOR.

Whole number of votes cast.....	434,901
J. C. Milliman.....	226,118
B. A. Plummer.....	189,575
B. H. Perkins.....	5,034
S. H. Mallory.....	5,374
M. W. Atwood.....	7,892
M. S. Herschfield.....	908

J. C. Milliman was declared duly elected lieutenant-governor for the ensuing term.

Lieutenant-Governor Parrott president of the joint convention, then directed that the abstracts of votes be filed with the secretary of state.

The following certificates were then duly signed in the presence of the joint convention.

HALL OF HOUSE OF REPRESENTATIVES, }  
DES MOINES, Iowa, Tuesday, January 11, 1898. }

This is to certify that upon a canvass in joint convention of the two Houses of the General Assembly of the state of Iowa, of the votes cast at the November election, A. D. 1897, for the office of governor of the state of Iowa, it appeared that Leslie M. Shaw received the highest number of all the votes cast for any one candidate at said election for said office, and was therefore declared duly elected to said office for the term of two years, and until his successor is duly elected and qualified.

Signed in the presence of the joint convention this 11th day of January, A. D. 1897.

MATT PARROTT,

*President of the Senate and President of the Joint Convention.*

J. H. FUNK,

ATTEST: *Speaker of the House of Representatives.*

G. S. GILBERTSON, *Teller of the Senate.*

ALBERT E. JACKSON, *Teller of the House.*

HALL OF THE HOUSE OF REPRESENTATIVES, }  
DES MOINES, Iowa, Tuesday, January 11, 1898. }

This is to certify that upon a canvass in joint convention of the two Houses of the General Assembly of the state of Iowa, of the votes cast at the November election, A. D. 1897, for the office of lieutenant-governor of the state of Iowa, it appeared that J. C. Milliman received the highest number of all the votes cast for any one candidate at said election for said office, and was therefore declared duly elected to said office for the term of two years, and until his successor is duly elected and qualified.

Signed in the presence of the joint convention this 11th day of January, A. D. 1898.

MATT PARROTT,

*President of the Senate and President of the Joint Convention.*

J. H. FUNK,

*Speaker of the House of Representatives.*

ATTEST:

G. S. GILBERTSON, *Teller of the Senate.*

ALBERT E. JACKSON, *Teller of the House.*

Senator Bell moved a committee of three be appointed to notify the governor and lieutenant governor-elect of their election.

Carried.

The chair appointed on such committee Messrs. Bell, Dickens and Alberson.

The Journal of the joint convention was read and corrected.

On motion of Senator Blanchard the joint convention dissolved.

The Senate returned from joint convention.

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

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Wednesday, Jan. 12, 1898. }

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.

President Parrott addressed the Senate on rules and offered some suggestions thereon.

#### REPORTS OF SPECIAL COMMITTEES.

Senator Carney submitted the following report from special joint committee on employes:

**MR. PRESIDENT**—The joint committee appointed to determine what, if any, additional help is needed to facilitate the business of the Twenty-seventh General Assembly, report as follows:

We find it necessary to employ the following additional employes:

Three policemen, one clerk in the supply department, two clerks in the document room, seven janitors and two elevator tenders.

We recommend that the salaries of the above named employes be fixed at \$60 per month, each.

We further recommend that the following named persons be elected to the positions named, and that the custodian assign janitors and elevator tenders to duty.

**Policemen**—John A. Cook, Franklin county; Henry Matter, Marshall county, and John H. Serene, Alamakee county.

**Supply department**—Geo. W. Van Dyke, Polk county.

**Document room**—A. H. Jordan, Jefferson county, and Harry G. Norton, Pottawattamie county.

**Janitors**—C. H. Smith, Lyon county; O. K. Olson, Polk county; Leonard Manning, Lucas county; B. D. Beach, Webster county; A. M. McKay, Winneshiek county; J. E. Winder, Taylor county, and M. M. Robertson, Boone county.

**Elevator tenders**—John B. Frost, Polk county, and F. C. Flint, Delaware county.

We further recommend that the sergeant-at-arms of the Senate and House respectively, cause the ink wells to be filled.

The committee have not recommended all the additional help asked by the different departments, but the committee are agreed that they have

recommended sufficient additional help for present needs Should it appear that the assistants are needed, they can be supplied by further action of this or another committee.

J. L. CARNEY,  
J. H. TREWIN,  
THOMAS A. CHESHIRE,  
*Committee for the Senate.*  
M. K. WHELAN,  
HENRY H. BRIGHTON,  
C. F. JOHNSTON,  
*Committee for the House.*

Senator Ericson presented the following report from committee on mileage:

MR. PRESIDENT—Your committee on mileage beg leave to report that they find the members of the Senate of the Twenty-seventh General Assembly are entitled to mileage as follows:

NAME.	Miles.	Amount.	NAME	Miles.	Amount.
Lieut.-Gov. Parrott.....	212	\$ 10.60	Healy .....	170	\$ 8.50
Lieut.-Gov. Milliman.....	370	18.50	Hobart .....	350	17.50
Alexander .....	300	15.00	Hospers .....	422	21.16
Allyn .....	240	12.00	Hotchkiss .....	44	2 20
Bell .....	236	11.80	Hurst .....	416	20.80
Berry .....	36	1 80	Junkin .....	295	14.75
Blanchard .....	128	6.40	Kilburn .....	276	13.80
Bolter .....	370	18.50	Lewis .....	144	7.20
Byers .....	214	10.70	Lothrop.....	460	23.00
Carney .....	110	5 50	Lyons .....	538	26.90
Carroll .....	206	10 30	Malloy .....	412	20.60
Cheshire .....			Mitchell .....	272	13.60
Craig .....	346	17 30	Mullan .....	212	10.60
Druet .....	128	6 40	McArthur .....	336	16.80
Eaton .....	390	19.50	McIntire .....	180	9 00
Ellison .....	352	17.60	Palmer .....	250	12.50
Emmert .....	164	8 20	Penrose .....	184	9 20
Ericson .....	80	4 00	Perrin .....	280	14.00
Everall .....	550	27 50	Pusey .....	284	14.20
Finch .....	214	10.70	Ranck .....	242	12.10
Funk .....	400	20.00	Titus .....	324	16 20
Garst .....	180	9.00	Trewin .....	700	35.00
Gilbertson .....	304	15.20	Wallace .....	166	8.30
Gorrell .....	70	3.50	Wilson .....	470	23.50
Harriman .....	250	12.50	Young, D. A. ....	418	20.90
Hayward .....	350	17.50	Young, D. H. ....	304	15.20

Respectfully submitted,

C. J. A. ERICSON,  
J. S. LOTHROP,  
A. HURST.

*Committee on Mileage.*

Adopted.

Senator Carroll, from the special committee, submits the following report:

MR. PRESIDENT—Your committee on resolution relative to employment of clergymen, beg leave to report 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.

B. F. CARROLL,  
*Chairman.*

Adopted.

Senator Cheshire presented the following report of joint committee on inauguration:

MR. PRESIDENT—The joint committee on inauguration makes the following report:

The inaugural ceremonies will be held in the rotunda of the capitol, at 2:30 o'clock P. M., Thursday, January 13, 1898.

The military escort will receive the governor and lieutenant-governor-elect and party at the Savery hotel, at 1:30 P. M., and proceed to the capitol, where the military will open order and the governor and lieutenant-governor-elect and party will pass through the south door of the east entrance to the capitol, to the stage erected in the rotunda, and will there be seated.

The Senate will assemble in the Senate Chamber, and the House in Representative Hall, at 2:15 o'clock P. M., and will then proceed to the rotunda and take seats.

Lieut-Governor Parrott will have charge of ceremonies on the stage.

PROGRAM.

Music—Carroll Cornet Band.

"Loyal Song"—Apollo Club of Des Moines

Invocation—Rev. J. T. Crippen, Marion, Iowa.

Music, "Iowa"—Apollo Club of Des Moines.

Administration of oath to Leslie M. Shaw and J. C. Millman, governor and lieutenant-governor-elect—By Chief Justice Horace E. Deemer.

Inaugural Address—Governor Leslie M. Shaw.

Music, "The Star Spangled Banner," Apollo Club of Des Moines.

Music—Carroll Cornet Band

The joint convention of the House and Senate will then be dissolved.

The Capitol building will be open between the hours of 8 and 11 o'clock P. M. and an informal reception will be held by the governor, lieutenant-governor and Speaker of the House, in the rooms of the executive.

The ceremonies of the inauguration will be held under the direction of Adjutant-General Wright. The public will be admitted to all doors except the south entrance and the south door at the east front. No tickets will be required for admission except at the south door of the east entrance where those having tickets will present them.

The stage and rotunda will be decorated by Custodian Metzger and his assistants.

We further report that we have authorized the adjutant-general to provide as military escort, Companies "A" and "H." Third Regiment, the two Des Moines Companies of the Iowa National Guard, and Troop A, Lincoln Huzzars; also the commissioned officers of the Iowa National Guard.

We have also procured such carriages as may be necessary for the use of the governor, lieutenant-governor, governor and lieutenant-governor-elect, ex-governors of the state, speaker of the house, judges of the supreme court, and others comprising the governor's party.

• Each senator and representative will be furnished with one ticket for himself, and three for distribution, which will admit the holders to reserved seats.

The members of the press will be provided with seats immediately in front of the stage.

We recommend that Senators Garst, Lewis and Bolter, and Representatives Hauger, Dows and Alberson, act in conjunction with this committee as a general reception committee.

We recommend that the sergeants-at-arms, door keepers and assistant door keepers report to Custodian Metzger at 1 o'clock P. M., and act under his direction during the inauguration ceremonies.

THOS. A. CHESHIRE,  
J. M. JUNKIN,  
JOHN EVERALL,  
JAMES H. TREWIN,  
G. S. ALLYN,

*Committee on part of Senate.*

H. J. NIETERT,  
W. L. EATON,  
P. A. SMITH,  
J. A. PENICK,  
A. E. JACKSON,

*Committee on part of House.*

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 concurred in concurrent resolution relative to furnishing stationery for members of the Senate and House.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—I am directed to inform your honorable body that the House has concurred in the following committee report, in which the concurrence of the House was asked:

Relative to additional help.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

The Journal was then taken up, read, corrected and approved.

Senator Ericson introduced a resolution relative to introduction of bills, as follows:

*Resolved*, That no bills be introduced into this Senate until the standing committees shall have been announced by the incoming lieutenant-governor.

Adopted.

Senator Carney moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

Senate concurrent resolution in relation to additional help was taken up, read and passed on file.

Also:

Concurrent resolution relative to furnishing stationery for members of the Senate and House was taken up, read and ordered passed on file.

Senator Harriman moved that Senate do now adjourn until 10 o'clock to-morrow morning.

Carried.

Senate adjourned.



SENATE CHAMBER,  
DES MOINES, Iowa, Thursday, January 13, 1898. }

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.

Senator Trewin presented report from code supervising committee.

Senator Ellison moved that the report be placed on file and printed in the journal.

Carried.

REPORT OF CODE SUPERVISING COMMITTEE.

*To the Twenty-seventh General Assembly of Iowa:*

MR. PRESIDENT AND MR. SPEAKER—In accordance with an act to provide for the annotation, indexing, publication, distribution and sale of the code and the statutes hereinafter enacted, the appointment of a supervising committee and the election of an editor and prescribing their duties, passed by the extra session of the Twenty-sixth General Assembly, the undersigned Code Supervising Committee was elected on May 4 and entered upon the performance of its duties on May 7, 1897.

The work of the extra session having been completed and all the laws of Iowa having been re-enacted as amended and duly enrolled, the extra session of the Twenty-sixth General Assembly took a recess on May 11, 1897, until July 1, 1897, it being deemed necessary because of the constitutional provision that laws enacted at an extra session take effect ninety days after adjournment thereof, and expedient for the reason that if any mistakes or omissions should be found in the code as enacted, such mistakes might be corrected or omissions supplied.

Hon. E. C. Ebersole having been elected editor of the code on May 4, 1897, by the general assembly, immediately entered upon the discharge of his duties, first reading all the enrolled bills and correcting manifest errors and mistakes in punctuation. These duties were very arduous and occupied much time

The committee having ascertained that Emlin McClain could be procured to annotate the code for \$7,500, reported the fact to the general assembly, and by its authority a contract was entered into with him for that purpose, a bond for the faithful performance thereof having been required of him in the sum of \$10,000. A copy of said contract is hereto

attached and marked Exhibit "A." Said contract and bond are deposited with the secretary of state.

After the editor had finished reading the enrolled bills and partially completed the index, it became apparent that it would be impossible for him to furnish the "catch-words" and to read the proof as contemplated in the bill. The committee, therefore, employed Emlin McClain at a cost of \$250, to prepare the "catch-words" and Mrs. C. A. Neidig, an experienced proof reader, to read the proof. Miss Capitola Mardis was chosen clerk of the committee and continued in that capacity until the completion of the work, assisting in proof reading and rendering valuable services to the committee in every way.

The committee advised with the executive council in regard to the purchase of the paper for the code, which was bought at \$3.70 per hundred pounds, a high grade at a low price being thus obtained.

The committee made a contract with the Star Engraving company, of Des Moines, to furnish the electrotype plates at 55 cents per page, but on account of making the pages slightly larger than contemplated by the contract, it was necessary to increase the price thereof to 59 cents a page.

On account of many unavoidable delays in furnishing the type regularly, the Star Engraving company was unable, without extra help and additional expense, to furnish as many pages a day as were found necessary to complete the work within the time limit, therefore the committee employed an expert finisher of electrotype plates and audited bills for his salary at the rate of \$20 per week.

It was found necessary to purchase patent bases to raise the electrotype plates type high, this being cheaper and more convenient than to attach a base to each plate, which would have made the plates very bulky and would have required a larger amount of room in the capitol in which to keep the same. These bases, costing \$180, are the property of the state. The plates have all been deposited with the secretary of state.

In order to facilitate the work of proof reading the committee found it necessary to employ a messenger with a bicycle, at a small salary. The committee also found it necessary to have the enrolled bills removed to the committee rooms, and therefore rented and had placed in one of such rooms a fire proof safe. The bills were carefully deposited therein until the code was published when they were all returned by the chairman of the committee, to the secretary of state.

After about 1,500 pages of the code had been electrotyped and printed, Callaghan & Co., a law book publishing house of the city of Chicago, and the publishers of McClain's annotated code of Iowa, under contract with him, brought suits in the United States court at Dubuque and Des Moines, to enjoin Mr. McClain from furnishing annotations for the code and to enjoin the state printer from printing the annotations, alleging in substance that said Emlin McClain was under contract with said company to furnish annotations to it only, that it was the owner of the annotations to McClain's codes of 1884 and 1888, which he was using in annotating the code, and that the state through the General Assembly and its committees, had notice and knowledge of such alleged facts and the terms of the contract.

Upon the hearing of the applications for injunctions before Judges Shiras and Woolson of Dubuque and Des Moines respectively, it was conclusively

established that McClain's codes were copyrighted in his own name and that neither the general assembly nor any of its committees or members had any knowledge or notice whatever of the terms of the contract between Callaghan & Co. and McClain or of the nature of the business relations existing between them. The injunctions were denied and Mr. McClain completed his contract.

The printing was completed about September 20, 1897, and the state binder having done the folding as the printing progressed, the first volumes of the code were bound and distributed to the members of the general assembly, the judges, county attorneys and auditors before October 1, 1897. The binding and distribution were done so rapidly that all demands were met. The secretary has sent out 10,838 copies, has 885 copies on hand, and there are 3,277 copies yet to be bound.

It was estimated by the committee that reported the bill under which the committee was created, that the code would make 2,000 pages. It actually made 2,396 pages. This was largely due to the increased number of annotations. On account of a few unavoidable errors and omitting some annotations, it became necessary to reprint portions of four signatures, and the binder was obliged to employ additional help to cut out the erroneous pages and to paste in the corrected ones. This had to be done with great care and for the entire edition of 15,000, so the committee and the executive council have allowed his bill for such extra work.

The committee received requests from a large number of the members of the bar of the state to cite the Northwestern Reporter in the annotations in addition to the official reports. While there was much force in the suggestion the law did not authorize it, and as the code was partly printed when the requests were made it was impracticable to make such citations, because of the additional cost, the increased size of the book and the necessary delay.

After several hundred volumes had been bound and many more were in process of binding, the committee without previous notice to the state binder, employed Mr. P. C. Kenyon, of Des Moines, a practical and experienced printer and binder, to examine the materials used and workmanship of both the printing and the binding of the code. Mr. Kenyon, with the aid of his foreman, made a thorough and careful examination, took samples of the materials and thereupon made the following report to the committee:

*Hon. James H. Trewin, Chairman of Code Supervising Committee:*

DEAR SIR—At the request of your committee I have made a personal examination of the materials entering into the binding of the Iowa code. The leather is the best grade of law sheep, and the twine, thread, super and boards are of the very best grade. The workmanship is simply perfection in law book binding. All in all it is my unqualified opinion that your committee will have secured for the state the best printed and best bound code the state has ever had, should the entire edition be as well put up as the volume this day examined by me. Very truly,

P. C. KENYON.

It is the opinion of the committee that the entire edition is as good as the books examined by Mr. Kenyon.

The supplies drawn by the editor and the committee cost \$53.08, as shown by an itemized statement rendered by the secretary of the executive council, a copy of which is hereto attached and marked Exhibit "B," in accordance with a joint resolution adopted by the general assembly May 5, 1897, and found on page 1122 of the Senate Journal.

The following concurrent resolution was adopted May 4, 1897, page 973 House Journal:

*"Resolved by the House, the Senate concurring, That the committee to be appointed to supervise the publication of the code be instructed on the completion of their work to make out an itemized statement of the expenditures and disbursements of all moneys paid, giving the names of parties and the amount paid to each and for what service rendered, the same to be submitted to the auditor of state and printed in his next annual report."*

And in accordance therewith the committee has procured from the secretary of the executive council a complete statement of the cost of annotating and publishing the code, showing the persons to whom the various amounts were paid and for what purpose. This statement has been presented to the auditor of state and a copy thereof is hereto attached and marked exhibit "C." All these bills were audited at meetings of the committee, except those for binding, in regard to which an arrangement was made with the executive council that the secretary of state should determine whether the materials used in the binding of the codes delivered subsequently were as good as those examined by Mr. Kenyon, and upon his reporting said fact to the chairman, the latter was authorized to approve the bills for binding. This was done in order to save the expense of several meetings of the committee.

The entire cost of editing, annotating and publishing the code is \$40,-200 68, or \$2.68 per volume for the edition of 15,000. Sales actually made and prospective will rapidly reimburse the state for this expenditure. The state has produced a completed annotated edition of its code at a cost of \$2.68 per volume, and has reduced the cost to the purchaser from \$13 00 to \$5.00 per volume. Another edition when required, will be comparatively inexpensive. The law providing for the publication contemplates that at the end of every six years the legislature shall appoint some competent person to compile and annotate the session laws enacted subsequent to the code, which if carried out will probably render another codification unnecessary for a third of a century to come. The editor has caused the code to be copyrighted and assigned the copyright to the state in accordance to the law prescribing his duties.

There has been some demand for the code bound in two volumes, and as 3,277 volumes remain to be bound, this could easily be provided for by the Twenty-seventh General Assembly, but the price should be advanced to \$6 00 for the two volume edition, as it costs practically twice as much to bind the code in two volumes as in one.

The time was very short for the accomplishment of so large an undertaking and many difficulties were encountered and obstacles overcome. That success was achieved, is due to the fact that the members of the committee acted in the most perfect accord and that the editor, the annotator, the printer, the electrotyper, the binder, the proof readers and all others connected with the work promptly and cheerfully performed their duties.

The members of the committee devoted a large amount of time to the work at great sacrifice of personal comfort and business, but feel largely repaid in knowing that they have to the best of their ability performed the duties required of them and that the code has been so heartily and universally approved by the bench, the bar and the people of Iowa.

The committee is deeply grateful for the honor conferred, and for the loyal support of the members of the Twenty-sixth General Assembly, who accomplished the great work of revising and codifying the laws of Iowa.

Respectfully submitted,

J. H. TREWIN,	} Committee.
Chairman.	
L. A. ELLIS,	
Vice-Chairman.	
PARLEY FINCH,	
Secretary.	
W. W. CORNWALL,	
JNO. T. P. POWER,	

EXHIBIT "A"—DUPLICATE CONTRACT.

WHEREAS, The special session of the Twenty-sixth General Assembly enacted a law providing for the annotation, indexing, publication, distribution and sale of the code and of the statutes hereinafter enacted, and the appointment of a supervising committee, and the election of an editor, and prescribing their duties, among which were the employment of persons to prepare annotations of the decisions of the supreme court of Iowa and of the United States courts for said code; and,

WHEREAS, Senators J. H. Trewin and L. A. Ellis, and Representatives Parley Finch, W. W. Cornwall and J. T. P. Power were duly elected as such supervising committee and authorized to enter into a contract with Emlin McClain to annotate said code upon such terms and conditions as the committee should deem expedient, so as to insure to the state of Iowa the faithful performance of said work at a total cost not to exceed \$7,500, and to secure to the state of Iowa the sole ownership of said code and the annotations thereof, and its future publication, and also to require a bond for the faithful performance of said contract; and,

WHEREAS, Said act and resolution contemplate and provide for the vesting of the right and title of said annotations of said code so prepared by said McClain in the state of Iowa, and the copyright of said book with its entire arrangement, contents and annotations by the editor, and the assignment of such copyright to the state, to the end that the state shall have the exclusive ownership of such annotations and code, and the exclusive right to use and publish the same now and hereafter; and,

WHEREAS, subsequent to the passage of such act, and prior to the passage of said joint resolution, the said McClain proffered and made a certain proposition to the said code supervising committee, which is entered upon the Journal of the House of Representatives.

Now, therefore, in pursuance of said act and resolution and said proposition, this contract made and entered into this 18th day of May, A. D. 1897, by and between the state of Iowa, through its said supervising committee, party of the first part, and Emlin McClain, of Johnson county, Iowa, party of the second part, witnesseth:

That the said party of the second part has contracted and agreed, and does hereby contract and agree with the said party of the first part, for the consideration herein named, to make, compose and furnish as soon as required by the printer who is employed to print said code, and to the satisfaction of said supervising committee, full and accurate annotations of all the decisions of the supreme court of Iowa, including those rendered at the May term, A. D. 1897, also of the decisions of the supreme court of the United States, of the United States circuit court of appeals and the United States circuit and district courts, which construe or may aid in understanding or explaining each and every section of the code enacted at the extra session of the Twenty-sixth General Assembly, the rules of the supreme court of Iowa and the constitution of Iowa, stating briefly the pertinent points decided. Such annotations shall be cited immediately under each section to which they are applicable, giving the names of parties, book and page. Decisions of the supreme court of Iowa shall be cited from the official reports so far as issued; those not officially reported shall be cited from the Northwestern Reporter. The decisions of the United States supreme court shall be cited from the official reports so far as issued, those not officially reported from the Supreme Court Reporter. The other federal decisions to be annotated shall be cited from the National Reporter's system.

Said second party shall prepare and furnish to the first party, to be placed at the end of each section of the code, a reference to the section of the code of 1851, revision of 1860 and the code of 1873; also to the statutes or session laws enacted since 1873 which are incorporated in whole or in part in said sections of the code of 1897 in substantially the following form: "16 G. A., ch 7, sec. 10;" "C. '73, sec. 86;" "R. sec. 75;" "C. '51, sec. 61."

Said second party further agrees to furnish copy and read promptly the proof of the annotations, section references and tables so as not in any manner to delay the work of the printer and the editor and to complete his work on or before the 15th day of August, A. D., 1897.

Said second party shall also prepare a table of corresponding sections of McClain's code of 1888, and supplement thereto, and the code of 1897.

Said second party hereby further specifically agrees not to prepare for publication by any other party than the state of Iowa, nor to publish himself, nor to aid in publishing either directly or indirectly any annotated code of Iowa or any annotations for any such code, nor to permit the use of any annotations of the decisions of the supreme court of Iowa, and of other courts as herein specified, heretofore or hereafter to be made by him, or under his direction, for sale or use in the state of Iowa for a period of twenty years from this date. But this restriction shall not apply to the sale of copies of McClain's annotated code already published.

Said second party further agrees that he will not in any manner transfer or alienate his copyright of McClain's Annotated Code of Iowa and supplement thereto, to any person, firm or corporation; and hereby vests the title of the annotations to be furnished by him under this contract in the state of Iowa, with the right to the full use of the same in the publication of another edition of this code or any other edition, codification, revision or publication of the laws of Iowa.

Said second party hereby further agrees to do all things necessary and proper to carry out the general purpose of said proposition made by him,

and the said act and resolution of the general assembly, and the purposes expressed in the preamble hereto, to the end that as complete and perfect an annotated code of Iowa as can be made may be produced and be the absolute property of the state, and the said first party, in consideration of the premises, and in consideration of all the agreements and work to be performed by the said second party in furnishing and preparing all the annotations, reading the proof and all work herein stipulated to be performed by him, undertakes and agrees to pay to the said second party as full and complete compensation for all said work and all his expenses and disbursements incident thereto or attendant thereupon, the full sum of \$7,500, which is to be the full compensation of said second party; such payment to be made in installments as the work progresses, and after approval by said supervising committee and the executive council, by warrant drawn on the treasurer of said state at the end of each month in amount in proportion as the work done bears to the entire work to be done and performed by said second party, the said supervising committee to furnish certificates to the executive council and auditor of the amount to be paid at the end of each month; and should the June certificate to be issued on or about June 4, A. D. 1897, not be paid, or should a warrant not be drawn in pursuance of said certificate, the payment thereof shall be considered deferred until the next estimate, which will take place about the 4th day of July, 1897, and shall not be considered a breach or impairment of this contract.

If at any time the said work of annotating said code does not meet the approval of said supervising committee the said second party shall reform and correct and change the same to the satisfaction of the said supervising committee, and in case of his refusal or failure so to do, the said supervising committee reserves the right to discharge the said second party upon reasonable payment and compensation due him for the work then already done and accepted.

It is further understood and agreed that the said second party shall enter into a good and sufficient bond in the sum of \$10,000 with sureties to be approved by said supervising committee for the good and faithful performance of all the work and labor and the carrying out of all the agreements on his part in this contract contemplated to be carried out and performed by him, the said second party.

In witness whereof, the said parties have hereunto set their hands and seals this 18th day of May, A. D. 1897.

Signed: The State of Iowa, by

J. H. TREWIN,  
L. A. ELLIS,  
PARLEY PINCH,  
W. W. CORNWALL,  
JOHN T. P. POWER,

As Code Supervising Committee.  
EMLIN McCLAIN.

EXHIBIT "B."

Being an itemized statement of the supplies used by the code supervising committee together with the costs thereof:

1897.

May 11.	20 manilla pads at 10 cents each.....	\$ 2.00
"	1 eyelet punch.....	2.00

May 11.	1 box eyelets .....	\$ .04
"	1 box paper fasteners .....	.135
"	1 gross rubber bands at .15 per gross.....	.15
"	1 gross rubber bands at .32 per gross.....	.32
"	1 pen rack at .75 per doz .....	.0625
"	1 dozen small blotters at 2c a doz .....	.02
"	¼ dozen large blotters at \$8.50 per ream .....	.101½
"	2 18-inch rulers at 80c a doz.....	.13½
"	2 ruling pens at \$1 a doz .....	.16½
"	50 2-cent postage stamps .....	1.00
"	3 inkstands at 75c per doz .....	.18½
"	1 bottle red ink at \$2 per doz.....	.16½
"	1 gross pens at \$1.25 per gross.....	1.25
"	1 terrace pin at .73 per doz .....	.06½
"	1 dozen diagraph pencils at \$2.50 per gross.....	.20½
"	2 steel erasers at \$3.40 per doz .....	.56½
"	½ dozen rubber erasers at \$2 per lb.....	.80
"	1 pair shears (long) at \$12 per doz .....	1 00
"	1 quart mucilage at \$9 per doz .....	.75
"	½ dozen pen holders at .87½ per doz.....	.44
"	1 mucilage stand at \$1.40 per doz.....	.11½
"	1 pint black ink at \$3 30 per doz.....	.27½
May 18.	1 pair editorial scissors at \$12 per doz.....	1.00
"	8 bottles library paste at \$2 per doz.....	1.33½
"	1 bottle red ink at \$2 per doz.....	.16½
"	75 envelopes at \$2 per M .....	.15
"	1 box type paper at \$1.25 per ream.....	1.25
"	1 box carbon paper at \$2 per box.....	2.00
"	1 terrace pin at 73c per doz.....	.06½
"	1 dozen Eagle draught pencils at \$4.40 per gross .....	.18½
"	½ dozen blue pencils at 70c per doz .....	.35
"	½ dozen red pencils at 70c per doz .....	.35
June 3.	100 2 cent stamps .....	2.00
"	1 box long rubber bands at \$1.75 per gross.....	.87½
"	1 pen rack at 75c per doz.....	.06½
"	1 box long paper staples at \$1.20 per doz .....	.10
"	2 paper weights at \$1 20 per doz .....	.23½
"	¼ dozen pencil pads at \$5 .....	.30
June 12.	2 memorandums at 15c each .....	.30
"	2 bottles paste at \$2 per dozen.....	.33½
"	25 small blotters at 2c per doz .....	.04
"	1 box paper fasteners at \$1.35 per M .....	.13½
June 18.	1 box type paper at \$1.25 per box .....	1.25
"	¼ dozen draughting pencils at \$4.40 per gross .....	.10
"	1 bottle paste at \$2 per doz .....	.16½
June 20.	¼ pint red ink at \$5 per doz .....	.41½
June 22.	1 ball twine .....	.10
"	1 quire wrapping paper .....	.12
"	1 dozen blotters.....	.02



July 6.	500 No 10 envelopes .....	\$ 1.10
"	1 gross pens .....	1.25
"	1 blank book .....	.25
"	1 bottle ink (1 pint) at \$3.30 per doz.....	.27½
July 9.	1500 No. 11 envelopes at \$2 per M.....	3.00
July 13.	1,000 No. 10 envelopes at \$2.20 per M.....	2.20
July 14.	250 2-cent stamps.....	5.00
July 21.	3 terrace pins at 73c per doz.....	.19½
"	1 dozen pencils at \$2.50 per gross.....	.20½
"	1 dozen small blotters .....	.02
"	1 quire wrapping paper.....	.12
"	300 1-cent stamps .....	3.00
"	300 2-cent stamps .....	6.00
July 27.	1 gross rubber bands.....	.32
"	1 dozen pencils.....	.20½
"	1 mucilage stand.....	.10
Sept 21.	8 bottles library paste at \$2 per doz.....	1.33½
"	30 manilla pads at 10c each.....	3.00
"	2 rubber erasers at 85c per doz .....	.15
	<b>Total .....</b>	<b>\$53.08</b>

## EXHIBIT "C"—STATEMENT OF CODE EXPENSES.

1897.

June 2,	Emlin McClain, as per contract for annotating.....	\$ 1,500.00
"	3, Paper, under contract with Graham Paper Co.....	3,718.17
"	19, Miss C. E. Sunderland, salary at \$50 per month.....	50.00
"	29, Miss C. E. Sunderland, salary at \$50 per month.....	33.80
"	30, Miss Capitola Mardis, clerk supervising committee, salary at \$75 per month.....	75.00
"	30, White Line Transfer Co., moving safe.....	10.00
"	30, E. C. Ebersole, editor, on salary.....	300.00
"	30, Mrs. C. A. Neidig, salary at \$75 per month.....	30.80
"	30, Miss Olive Conger, work on proposed code, \$3 a day.....	87.00
July 8,	Emlin McClain, as per contract for annotating.....	1,500.00
"	8, Miss Emma Eaton, clerk for Emlin McClain, as per contract, for preparing catch words.....	50.00
"	2, Star Engraving Co., electrotyping.....	97.63
"	10, Graham Paper Co., for paper under contract.....	1,484.40
"	23, Mrs. C. A. Neidig, salary at \$75 per month.....	75.00
"	23, Miss Capitola Mardis, salary \$75 per month, cash \$1.50....	76.50
"	23, Will Bowen, messenger.....	9.00
"	23, F. R. Conway, state printer.....	800.00
"	23, Star Engraving Co., electrotyping.....	203.36
"	27, United Typewriter Co.....	10.00
Aug 10,	Star Engraving Co., electrotyping.....	488.15
"	20, Miss Capitola Mardis, salary \$75 per month.....	75.00
"	20, Blanche Campbell, salary, clerk.....	9.00
"	20, Cash for expenses.....	1.65
"	20, Emma Eaton, catch words.....	50.00
"	20, Star Engraving Co., electrotyping.....	338.06

1897.	
Aug 27, E. C. Ebersole, editor, on salary.....	\$ 500.00
“ 28, Emlin McClain, on contract for annotating.....	1,500.00
“ 28, Miss Maude Ebersole, editor's clerk, salary one month....	50.00
“ 28, Will Bowen, messenger.....	25.85
“ 28, F. R. Conaway, state printer.....	2,318 00
“ 28, F. R. Conaway, state printer.....	1,059 00
Sept 6, Miss Emma Eaton, clerk for Emlin McClain, as per contract, for catch words.....	150 00
“ 6, Emlin McClain, on contract for annotating.....	1,500.00
“ 11, Miss Capitola Mardis, salary, \$75 per month.....	75.00
“ 17, Miss Amelia Hartman, services as clerk.....	24.00
“ 23, F. R. Conaway, state printer.....	3,031.16
“ 23, Iowa Telephone Co., use of telephone.....	17.67
“ 23, Star Engraving Co., electrotyping.....	572 39
“ 23, J. H. Trewin, cash paid out as expenses.....	74.46
“ 23, Mrs. C. A. Neidig, proof reader.....	80.77
“ 23, Miss Capitola Mardis, clerk of committee.....	32.50
“ 23, Miss Maude Ebersole, editor's clerk.....	34.56
“ 23, Emlin McClain, on contract for annotating.....	1,500.00
“ 23, Perry Gray, messenger.....	16.65
“ 23, Blanch Campbell, clerk.....	7.00
“ 23, Fred Campbell, clerk.....	6.00
“ 23, W. W. Cornwall, cash paid out as expenses.....	34.65
“ 23, E. C. Ebersole, editor's salary.....	700.00
“ 25, L. A. Ellis, cash paid out as expenses.....	54.20
“ 25, John T. P. Power, cash paid out as expenses.....	13.33
“ 25, Parley Finch, cash paid out as expenses.....	18.26
“ 25, Savery hotel, board supervising committee.....	309.40
“ 30, P. C. Kenyon, inspecting binding and printing, code....	10.00
“ 30, White Line Transfer Co., moving safe.....	10.00
Oct 2, Lafayette Young, state binder.....	549 00
“ 8, Lafayette Young, state binder.....	774.00
“ 15, Lafayette Young, state binder.....	1,000.00
“ 25, Diebold Safe Co., rent of safe.....	15.00
Nov 5, Lafayette Young, state binder.....	1,800.00
“ 13, Lafayette Young, state binder.....	694.00
“ 19, Lafayette Young, state binder.....	1,020.00
“ 26, Lafayette Young, state binder.....	1,359.00
Dec 13, Lafayette Young, state binder.....	1,849.00
“ 20, Lafayette Young, state binder.....	1,002.00
“ 28, Lafayette Young, state binder.....	1,045.00
Jan 11, W. W. Cornwall, expenses on committee.....	15.29
“ 11, Lafayette Young, state binder, pasting.....	305 00
“ 11, Lafayette Young, state binder, extra code supplies furnished code committees.....	53.08
Total.....	\$36,292.68
Codes to be bound.....	\$ 3,277.00
Codes bound and not paid for.....	631.00
Total.....	\$40,200.68

## RECAPITULATION — STATEMENT OF CODE EXPENSES.

1897.

Editor's salary .....	\$ 1,500.00
Annotating Code .....	7,500.00
Catch words .....	250.00
Paper .....	5,202.57
Clerk hire .....	873.43
Expenses of Code committee .....	519.53
Printing .....	7,208.16
Binding, paid .....	11,092.00
Pasting in sheets .....	305.00
Electrotyping .....	1,699.59
Binding extra copies for committee and executive council .....	15.00
Miscellaneous .....	127.40
<b>Total .....</b>	<b>\$36,292.68</b>
3377 Codes to be bound .....	\$ 3,277.00
631 Codes bound, not paid for .....	631.00
	<b>\$40,200.68</b>

Journal was taken up, read, corrected and approved.

President Parrott announced as committee to co-operate with House committee on appointment of clergymen, Senators Carroll, Berry and Wilson.

Senator Alexander moved that the Senate adjourn until 2 o'clock P. M.

Senate adjourned.

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 AFTERNOON SESSION.
 

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Senate convened at 2 o'clock, President *pro tem* Funk presiding.

The following communication was received from the governor relative to vacancies and appointments of regent of State university:

JANUARY 13, 1893.

*To the General Assembly:*

I have the honor to inform the general assembly that the office of regent of the university from the sixth congressional district having become vacant by the resignation of Albert W. Swalm, I appointed Willie D. Tisdale of the county of Wapello, to fill the office, and commissioned him on the 4th day of October, 1897.

I would further state that the office of regent of the university for the eighth congressional district, having become vacant by the resignation of Cornelius A. Stanton, I appointed Hiram K. Evans of the county of Wayne, to fill the vacancy, and commissioned him on the 5th day of October, to take effect the 4th day of that month.

The commissions above mentioned expire with the election of their successors by the present general assembly.

F. M. DRAKE.

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 when we finally adjourn for the day we adjourn until Tuesday, the 18th inst., at 2 o'clock P. M.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

MESSAGE FROM THE GOVERNOR.

The governor's private secretary appeared and delivered the following:

JANUARY 13, 1898.

*To the Senate and the House of Representatives:*

As required by the Constitution, I herewith submit report of each case of pardon, commutation and suspension of sentence granted, with the reason therefor; also all persons in whose favor remissions of fines and forfeitures have been made and the several amounts remitted during my administration.

F. M. DRAKE.

The hour having arrived for joint convention, the President announced that the Senate would proceed in a body to the rotunda of the capitol to inaugurate Governor Leslie M. Shaw and Lieutenant-Governor J. C. Milliman.

JOINT CONVENTION.

Lieutenant-Governor Parrott, President of the Senate, took the chair as President of the joint convention, and called it to order at 2:30 o'clock P. M.

Music—Carroll Cornet Band.

"Loyal Song"—Apollo Club of Des Moines,

Invocation—Rev. J. T. Crippen, Marion, Iowa.

Music, "Iowa"—Apollo Club of Des Moines.

The oath of office was duly administered to Leslie M. Shaw and J. C. Milliman, governor and lieutenant-governor-elect, by Chief Justice Horace E. Deemer, in the presence of the joint convention.

His Excellency, Leslie M. Shaw, then delivered his inaugural address.

Music, "America"—Apollo Club of Des Moines.

Music—Carroll Cornet Band.

Senator Funk moved that the joint convention be now dissolved.

Carried.

The Senate reconvened at 4:15 P. M., President *pro tem* Funk, presiding.

Senator Hurst offered the following resolution:

*Resolved*, That the Senate of the Twenty-seventh General Assembly extends to the retiring lieutenant-governor, our sincere thanks for his able, courteous and impartial treatment of all members during our temporary organization. We assure him that he takes with him to his home our highest regard and best wishes, and further, that we express the same by a rising vote.

Adopted.

President Parrott presiding.

Senator Perrin read the following presentation address in behalf of the senators.

MR. PRESIDENT—I crave your indulgence for a few minutes on the part of the members of the Senate of the Twenty-sixth General Assembly.

We wish to express to you our high esteem and sincere regards. We desire to thank you for the uniform courtesy, fairness, patience, consideration and ability with which you have discharged the duties of presiding officer of this body, and for the cordial and friendly spirit manifested to us individually.

Your duties have been arduous and at times difficult and trying; but you have successfully solved all complications, and triumphed over all difficulties; and are about to surrender your symbol of office and retire from this chamber leaving no wounds or scars behind you. We feel that we can heartily appropriate the words of the poet Riley, with substitution of name:

Ways was devious, Matt Parrott, that we and you has past;  
But as we found you true at first, we find you true at last,  
And now the time's a-coming mighty nigh our journey's end,  
We want to throw wide open all our souls to you, our friend.

With the stren'th of all our bein', and the heat of heart and brane,  
And ev'ry livin' drop of blood in artery and vane,

We love you and respect you, and we venerate your name,  
Fer the name of Matt Parrott and True Manhood's jest the same!

We have no need of any memento from you that we may be able to hold you in remembrance, for your likeness is photographed upon our minds, your sterling qualities are treasured in our hearts and your name is associated with integrity, honor and worth. But as the relations that have existed between us and yourself are about to be severed, we wish to be held in memory by you. We wish to add to our words some memento or seal that shall attest the sincerity and depth of our feeling, something tangible, that you can see, feel and handle. And with this view we present you this gold watch and chain. Take it, and with it confidently feel you hold the affectionate regards of every member of the senate of the Twenty-sixth General Assembly of Iowa.

Our desire is that this watch may be your constant, faithful friend and advisor; that it may continue to tick on, in unison with your heart beats, until you shall arrive at a ripe old age, when crowned with happiness and honor, surrounded with children and children's children, and in the midst of loving relatives, kindred and friends, you shall be called to lay aside the duties and cares of life.

As citizens of Iowa, we take great pride in our noble state. We love its prairies and its forests, its rivers and its lakes; every part is dear to us, from its southern border to its northern line, from the Mississippi to the waters of the Missouri. We are proud of its men and its women, of its resources and its wealth. We are proud of its history, proud of its literature, proud of our schools, of our judicature, of our press and our clergy, and proud of our new code. We are proud of our beautiful capitol and our state institutions. We are proud of the sons and daughters of our commonwealth, who have honored us at home and abroad. But right here, and now, I want to say we are proud of our Matt Parrott.

President Parrott responded with words of feeling and eloquence.

Senator Palmer moved that a committee of three be appointed to conduct the newly elected lieutenant-governor to the chair.

Carried.

The President appointed as such committee, Senators Palmer, Perrin and Bolter.

Lieutenant-Governor Milliman appeared and was presented to the Senate as its President by ex-President Parrott.

Ex-President Parrott then took leave of the Senate.

The President, on assuming the chair, addressed the Senate as follows:

GENTLEMEN OF THE SENATE—In assuming the chair as your presiding officer, and as such, your servant, it may not be inappropriate to admit that I bring to the discharge of this high duty, more of good purposes than experience. You will, I trust, aid me by the exercise of patience, and the splendid and generous courtesy that has ever been characteristic of this body. Coming to this capitol bearing a parchment from the people of this great state, and having had placed upon it the seal of my official oath, it becomes thereby a commission from all the citizenship

of Iowa, and I must not forget that the bar of public opinion is, in a sense, the bar of God.

We are convened to make and amend the laws in the interest of the people of our state, and we should not forget that what we do not enact will also have a bearing upon their welfare.

Coming together so soon after the satisfactory revision of our laws, it would seem that many changes would not be required; and, coming as you do from a recent discussion of the affairs of our state, this honorable Senate is well advised of the needs and wishes of our people.

If your deliberations shall lead you to the exercise of a practical economy in all the channels through which the people's money flow, you will find the chair ready and helpful to that end.

If in conjunction with the honorable House of Representatives you determine to begin active work at once and persistently refrain from delays, to the end that a fair consideration of all profitable legislation is given and a final adjournment reached at an early date, it will at all times find favor here.

If your wisdom suggests that by a longer session you may increase the revenues of the state without adding burdens unjustly upon any interest and without increasing the state levy, or should you desire to curtail expenditures, so that by both methods the indebtedness of the state shall be paid, such course will be assisted by every proper effort of your president.

Gentlemen, it is my earnest wish that you may have harmony in all your deliberations; and that the Chair may learn how best to serve you, I will announce the standing committees, then await the pleasure of the Senate.

Lieutenant-Governor Milliman then furnished the secretary of the Senate a list of the committee appointments, which were read, and are as follows:

#### WAYS AND MEANS.

Senator Funk.  
 Senator Berry.  
 Senator Junkin.  
 Senator Healy.  
 Senator Penrose.  
 Senator Carroll.  
 Senator Carney.  
 Senator Ericson.

Senator Perrin.  
 Senator Gilbertson.  
 Senator Hayward.  
 Senator McArthur.  
 Senator Wallace.  
 Senator Everall.  
 Senator Young of Lee.  
 Senator Wilson.

#### JUDICIARY.

Senator Cheshire.  
 Senator Eaton.  
 Senator Blanchard.  
 Senator Irewin.  
 Senator Pusey.  
 Senator Junkin.  
 Senator Mitchell.  
 Senator Ellison.

Senator Healy.  
 Senator Hobart.  
 Senator Lothrop.  
 Senator Finch.  
 Senator Mullan.  
 Senator Ranck.  
 Senator Bolter.  
 Senator Malloy.

## APPROPRIATIONS.

Senator Garst.	Senator Allyn.
Senator Harriman.	Senator Lewis.
Senator Alexander.	Senator Titus.
Senator Trewin.	Senator Funk.
Senator Berry.	Senator Gorrell.
Senator Kilburn.	Senator Everall.
Senator Hospers.	Senator McIntire.
Senator Hotchkiss.	Senator Lyons.

## RAILROADS.

Senator Palmer.	Senator Bell.
Senator Penrose.	Senator McArthur.
Senator Young of Delaware.	Senator Hayward.
Senator Blanchard.	Senator Emmert.
Senator Byers.	Senator Ranck.
Senator Druet.	Senator Hurst.
Senator Hobart.	Senator Wilson.
Senator Craig.	

## CITIES AND TOWNS.

Senator Pusey.	Senator Mitchell.
Senator Lothrop.	Senator Titus.
Senator Penrose.	Senator Hayward.
Senator Trewin.	Senator Finch.
Senator Carney.	Senator Malloy.
Senator Alexander.	Senator Ranck.
Senator Ericson.	Senator McIntire.
Senator Cheshire.	

## SUPPRESSION OF INTEMPERANCE.

Senator Perrin.	Senator Hospers.
Senator Harriman.	Senator Wallace.
Senator Gilbertson.	Senator Lewis.
Senator Finch.	Senator Allyn.
Senator Young of Delaware.	Senator Lyons.
Senator Berry.	Senator Wilson.
Senator Druet.	

## CONGRESSIONAL AND JUDICIAL DISTRICTS.

Senator Young of Delaware.	Senator Hospers.
Senator Byers.	Senator Mullan.
Senator Junkin.	Senator McArthur.
Senator Ellison.	Senator Gorrell.
Senator Garst.	Senator Hurst.
Senator Hotchkiss.	

## AGRICULTURE.

Senator Harriman.	Senator Ellison.
Senator Carroll.	Senator Bell.
Senator Palmer.	Senator Wallace.
Senator Young of Delaware.	Senator Hurst.
Senator Mitchell.	Senator Everall.
Senator Kilburn.	

## CONSTITUTIONAL AMENDMENTS AND SUFFRAGE.

Senator Blanchard.	Senator Mullan.
Senator Carney.	Senator Hotchkiss.
Senator Penrose.	Senator Healy.
Senator Ellison.	Senator Bolter.
Senator Eaton.	Senator Young of Lee.
Senator Lothrop.	



## INSURANCE.

Senator Craig.  
 Senator Allyn.  
 Senator Hospers.  
 Senator Hobart.  
 Senator Byers.  
 Senator Palmer.

Senator Perrin.  
 Senator Lewis.  
 Senator Mullan.  
 Senator Emmert.  
 Senator Wilson.

## SCHOOLS.

Senator Trewin.  
 Senator Carroll.  
 Senator Byers.  
 Senator Eaton.  
 Senator Finch.  
 Senator Druet.

Senator Alexander.  
 Senator Lewis.  
 Senator Titus.  
 Senator Ranck.  
 Senator McIntire.

## LABOR.

Senator Byers.  
 Senator Ericson.  
 Senator Gilbertson.  
 Senator Craig.  
 Senator Garst.

Senator Funk.  
 Senator Wallace.  
 Senator Lyons.  
 Senator Young of Lee.

## BUILDING AND LOAN ASSOCIATIONS.

Senator Junkin.  
 Senator Carney.  
 Senator Hobart.  
 Senator Cheshire.  
 Senator Ericson.

Senator Penrose.  
 Senator Trewin.  
 Senator Ranck.  
 Senator Wilson.

## MINES AND MINING.

Senator Carroll.  
 Senator Cheshire.  
 Senator Druet.  
 Senator Blanchard.  
 Senator Palmer.

Senator Lewis.  
 Senator Bell.  
 Senator Gorrell.  
 Senator Emmert.

## BANKS.

Senator Alexander.  
 Senator Hospers.  
 Senator Gilbertson.  
 Senator Allyn.  
 Senator Ericson.

Senator Pusey.  
 Senator Penrose.  
 Senator Bolter.  
 Senator Everall.

## SENATORIAL AND REPRESENTATIVE DISTRICTS.

Senator Lothrop.  
 Senator Hobart.  
 Senator Gilbertson.  
 Senator Finch.  
 Senator Funk.  
 Senator Berry.

Senator Eaton.  
 Senator Harriman.  
 Senator Penrose.  
 Senator Bolter.  
 Senator McIntire.

## HIGHWAYS.

Senator Kilburn.  
 Senator Harriman.  
 Senator Palmer.  
 Senator Perrin.  
 Senator Garst.

Senator Carney.  
 Senator Hayward.  
 Senator Wilson.  
 Senator Lyons.

## COMPENSATION OF PUBLIC OFFICERS.

Senator Hobart.  
 Senator Hotchkiss.  
 Senator Junkin.  
 Senator Craig

Senator Mitchell.  
 Senator Malloy.  
 Senator Everall.

## PUBLIC HEALTH.

Senator Druet.  
 Senator Eaton.  
 Senator Healy.  
 Senator Cheshire.  
 Senator Pusey.  
 Senator Blanchard.

Senator McArthur.  
 Senator Titus.  
 Senator Emmert.  
 Senator Gorrell.  
 Senator Hurst.

## EDUCATIONAL INSTITUTIONS.

Senator Ellison.  
 Senator Berry.  
 Senator Penrose.  
 Senator Ericson.  
 Senator Cheshire.

Senator Lewis.  
 Senator Kilburn.  
 Senator Ranck.  
 Senator Young of Lee.

## MILITARY.

Senator Bell.  
 Senator Mitchell.  
 Senator Hotchkiss.  
 Senator Lothrop.  
 Senator Blanchard.

Senator Kilburn.  
 Senator Craig.  
 Senator Everall.  
 Senator Hurst.

## PHARMACY.

Senator Carney.  
 Senator Druet.  
 Senator Allyn.  
 Senator Byers.  
 Senator Finch.

Senator Harriman.  
 Senator Hayward.  
 Senator Gorrell.  
 Senator Emmert.

## PENITENTIARIES AND PARDONS.

Senator Mitchell.  
 Senator Alexander.  
 Senator Carroll.  
 Senator Eaton.

Senator Garst.  
 Senator Bolter.  
 Senator Lyons.

## PRINTING.

Senator Hotchkiss.  
 Senator Carroll.  
 Senator Funk.  
 Senator Healy.

Senator Junkin.  
 Senator Malloy.  
 Senator McIntire.

## FEDERAL RELATIONS

Senator Hayward.  
 Senator Hobart.  
 Senator Mullan.  
 Senator McArthur.

Senator Perrin.  
 Senator Bolter.  
 Senator Malloy.

## CHARITABLE INSTITUTIONS.

Senator Berry.  
 Senator Wallace.  
 Senator Cheshire.  
 Senator Pusey.  
 Senator Hobart.

Senator Ellison.  
 Senator Junkin.  
 Senator Young of Lee.  
 Senator Hurst.

## ELECTIONS.

Senator Eaton.  
 Senator Carroll.  
 Senator Young of Delaware.  
 Senator Alexander.

Senator Titus.  
 Senator Ranck.  
 Senator Wilson.

## CLAIMS.

Senator Ericson.  
 Senator Byers.  
 Senator Craig.  
 Senator Mullan.

Senator Harriman.  
 Senator Kilburn.  
 Senator Everall.

## COMMERCE.

Senator Allyn.  
 Senator Healy.  
 Senator Titus.  
 Senator Carney.

Senator Garst.  
 Senator Wilson.  
 Senator Emmert.

## MANUFACTURES.

Senator Mullan.  
 Senator Bell  
 Senator Lewis.

Senator McArthur.  
 Senator McIntire.

## PUBLIC BUILDINGS.

Senator Lewis.  
 Senator Funk.  
 Senator Gilbertson.

Senator Hospers.  
 Senator Gorrell.

## RULES.

Senator Hospers.  
 Senator Trewin.  
 Senator Perrin.

Senator Finch.  
 Senator Malloy.

## HORTICULTURE AND FORESTRY.

Senator Wallace.  
 Senator Palmer.  
 Senator Young of Delaware.

Senator Lothrop.  
 Senator Lyons.

## CORPORATIONS.

Senator Healy.  
 Senator Blanchard.  
 Senator Hobart.

Senator McArthur.  
 Senator Wilson.

## PUBLIC LANDS.

Senator Gilbertson.  
 Senator Harriman.

Senator Young of Lee.

## PUBLIC LIBRARIES.

Senator Ranck.  
 Senator Trewin.

Senator Pusey.

## FISH AND GAME.

Senator McArthur.  
 Senator Hayward.

Senator Junkin.

## ENGROSSED BILLS.

Senator Finch.  
 Senator Young of Delaware.

Senator McIntire.

## ENROLLED BILLS.

Senator Titus.  
 Senator Berry.

Senator Malloy.

## APPOINTMENTS.

The President announced the following pages:

President's page, Cecil Dixon; Fred Iserman, George Wilson, Lee Blagburn, Abram Miller, Clare Charles, Joseph Lind.

Senator Funk nominated as an additional page Frank Strickland of Des Moines, and moved his election.

Carried.

Senator Mullan moved that the address of Senator Perrin be admitted and printed in the Journal.

Carried.

Senators Blanchard and Pusey excused.

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

Pages—George Wilson, Lee Blagburn, Abe Miller, Fred Iserman, Cecil Dixon, Joseph Lind.

President's clerk—H. L. Harvey.

Committee clerks—Murray Campbell, Railways; H. H. Buck, Ways and Means; F. W. Bicknell, Pharmacy; C. H. Clarke, Compensation of Public Officers; Mary E. Craig, Insurance; Leonora Bell, Military; A. E. Eaton, Elections; Hattie M. Lothrop, Representative and Senatorial Districts; Olive Conger, Fish and Game.

Senator Penrose moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

Concurrent resolution relative to adjournment was taken up and read.

On this a roll call was demanded.

Senator Garst moved that the Senate do now adjourn until 10 o'clock to-morrow morning.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Friday, January 14, 1898. }

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

Prayer was offered by the Rev. A. A. Walburn, of Malvern, Iowa.

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

Clare Charles, page.

Frank Strickland, page.

C. A. Easterly, committee clerk on Appropriations.

Adah E. Hawkins, committee clerk on Judiciary.

Alvinah Haas, committee clerk on Schools.

Dora Browne, committee clerk on Labor.

Annie A. Davis, committee clerk on Charitable Institutions.

Mary Kilburn, committee clerk on Highways.

L. D. Womeldorf, committee clerk on Agriculture.

Fred Druet, committee clerk on Public Health.

W. T. Jones, janitor cloak room.

Isabelle Wilson, committee clerk on Public Lands.

Laura Flickinger, committee clerk on Cities and Towns.

Senator Berry moved that roll call be had for introduction of bills.

Carried.

#### INTRODUCTION OF BILLS.

By Senator Carroll, Senate file No. 1, a bill for an act to amend section 2551 of the code, relating to killing of quails.

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

By Senator Druet, Senate file No. 2, a bill for an act to repeal a part of section 2992, referring to landlord's lien.

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

By Senator Emmert, Senate file No. 3, a bill for an act to protect the public and health of domestic animals.

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

By Senator Ericson, Senate file No. 4, a bill for an act to amend section 104 of the code of Iowa of 1897, relating to interest on state warrants.

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

By Senator Finch, Senate file No. 5, a bill for an act to amend section 3948 of the code, relating to garnishment.

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

By Senator Hayward, Senate file No. 6, a bill for an act to amend title to chapter 6, title 13, code. Also sections 2683, 2685, 2688 and 2691 of said chapter, in relation to the Orphans' Home at Davenport.

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

By Senator Hayward, Senate file No. 7, a bill for an act to repeal section 1326 of the code of Iowa of 1897, in relation to stock of building and loan associations and to enact a substitute therefor.

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

By Senator Hayward, Senate file No. 8, a bill for an act to regulate the practice of barbering, the licensing of persons to carry on such practice and to insure the better education of such practitioners in the state of Iowa.

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

By Senator Hayward, Senate file No. 9, a bill for an act to provide fees for certain services for justices of the peace.

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

By Senator Mitchell, Senate file No. 10, a bill for an act to amend section 1457 of the code of Iowa, to permit counties to receive interest on moneys deposited in banks.

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

By Senator Ranck, Senate file No. 11, a bill for an act to amend section number 511 of the code of Iowa, relating to fees and compensation of sheriffs.

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

By Senator McArthur, Senate file No 12, a bill for an act to amend section 894, chapter 11, title 5, code of 1897, relative to the levy of taxes for the maintenance of cemeteries in cities.

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

Senator Wilson introduced the following concurrent resolution:

CONCURRENT RESOLUTION.

*Be it resolved by the Senate, the House concurring,* That a joint committee of three from the Senate and four from the House be appointed by the respective presiding officers to investigate, consider and report upon the question of the expediency of having the school books for use in the public schools of the state printed and bound, in whole or in part, at the state penitentiaries, to be furnished or sold by the state at actual cost. That said committee be instructed to report, if deemed advisable, a bill or bills to carry out their conclusions. The committee shall have power to issue subpoenas, take testimony, administer oaths and to employ a stenographer.

Laid over under the rules.

Senator Gilbertson offered the following resolution:

*Resolved,* That a committee of five be appointed for the assignment of committee rooms and times of meeting.

Adopted.

The President announced as committee on assignment of rooms, Senators Gilbertson, Hospers, Junkin, Everall and Gorrell.

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

HOUSE MESSAGES.

Concurrent resolution relative to time of adjournment was taken up and read.

On this a roll call was demanded.

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

Senators Alexander, Gilbertson, Hayward—3.

The nays were:

Senators Allyn, Bell, Berry, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Ranck, Wallace, Wilson, Young of Lee—35.

Absent or not voting:

Senators Blanchard, Carney, Eaton, Gorrell, Harriman, Healy, Lyons, Perrin, Pusey, Titus, Trewin, Young of Delaware—12.

Senator Cheshire moved that when the Senate do adjourn it be until 2 o'clock P. M. Monday.

On this the yeas and nays were demanded.

On the question, "Shall the motion prevail?" the yeas were:

Senators Alexander, Allyn, Berry, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Emmert, Ericson, Funk, Garst, Gilbertson, Gorrell, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Lewis, Mullan, Perrin, Ranck, Titus, Trewin, Wallace—27.

The nays were:

Senators Bell, Bolter, Ellison, Everall, Finch, Hurst, Kilburn, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Palmer, Penrose, Wilson, Young of Lee—17.

Absent or not voting:

Senators Blanchard, Carney, Harriman, Healy, Pusey, Young of Delaware—6.

Senator Berry presiding.

Senator Ellison moved that Senator A. B. Funk of Dickinson county, be elected President *pro tem* of the Senate.

Senator Everall seconded the motion.

On the question, "Shall the motion prevail?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Trewin, Wallace, Wilson—41.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Carney, Funk, Harriman, Healy, Pusey, Titus, Young of Delaware, Young of Lee—9.

Senator Funk was declared duly elected President *pro tem* of the Senate.

President Berry appointed Senators Garst and Everall to conduct the newly elected president *pro tem* to the chair.

President *pro tem* Funk was introduced and made some timely remarks.

Senator Lothrop moved that the Senate do now adjourn.

Carried.

Senate adjourned.



SENATE CHAMBER,  
DES MOINES, Iowa, Monday, January, 17, 1898. }

Senate met in regular session at 2 o'clock P. M., President Milliman presiding.

Prayer was offered by Rev. W. J. Meredith, pastor of M. E. church at Greenfield, Iowa.

#### INTRODUCTION OF BILLS.

By Senator Ranck, Senate file No. 13, a bill for an act relating to the use of the notes of shorthand reporters as evidence.

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

By Senator Penrose, Senate file No. 14, a bill for an act to indemnify J. M. T. Glenn, a guard in the penitentiary at Anamosa for injuries received by him by drinking lye, served and furnished to him by mistake, supposing it to be coffee.

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

By Senator Kilburn, Senate file No. 15, a bill for an act to furnish relief to certain county and district agricultural societies.

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

By Senator Young of Lee, Senate file No. 16, a bill for an act to amend section 1661 of the code in relation to state aid to district or county agricultural societies.

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

By Senator Lothrop, Senate file No. 17, a bill for an act repealing section 393 of chapter 15, title 3 of code of Iowa, relating to "the administration of oaths" and enacting a substitute therefor.

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

By Senator Lothrop, Senate file No. 18, a bill for an act repealing section 2942 of chapter 6, title 14 of the code of Iowa, relating to "the conveyance of real estate" and enacting a substitute therefor.

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

By Senator Bolter, Senate file No. 19, a bill for an act to better define and to extend the jurisdiction of the courts of this state to the center of the Missouri river without regard to changes that may have occurred or may hereafter occur in its course as to its main channel.

Read first time in full and second time by title and referred to Committee on Judiciary.

By Senator Carney, Senate file No. 20, a bill for an act to regulate primary elections for nominations of candidates of political parties or associations and to punish frauds thereat.

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

By Senator McIntire, Senate file No. 21, a bill for an act prohibiting members of boards of supervisors from personally contracting with the county.

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

By Senator Lothrop, Senate file No. 22, a bill for an act to amend section 4684 of chapter 1, title 23 of the code of Iowa relating to "general principles of evidence."

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

#### REPORT OF COMMITTEE.

Senator Gilbertson presented report from committee on assignment of committee rooms and times of meetings, as follows:

MR. PRESIDENT.—The committee on assignment of committee rooms and times of meeting submits the following report:

	Monday.	Tuesday	Wednesday.	Thursday.	Friday.	Saturday.
Room 16—						
Commerce.....			3 pm			
Manufactures.....				3 pm		
Horticulture and Forestry.....					3 pm	
Room 17—						
Mines and Mining.....	2 pm				2 pm	
Senatorial and Representative Dist's.....		2 pm		2 pm		
Public Health.....			3 pm			3 pm
Room 18—						
Suppression of Intemperance.....	9 am		9 am		3 pm	
Highways.....		9 am		9 am		2 pm
Military.....		2 pm		2 pm		
Corporations.....	2 pm		2 pm			
Room 19—						
Charitable Institutions.....	2 pm			2 pm		
Claims.....			2 pm		9 am	
Penitentiaries and Pardons.....		9 am			3 pm	
Elections.....		4 pm				2 pm
Rules.....			4 pm			
Room 20—						
Congressional and Judicial Districts.....	9 am			3 pm		
Public Libraries.....	3 pm		9 am			
Fish and Game.....		9 am	3 pm			
Federal Relations.....		2 pm			9 am	
Room 21—						
Railroads.....		3 pm		3 pm		
Educational Institutions.....	2 pm				2 pm	
Banks.....			2 pm		9 am	
Labor.....	9 am					2 pm
Room 22—						
Judiciary.....		3 pm	3 pm		3 pm	3 pm
Constitutional Amendments.....	3 pm			3 pm		
Enrolled Bills.....						
Room 23—						
Agriculture.....		9 am		9 am		4 pm
Schools.....	3 pm		3 pm		3 pm	
Room 24—						
Ways and Means.....	2 pm		2 pm		2 pm	
Appropriations.....		2 pm		2 pm		2 pm
Room 25—						
Compensation of Public Officers.....	3 pm			3 pm		
Public Lands.....		3 pm				3 pm
Public Buildings.....			3 pm		3 pm	
Room 26—						
Insurance.....	1:30pm		1:30pm			
Cities and Towns.....		2 pm		2 pm		
Pharmacy.....					2 pm	
Room 27—						
Building and Loan Associations.....	1:30pm			1:30pm		
Printing.....		2 pm			2 pm	
Engrossed Bills.....						

G. S. GILBERTSON,  
HENRY HOSPERS,  
JOHN EVERALL,  
J. R. GORRELL,  
J. M. JUNKIN,

*Committee.*

On motion of Senator Gilbertson, the report was adopted.

Senator Carney was granted permission to introduce two more bills.

By Senator Carney, Senate file No. 23, a bill for an act to authorize certain officers to take and certify acknowledgments

of written instruments and to legalize acknowledgments heretofore made by them.

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

By Senator Carney, Senate file No. 24, a bill for an act to provide for the giving of bonds by abstractors of title and for marking of abstracts of title and for their use as evidence.

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

#### REPORT OF COMMITTEE.

Senator Hotchkiss, from the Committee on Compensation of Public Officers, submits the following report :

**MR. PRESIDENT**—Your committee on Compensation of Public Officers, to whom was referred Senate file No. 11, a bill for an act to amend section 511 of the code of Iowa, relating to fees and compensation of sheriffs, beg leave to report 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.

A. C. HOTCHKISS,  
*Acting Chairman.*

Ordered passed on file.

Senator Wilson asked that the resolution offered by him, on Friday, relating to having a joint committee of both houses appointed on the advisability of having school books printed and bound at the state penitentiaries, be referred to the Committee on schools.

It was so ordered.

On motion of Senator Carroll, the Senate took a recess, being subject to recall by the chair, upon the arrival of Friday's Journal.

Senate called to order by the Chair, at 3:12 P. M.

Senator Hotchkiss offered the following resolution:

*Resolved*, That the secretary of the Senate procure 300 copies of the list of Senate committees and the assignment of meetings for the use of the Senate, to be in form similar to those furnished the Twenty-sixth General Assembly.

Adopted.

Senator Carroll offered the following resolution:

*Resolved*, That, except as otherwise ordered, this body hold daily sessions, except Sunday, from 10 o'clock A. M. until 12 o'clock, M.

Adopted.

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

H. B. Nies, Committee on Suppression of Intemperance;  
R. C. McElravy, Enrolled Bills; Bert B. Welty; Claims.

Senator Bolter moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Tuesday, January 18, 1898. }

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

Prayer was offered by Rev. W. T. Dawson of Des Moines.

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

Mary S. Kinsey—Committee on Constitutional Amendments.

Percy Lyon—Committee on Rules.

Ella A. Graham—Committee on Public Lands.

Guy E. Thode—Committee on Printing.

Charles M. Bicknell—Committee on Engrossed Bills.

#### PETITIONS AND MEMORIALS.

Senator Pusey presented a petition from Fritz Bernharde and thirty-five others, asking passage of the Iowa barber bill.

Referred to Committee on Judiciary.

Senator Lothrop presented a petition from attorneys of Woodbury county, asking for additional compensation for deputy service in offices of the district court.

Referred to Committee on Compensation of Public Officers.

#### INTRODUCTION OF BILLS.

By Senator Emmert, Senate file No. 25, a bill for an act to amend section 2536, chapter 14, title 12, of the code, in relation to the state veterinary surgeon.

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

By Senator Emmert, Senate file No. 26, a bill for an act to amend section 2564, chapter 16, title 12, of the code, in relation to the state board of health.

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

By Senator Alexander, Senate file No. 27, a bill for an act to repeal section 2812 of the code of Iowa for 1897, and to enact

a substitute therefor, relating to the issue of bonds by all school corporations.

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

By Senator Alexander, Senate file No. 28, a bill for an act to repeal section 2813 and to enact a substitute therefor, relating to the classification and levy of special schoolhouse taxes and taxes to pay school boards.

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

By Senator Carney, Senate file No. 29, a bill for an act relating to the rights and liabilities of owners, lessors and lessees and tenants of buildings, in event of destruction of the buildings.

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

By Senator Carney, Senate file No. 30, a bill for an act to compensate A. T. Birchard as acting commandant of the Iowa Soldiers' Home.

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

By Senator Hurst, Senate file No. 31, a bill for an act amendatory to the act prohibiting marriage within certain degrees of consanguinity and relationship.

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

By Senator Hurst, Senate file No. 32, a bill for an act for the better suppression of the thistle pest in our state.

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

By Senator Hurst, Senate file No. 33, a bill for an act to amend section 5314 of the Code of 1897, relating to the fee to be paid by the county for defending criminals.

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

By Senator Perrin, Senate file No. 34, a bill for an act requiring the grass and weeds to be cut down annually within the limits of the public roads of the state.

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

By Senator Cheshire, Senate file No. 35, a bill for an act providing for the taxation of telegraph, telephone, express, palace

car, sleeping car, drawing-room car, dining car, chair car and fast freight companies transacting business in the state of Iowa, and repealing sections 1328, 1329, 1330, 1331, 1340, 1341, 1345 and 1346 of chapter 1, title 7 of the code of Iowa.

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

By Senator Lothrop, Senate file No. 86, a bill for an act to amend sections 742, 744 and 745, chapter 5, of title 5, of the code of Iowa, relating to the "purchase and construction of water-works" and for repealing section 747 of said chapter and title, and enacting a substitute therefor.

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

Senator Ranck moved to take up for consideration Senate file No. 11.

Carried.

Senate file No. 11 being taken up Senator Everall called for a reading of the committee report thereon.

On motion of Senator Ranck the report was adopted.

The bill was read for information of the members.

Senator Ranck offered the following amendment:

Add after the word "act" in the first line of section 3 the following: "being deemed of immediate importance."

Amendment adopted.

On the suggestion of Senator Berry the words "of Iowa," in the title and enacting clause, was stricken out by consent.

Senator Cheshire, at the request of Senator Ranck, offered the following amendment:

I move to amend the bill by striking out the words "That section 511 of the code of Iowa be and the same is hereby amended as follows, to-wit:" where they appear after the enacting clause and before the first section of the bill; also to strike out the word "said" in line one of the first section; also by striking out the figures "511" in the same line and inserting the words "five hundred and eleven of the code" in lieu of such figures "511" in the first line of section 2 of the bill.

Senator Ranck moved the adoption of the amendment.

Carried.

Senator Blanchard moved to strike out the word "twelve" and insert the word "ten" in the second line of section 1.

Senator Blanchard moved that further consideration of the bill be postponed until to-morrow morning.



By request of Senator Ranck, there being no objection, further consideration of the bill was postponed until to-morrow morning.

Monday's Journal was then taken up, corrected and approved.

Senator Cheshire moved that there be printed 700 extra copies of Senate file No. 35.

Carried.

#### REPORT OF COMMITTEE.

The committee to investigate the state institutions presented the following report:

*To the Twenty-seventh General Assembly:*

The committee appointed by joint resolution No. 3, of the special session of the Twenty-sixth General Assembly, to investigate the reports of trustees, regents, commissioners, and officers of state institutions and the books and records of such institutions, begs leave to report as follows:

The said resolution provided that the committee should inquire:

*First.*—Whether the persons holding positions of regents, trustees, or commissioners 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 whether the moneys drawn from the state treasury have been expended in accordance with law.

*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.*—As to 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.*—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.*—Whether the number of employes in the various state institutions is greater than is necessary for the proper conduct of its affairs, and whether the salary paid to such employes is greater or less than is paid for like services in private institutions of a similar character.

The period covered by the investigation extends from July 1, 1893, to January 1, 1897. The resolution directed the committee to report to the Twenty-seventh General Assembly the result of such investigation with the testimony so taken, and to recommend if any change should be adopted in the government or management of such institutions.

After the appointment of this committee as provided in the resolution, it organized by electing Mr. Healy chairman, and Mr. Merriam secretary. Mr. L. A. Wilkinson of Des Moines was appointed accountant at a salary of \$5 per day, and Mr. C. Hart of Afton was appointed stenographer at a salary of \$2 per day. In a few weeks Mr. Hart resigned, and the committee determined that Mr. Wilkinson should perform the services of stenographer and accountant at the compensation of \$5 per day.

As will be seen by the authority given the committee, the duties imposed were of a general and elastic character. The committee determined that it would be quite impossible to make an investigation, in the time limited, into the conduct of all state institutions, which investigation would include every item of expenditure.

The inquiry which has been made by the committee refers more to the methods, practices and systems under which the business is transacted and expenditures made, than to a specific inquiry into the details, or to tracing through the books and records of such institutions every item of receipt or expenditure.

We found that no two institutions have the same methods in vogue as to the manner in which expenditures are made, or in which their records are kept, and this tended to largely increase the labors of the committee, and to prevent that satisfactory inquiry which the committee would have desired.

We visited all the state institutions referred to hereinafter in this report, and examined under oath such officers and trustees as we thought proper under the circumstances developed at each institution.

The evidence was taken by the stenographer, and the shorthand notes of the investigation made at the Insane Hospital at Independence, the penitentiaries at Fort Madison and Anamosa, the Soldiers' home and the State university have been transcribed, and a transcript is now on file in the office of the secretary of state. Owing to the limited time, and the terms of the resolution the committee was unable to procure a transcript of the shorthand notes of the inquiries at the other institutions in time to file with this report, but the shorthand notes of the investigation at such institutions are likewise on file in the office of the secretary of state. Should the legislature deem it proper to have the evidence transcribed, a transcript can be readily furnished. Such transcript will show the manner in which the business of the institutions visited is conducted.

Before referring to the several institutions, it is but proper to say that the committee do not purpose to criticise any person, or the officers of any particular institution, unless a special reference is made to such person or officer. Much of the criticism which the committee may make is directed to the system under which the institutions have been permitted to conduct their business, and to the loose laws making appropriations, and the want of uniformity in the general statutes.

The different institutions of Iowa may be properly classed a charitable, penal, and educational, and we will deal with them in this order.

The insane hospitals undoubtedly are the most important of the charitable institutions; this arises from the fact that that they contain the largest number of inmates, and the state expends a larger amount of money for the care of the insane than for any other individual charity.

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#### INSANE HOSPITAL AT INDEPENDENCE.

The hospital at Independence was the first visited by the committee. We found that it contained about 986 patients, and that in addition to the officers and medical staff there were 176 employes; that the pay roll of employes was about \$40,000 annually; that about \$300,000 are appropriated biennially for the support of this hospital.

An examination into the report of the trustees and the charges which they made for per diem and expenses developed that the trustees at this hospital have observed the limitation of the statute and have made no excessive charges. One of the trustees was sent, by the board, to Ohio to contract for eighty acres of land, which the state purchased, and his expenses were paid out of the general support fund.

Another trustee accompanied the superintendent on a trip to several places in the eastern states for the purpose of inquiring into the proper manner to construct an industrial building, for which the legislature appropriated \$5,000. The expenses of this trip of the superintendent and trustee exceeded \$200.

The superintendent has also been authorized to attend annual conventions of the superintendents of the United States at the expense of the state, which expenses have averaged about \$125 per annum.

There is no specific authority in the law for this expenditure, and justification therefor is found in the custom prevailing in other states and at other hospitals in this state.

The committee is of the opinion that such expenditures in the absence of authority in the statute should not be made, conceding, however, that it is very easy to justify the same on the ground of the indirect benefit resulting to the state.

We received from the state auditor an itemized list of all warrants issued to this hospital during the period covered by the resolution and find that the books of the institution show the receipt of the moneys charged to it by the state auditor.

A like list was secured for all other institutions of the state, and it is but proper to say that we found no discrepancy between the warrants issued by the state auditor and the books of the state institutions except in one instance hereafter referred to.

Under the law, the steward of this hospital is vested with authority to make all purchases for the institution. We find that he was also given authority to draw moneys from the hospital treasurer upon his check, and that more than one-third of the supplies purchased by the steward were paid for by the check of the steward on the hospital treasurer, without any approval or auditing of the bill therefor by any member or committee of the board.

Complaint having been made to the legislature that Iowa jobbing interests were discriminated against by the purchasing agent of this hospital, particular inquiry was made into the manner in which purchases were made. The evidence elicited, disclosed that the steward did not invite the competition of everyone who desired to bid for the furnishing of grocery supplies, but he reserved the right to purchase from parties that he thought proper, and to a certain extent divided his purchases between the same firms and individuals. In one or two instances it was disclosed that the steward neglected to furnish a list of proposed purchases to parties who applied. We are satisfied that a Chicago grocery house was favored by the steward to the extent that supplies were purchased in larger quantities of this house than of other houses, and that during a series of years this house was afforded an opportunity of selling, which opportunity was not granted to other jobbers.

A careful comparison of the prices paid and bids submitted, leads the committee to the conclusion that the state has not suffered because of

this action of the steward, and no just criticism could be made against the purchasing agent had the competitive system of bidding been in vogue.

It can be fairly said that the competitive system of bidding for the furnishing of supplies to this institution is not practiced. Purchases of supplies are made from time to time, although some effort is made to purchase a quarter in advance. The steward purchases the greater quantity, including dry goods, clothing, boots and shoes, from such parties and at such times as he thinks proper, aiming to secure the best terms, but the committee is of the opinion that a substantial saving could be made if the effort to purchase supplies in a larger quantity at stated intervals was had, and public advertisement by some means given of such prospective purchase.

The law requires the board of trustees to audit in open meeting the claims against the institution, but under the system now prevailing over one-third of the purchases are made and the obligations therefor discharged, prior to the meeting of the board or the auditing of such claims.

No estimates of proposed purchases are submitted to the board or to the superintendent prior to the purchasing of the same by the steward, and fully nine-tenths of the claims allowed are matters not within the personal knowledge of any member of the board. The board acquires what information it possesses from the steward or from the superintendent, who sometimes is consulted in the making of purchases.

The committee does not think that the approving or auditing of bills, after payment thereof, secures the purposes sought by the statute, and believe that such approval must necessarily become a perfunctory act.

In the expenditure of the extraordinary appropriations for the construction of buildings, no public advertisement is given of such construction, nor are bids solicited by public advertisement. The superintendent submits to certain builders the proposed plans, secures the best terms from the builders so selected, and the contract is made as the result of this effort of the superintendent.

The record of the superintendent's acts in the premises are found in his correspondence, but no permanent record in book form is kept of the bids so received for the purposes of comparison.

This hospital has drawn for some years past \$14 per month for each inmate, which revenue is termed the support or current expense fund. Reference to the statute making this appropriation indicates clearly that a maximum appropriation is made, but it is not intended that any funds not absolutely necessary for the support of the hospital shall be drawn from the state treasury. The superintendent and trustees, who were examined, admit that there is no practical effort made to reduce the cost of support to a sum less than fourteen dollars. This sum is drawn and expended, the intention of the management being to give value received to the state for such appropriation in the care and physical comforts furnished the patients.

The committee discovered that this purpose exists not only at this hospital but at other institutions having similar appropriations, and tends to the creation and perpetuation of many abuses. As an illustration it might be aptly cited that evidence was adduced before the committee that the cost of groceries, clothing and other supplies has decreased from 25 to 50 per cent in the last seven years. It might be reasonably expected that the support fund should respond to such reduction in the cost of sup-

plies. Such, however, is not the case. While the management of the hospital does not deny the reduction in the purchase price of the commodities as indicated, it is said that a greater degree of physical comfort and better curative processes are now had than were heretofore furnished.

When we recognize that the cost of living and the prices of supplies of all kinds have been reduced, the committee is of the opinion that under a judicious management, which regarded the appropriation for support purposes to be only such as is necessary, that the state would have in recent years received some substantial advantage in the reduction of the cost per capita.

Some six or seven thousand dollars of the support fund are expended annually in making repairs, and the committee finds that no very definite rule exists as to what repairs are chargeable to the support fund.

The legislature has repeatedly made appropriations for the contingent and repair fund, and has also made specific items of appropriation for certain named purposes of improvement and repair.

The management of the hospital expends part of the support fund, part of the contingent and repair fund, and part of the special item of appropriation for the same purposes. It is not understood that an appropriation for a specific purpose excludes the expenditure of other funds for the very same purpose. This uncertainty as to the amount of the support fund which may be used in making repairs, tends to obscure the actual cost of maintenance at this and other institutions.

The statute forbids in terms the application of the support fund for the "making of improvements," but this does not prevent the hospital from using the support fund for certain repairs aggregating over \$13,000 the biennial period.

Much uncertainty could be avoided and better accountability exacted if the legislature made a sufficient appropriation for the contingent and repair fund, and prevented by express terms the application of the support fund for any purposes of repair.

This would prevent the expenditure of two funds for the same purpose, and exhibit at a glance the cost of maintenance which by comparison with other years and other institutions would afford a substantial guide to the legislature, and constitute a check upon extravagance.

The Twenty-sixth General Assembly passed a law authorizing the insane hospitals to draw their support fund, from the state treasurer earlier than could otherwise be done, for the purpose of paying cash for supplies. Representations were made to the legislature, by those who favored much enactment, that this law would reduce the cost of maintenance, and enable the institutions to purchase their supplies at a more advantageous price, having the cash to pay therefor.

It appears that the Independence hospital has received no advantage from this law. The only result of this measure is to increase the average daily deposits of the treasurer of the hospital. Prior to its passage the hospital purchased its supplies and paid therefor in the same manner as it does now. Inquiry developed that this law was not favored by the hospital management at Independence, and no purpose has been subserved so far as this institution is concerned. It appears that there were sufficient funds on hand to make the necessary purchases and to pay cash for so much thereof

as had to be bought for cash. The committee is of the opinion that if this law was necessary for the insane hospitals, it is equally important for all other public institutions. Considering the fact that the state treasury exhibits a deficit, it is especially unfortunate that this law was passed, and that the treasurer of the hospital at Independence was permitted to draw funds from the state treasury in addition to the amount actually required at the time for hospital purposes. Reference to this measure will again be found in the report of the other insane hospitals. The committee and its accountant examined very fully into the system of book-keeping at this institution, and found in it, very little to commend. The system is primitive. No books are kept whereby the amount of supplies on hand can be ascertained, nor is there any system of requisitions on the storekeeper for the drawing of supplies. The steward keeps a few books which are mere memoranda from which he can ascertain the amount of money received by him monthly, in order to turn the same over to the hospital treasurer.

Inquiry was made as to whether the products of other state institutions are, or could be used in the improvements being constructed at Independence. The Anamosa stone could be used to some advantage, and the only effort to use such stone during the period covered by our inquiry was made in the spring of 1897. The superintendent of the hospital wrote to the warden of the penitentiary at Anamosa as to whether or not stone could be furnished for the industrial building. The warden replied that he was then unable to furnish the stone, but, had application been made during the preceding winter, he could have probably furnished the same.

The appropriation for the industrial building was made a year previous, and the construction of the building contemplated during the preceding winter, but no effort was made to get the stone, until it was too late. What profit there might have been to the state in using this stone, is largely problematical. The committee ascertained that Anamosa stone can not be used, if it must be transported very far. An act of the legislature requiring the use of the stone at Fort Madison, some years since, was repealed because it was discovered that it cost too much, after the payment of the transportation charges to Fort Madison.

The Twenty-sixth General Assembly made an appropriation for the purchase of eighty acres of farm land adjoining the hospital farm. The purchase has been made, and we think it a very prudent act on the part of the state.

An appropriation of \$40,000 was made by the Twenty-fifth General Assembly for the women's hospital. This building has been completed and furnished, and the committee are satisfied that it has been well and economically built.

A street car line was constructed some years since between the hospital and the city of Independence. This car line is of course a matter of great convenience to the officers and employes, as well as to others who have business at the hospital. The superintendent, for the purpose of affording recreation and diversion to the patients, expends annually about \$1,000 for street car tickets.

Patients have excursions on this car line, and the tickets are thus used. This expenditure is largely made as a bonus, on the part of the hospital management, to the car company, in order to retain the operation of the car line between the city and the hospital.

We think that an expenditure of this sum for this purpose, should not be made by the hospital management. If a bonus or gratuity is to be made to the car company, the legislature is the proper authority to direct such appropriation.

The committee also ascertained that doctors, not connected with the hospital, were occasionally employed at \$10 a day, to assist in operations, and to give lectures in the training school for nurses. This was justified by the superintendent, on the ground that it tended to promote greater efficiency on the part of the physicians of the hospital, and afforded instruction to the trained nurses. The expenditure was unusual and is not made at any other of the state institutions. The superintendent stated that no further expense of this kind will be made in the future.

It is the judgment of the committee that with a more rigid economy in the expenditure of the support fund, and with a better system prevailing for the purchase of supplies, with better accountability required in the use and consumption of supplies, with the cutting off of unnecessary expenditures, and the use of the support fund for legitimate support purposes, that the per capita cost of maintenance could be reduced from \$14 to at least \$12 per month. This reduction could be made without depriving the inmates of the hospital of any of the physical comforts now enjoyed, or without impairing any of the curative processes, or limiting the medical attention now bestowed upon the patients. Such a reduction should be evidenced in the reports of this hospital during the last several years, if we may expect that such reduction will ever occur.

An examination of the reports of like hospitals in the surrounding western states indicates that there has been a reduction in the cost per capita for the maintenance of the inmates, and that it is a source of pride on the part of the superintendents of such institutions to exhibit such economy in their reports.

It is a mistake to believe that the superintendent of the hospital devotes his entire time to the personal examination and care of the patients. This work is largely done by younger and less experienced members of the medical staff. The performance by the superintendent of the labors required in the purchase of supplies, in the making of repairs, in the construction of buildings, the making of contracts and transacting the business generally of the hospital, is in itself sufficient to consume the time of the superintendent. The fact that the trustees visit the hospital but occasionally, and can give but little personal attention to the expenditures of the ordinary and extraordinary appropriations at the hospital, necessarily thrusts these duties upon this officer.

The superintendent at Independence receives \$3,500 a year and is now employed under a six years' contract, made prior to the session of the Twenty-sixth General Assembly.

The Twenty-sixth General Assembly in special session fixed the maximum compensation of the superintendent at \$3,000. Some question has arisen as to the power of the legislature to change the compensation of the superintendent which is fixed in a contract made with the board of trustees, and it is the belief of this committee that the trustees will not reduce the compensation voluntarily, unless they are advised by the law officers of the state that no greater compensation than \$3,000 can be paid.

The treasurer of the institution has received no compensation during the period covered by the resolution creating this committee. The treasurer's books are kept in a way that meets our approval.

Prior to the passage of the law permitting the insane hospitals to draw funds in advance to pay for supplies in cash, the average daily deposit of the treasurer was \$5,000 to \$10,000; after the passage of this law the treasurer states that his deposit has averaged from \$10,000 to \$20,000, and an examination of his books discloses that his average deposit will be even greater than this under the new law. One of the reasons that this deposit is so large at this hospital results from the fact that the payment of salaries is made quarterly, while at other institutions it is made monthly.

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#### MOUNT PLEASANT HOSPITAL FOR INSANE.

The Mount Pleasant hospital has about 884 patients. The superintendent was first employed in this capacity in 1882 at a salary of \$2,500 a year. His compensation was increased by the trustees at different periods until he received \$4,000 in 1894.

In 1895 a contract was made with him for six years at the stipulated compensation of \$4,000 per annum. It is believed by some of the members of the board of trustees that the contract between the superintendent and the board cannot be altered or impaired by the legislature. The president of the board has kindly favored the committee with a copy of a written opinion, wherein he holds that it is the duty of the board under the law to reduce the compensation to \$3,000. The committee entertain the opinion that the legislature has the undoubted right to change the salary of its officers and agents. The contract with the superintendent does not come within the constitutional inhibition to which reference is made.

An examination and comparison of the salaries paid at Mount Pleasant with those paid at the other hospitals indicates that the salaries at this hospital are higher.

The first assistant physician receives \$1,900; the steward \$1,800, and the supervisors \$50 per month. There has been an increase in the salaries paid at this hospital of over \$5,000 in the four years from 1893 to 1897. The superintendent claims that the number of patients has increased, but no such increase in salaries is attributable to the increase in the number of patients. The increase in patients for the biennial period ending June 30, 1897, over that ending June 30, 1893, is forty-nine. It is claimed that no salary has been increased and no additional compensation paid, without the approval of the board. An examination of the minutes of the board does not disclose any official action taken on such matters, and the fact is, that whatever consultation or approval was given by the board to the increase was a parol understanding and the subsequent auditing of the pay roll by the board.

Very little restriction has been placed on the action of the superintendent in adjusting the salaries or number of employes. A more careful exercise of economy on the part of the superintendent and the board would result in a decrease of the amount paid for salaries without in the least impairing the efficiency or working force of the hospital.



The steward receives \$1,800 annually. A large part of the duties ordinarily performed by a steward are performed by the superintendent. The steward at Independence hospital receives \$1,200 and house rent valued at about \$125. The clerk at each prison renders more service than the steward at Mount Pleasant, has greater responsibility, and receives but \$1,200 per year.

The supervisors receive \$40 a month at the Independence hospital but are paid \$50 a month at Mount Pleasant.

All supplies for the purpose of maintenance, and materials for the construction of improvements have been purchased at this hospital without any system of competitive bids or public advertisement. The grocery supplies have been purchased from day to day, or week to week, as the occasion required, and no effort has been made to purchase supplies for any definite period. In March, 1897, some change was made in this system, but it is doubtful whether it will prove much better than the old system, for the supplies are not purchased for any definite period, but are bought from time to time in quantities varying greatly in amount. There is no record kept of the supplies that are purchased, or the amount on hand in the store-room. No system of requisitions exist for the procurement from the store-room of meats or food stuffs. This want of system permits waste and extravagance and does not compel that sense of accountability which is so necessary in an institution of this kind. The management excuses this lax method on account of its complete confidence in the honesty of the employes. A better method of accountability should not reflect upon the honesty of the employes and would undoubtedly prevent waste and loss.

An examination of the appropriations made by the Twenty-fourth, Twenty-fifth and Twenty-sixth General Assemblies was made. The Twenty-fifth and Twenty-sixth General Assemblies made several appropriations for permanent improvements and for the construction of buildings. Nowhere in the minutes of the meetings of the board of trustees have we found any reference to the work incident to the expenditure of such appropriations or to the construction of the improvements and erections contemplated by the acts granting the appropriation. The fact is, that the superintendent is given charge of the work of expending the appropriations and constructing the buildings. He directs the expenditures and personally makes the purchases of materials from such parties and upon such terms as he thinks proper. It is true that the superintendent discusses with the board during its meetings as to the prospective work on hand and informs it of what he is doing.

We were also informed that the resident trustee visits the hospital quite often and is familiar with the work done on the improvements. An examination of the minutes of the board discloses that no committee was appointed by the board to superintend the expenditure of these moneys, nor has there been any committee appointed to examine the improvements or the accounts of the superintendent with respect to such improvements, except in so far as the board passes upon the reports made by the steward and treasurer.

It is a fair inference from our inquiry at this hospital that the superintendent is required to do the work necessary in the letting of contracts, selection of material, superintending the work of construction, transacting

the correspondence and all other acts required in the expenditure of the appropriations both special and ordinary. Owing to the fact that the trustees spend but a few days at most at the hospital, they do not give to the work the time necessary, and the burden therefore falls upon the superintendent. There is no doubt but that the work of the trustees in the conduct of this hospital, so far as it affects the expenditure of appropriations granted by the legislature, is merely advisory. The superintendent discharges the duties that are supposed to be lodged in the board of trustees.

In investigating the manner in which appropriations granted by the legislature have been expended at the several institutions, the committee finds that the acts of the legislature granting many appropriations are very indefinite, and because of this a wide latitude is given to the management of the institutions in the expenditure of the money.

The legislature would not make such loose and general appropriations without restriction or qualification did it know in many cases that the superintendent of the institution determined, after the appropriation was received, the manner in which it should be expended. We say that the superintendent often determines this, because the board rely in many cases entirely upon information gathered by the superintendent, and because of the want of familiarity on the part of the trustees with the institution and with the character of the proposed improvements.

Illustrating the loose and indefensible manner in which the state couches its appropriation acts, we refer to an appropriation of \$10,000 made by the Twenty-sixth General Assembly for water supply for the insane hospital at Mount Pleasant. The act of the legislature simply appropriated \$10,000 for water supply. Whatever representations were made by the hospital management to the legislative committees are not matters of record. No plans or specifications or written statements made by the management are preserved for examination. One legislature does not know the representations that were made to the committees of the preceding legislature, owing to the fact that no record of such representations are preserved and to the further fact that the membership in our legislature is continually changing. Inquiry at the hospital developed that the appropriation referred to was asked in order to build a tank and reservoirs to store sufficient water which the city of Mount Pleasant had agreed to deliver to the hospital. The appropriation was granted by the Twenty-sixth General Assembly on the assumption that this plan would be carried out, though there is nothing in the act so indicating. After the appropriation was made and secured, the hospital management believed it better to construct deep or artesian wells, and has made a contract for the same, and the work on such well is now in progress. As the legislature did not direct in what way this appropriation was to be expended, it is of course left in the discretion of the hospital management. Without criticising the judgment of this management, we offer it as a sample of the loose method in which the legislature frames its appropriation acts, and of the great power that is vested in the management of the institution.

As further illustrating the want of method or restriction on the part of the legislature, we note that the Twenty-sixth General Assembly appropriated \$20,000 for an infirmary building for aged men. The building has been completed and was occupied on the 1st of June, 1897.

Fifty patients are housed in this building and the management is greatly pleased with the work and the manner in which the expenditure was made. The act appropriated \$20,000 for an infirmary building. It appears that the building was completed, equipped, furnished with heating apparatus, household and kitchen furniture, and all other expenditures made to enable the building to be occupied and used, for the sum of \$20,000. A strict construction might require that any money left after completion of the building, should be held subject to the disposal of the legislature. The fact is, that whatever surplus was left after constructing the building was devoted to the purposes of equipment and furnishing. We do not say but the expenditure was advantageously made.

No records or books are kept at the hospital which disclose how much of this appropriation of \$20,000 went into the construction of the infirmary building, and how much was expended in the equipment and furnishing. The superintendent informed the committee that the only way this could be ascertained would be from a detailed examination of the numerous vouchers which would be found in the infirmary building fund, and ascertaining therefrom the purposes for which each voucher was expended. We submit that this method of keeping accounts cannot be commended. The books of the hospital should indicate to the public and the legislature how much of the appropriation was expended for the construction of the building, as that was the purpose in terms for which the appropriation was made.

The management of the Mt. Pleasant hospital do not believe in the policy of letting the work of construction by contract, but think better work is had by employing men at day's wages and doing the work under the direction of the hospital superintendent.

All the insane hospitals employ to some extent certain of the inmates in the work of construction, and of course this is of advantage to the state.

The committee is of the opinion from comparisons made at the several institutions in Iowa, and from inquiries made of competent builders and architects, that the state, like the national government, can under proper management, receive better returns if the work is let by contract properly supervised.

An examination of the vouchers, books, records, and witnesses at Mt. Pleasant hospital shows that the hiring of employes, laborers, painters, mechanics, the purchasing of the brick, stone, plastering and other material for construction, and contracting for the painting, equipment and furnishing of the several buildings and the expenditure of the appropriations of every kind, is almost entirely done by the superintendent, without any public advertisement for bids, or attempt on his part to let any work by contract to the lowest bidder. The expenditure, however, of the appropriation of \$2,500 for a slate roof, was let by contract without any public advertisement.

Chapter 31 of the acts of the Twenty-third General Assembly provides, that in no case should any appropriations made to the state institutions be drawn, unless the same was needed for use within thirty days from the date of the requisition. This act has not been observed by many of the state institutions and was not observed in the drawing of funds from the state treasury by the hospital at Mt. Pleasant. In some instances several thousands of dollars have been drawn and remained unexpended in the hands

of the hospital treasurer for a period of twelve to fifteen months before any expenditure was made on the work for which the appropriation was granted.

The treasurer of the hospital keeps a separate account with each fund. This method of keeping the treasurer's books greatly facilitated the work of the committee in ascertaining the expenditure of the appropriations made by the several general assemblies. The treasurer's books are in marked contrast with the treasurer's records at the Clarinda hospital, where the treasurer keeps no books whatever. The treasurer has in recent years received a compensation ranging from \$900 to \$1,300 per year. The hospital has been compelled to pay exchange on remittances purchased at the banks where the treasurer keeps his deposits. This is unusual, but is explained by the fact that such is the custom at the Mount Pleasant banks.

The treasurer's books disclose that for the same days in several months of the year 1897, his daily average deposit was eight to thirteen times greater than for the same days in the corresponding months of 1895. This is largely due, in the opinion of the committee, to the act of the legislature permitting insane hospitals to secure the support fund earlier than heretofore so cash payment could be made for supplies. This change in the law was induced to a certain extent by the representations made by the management of the Mount Pleasant hospital that a great saving could be made by paying cash for supplies. The promised reduction has not yet been realized, owing, it is claimed, to the unusual financial situation in the year 1896.

The committee does not understand why the Mount Pleasant hospital should find it necessary to draw money in advance for the purchase of supplies, when the Independence hospital did not solicit such a change in the law, especially since there are many reasons why the Mount Pleasant hospital should be as economically conducted as the Independence hospital. It may be that this law will secure under a more extended trial, the results anticipated, but as yet it is of doubtful expediency.

This hospital is not equipped with any means of furnishing its own light, but buys gas of a private corporation at Mount Pleasant. The examination of the vouchers indicates that the hospital pays about \$5,000 a year for this purpose. Only a limited amount of this gas is, or need be, used for purposes other than for lighting. To state the fact that an expenditure of this amount is made for this single purpose is to show that an excessive, if not extortionate, charge is made. The trustees who were examined by the committee do not justify this expenditure, and the superintendent claims that several years since, in two different reports to the legislature, the state was asked to make an appropriation to furnish an equipment to light the hospital.

The resident trustee owns a small number of shares of stock in this gas company, but we are satisfied that his connection with the gas company has not increased in the least the price of the gas to the hospital. The legislature should forthwith equip the hospital with its own lighting plant. The cost of this plant could be easily recouped from a two years' contribution to the Mount Pleasant Gas company.

Allen & Company of Mount Pleasant furnish a great deal of the clothing that is purchased by the hospital. The steward buys the clothing without any system of competitive bids, but distributes the patronage among some of the Mount Pleasant clothing firms.

The resident trustee of the hospital is a member of the firm of Allen & Company. Some question as to the amount and character of his interest was raised by the trustee in his examination before the committee. We are satisfied that this trustee's connection with the firm of Allen & Company is of such a character, as should prevent this firm from selling any merchandise to the hospital.

Sales by Allen & Company of clothing, constitute, if not a direct violation of the statute, an evasion which should no longer be continued. The statute is intended to exclude the trustee from all trafficking with the institution under his charge.

The committee is disposed to believe that with a more just discrimination in the salary list, with a more economical adjustment thereof, a substantial decrease in the cost of this hospital could be secured, without in the least impairing the efficiency of the hospital or the comforts given the patients. A more systematic method in the drawing of supplies, and in the purchase thereof under a system which might provoke more competition, would, together with a decrease in the salary list, enable this institution to be operated with a per capita reduction of at least \$2 per month.

What is said regarding the Independence hospital as to the expenditure of the support fund for repairs, is to a certain extent, applicable to this hospital, though the expenditure for repairs out of the support fund is not as large.

The diversion of the support fund for the making of repairs necessarily prevents any comparison as to the cost of maintenance in the several institutions.

The legislature should make adequate provision for contingencies and repairs, and should not tolerate the misappropriation of any part of the support fund for that purpose.

Each county of the state is required under our law to pay for the support of the inmates in the asylums from such county, the state assuming the burden of providing buildings and equipment. This being the case, the law should be strictly enforced, which attempted to provide that the support fund should not be diverted to purposes of improvement.

It is needless to say that the superintendent of the Mount Pleasant hospital is prevented by the manifold duties performed by him and indicated in this report, from giving any considerable portion of his time to the personal care or supervision of the medical departments of the hospital.

As was the case at Independence, the superintendent receives his expenses for attendance at the conventions of superintendents of the United States.

The board of trustees have observed the requirements of the law, with respect to the compensation for mileage and per diem.

The system of book-keeping at this hospital is much more thorough and complete than in many other institutions.

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#### CLARINDA HOSPITAL FOR INSANE.

The Clarinda hospital has about 658 patients. This hospital is completed according to the original plans, with a capacity of from 900 to 1,000 patients, and can therefore accommodate about 300 more patients.

The legislature authorized the construction of this hospital in 1884, and since then about \$930,000 have been expended, in its construction and equipment. The present superintendent was employed in 1893 at a salary of \$2,500, and now receives \$3,000.

When the legislature authorized the construction of the Clarinda hospital, the work of construction was authorized to be carried on by a building commission.

Subsequently the board of trustees was created and the work of the building commission was performed by this board. The board acted in a dual capacity prior to the enactment of the new code. The compensation of the members as trustees was paid by warrants on the state treasury; the compensation for services performed in the construction of the buildings, was paid out of the appropriations made by the legislature for such building. To obtain the amount of the compensation which the trustees have drawn as building commissioners, requires an examination of the different vouchers issued at various times, during the last several years. The trustees of the Clarinda hospital have incurred more expenses, and drawn greater mileage for trips to different parts of the state and to other states, than have the trustees of any other institution. Many trips have been made by the board, or a majority thereof, to Chicago and cities in the east. Inquiry of the members of the board as to the reason for these trips, developed the explanation, that such visits were made for the purposes of securing better and more accurate information as to the needs of the hospital, as to the proper kind of machinery to purchase, and for acquiring general information as to the proper expenditures to be made on the hospital account. In one instance it developed that a majority of the board made a trip to Chicago for the purpose of acquiring information, thought necessary in asking for an appropriation from the legislature. It is probable that the large amounts of money expended, required a more minute and accurate information on the part of the trustees and made many of the trips seem necessary to the board. As so much depends on the good faith of the trustees in making such expenditure, it is difficult for the committee to make any comment as to the propriety thereof. The legislature, evidently regarding these expenditures as improper, provided in the new code, that the trustees should draw no compensation other than that from their place of residence to the institution.

The original act provided that the work of construction should be done if possible by letting the work to the lowest responsible bidder. It appears that an effort was made to let the work, but satisfactory bids were not received by the commission, and the original work of construction, as well as all subsequent work has been done by day's labor, under the supervision of the architect and his assistant, and foremen employed by them.

The architect has been employed since 1884, and for the first two years received 3 per cent on the construction price. Since 1886 he was employed not only to perform his duties as architect, but to supervise the construction, and for such service has received, and is now receiving, 3½ per cent on the cost of construction, in addition to his expenses.

A great part of the material used in the construction of the building is purchased by competitive bids, and the record of the board of trustees is very full in setting forth these bids, and the disposition made of them by the board. The supervising architect, under the direction of the board,

buys many articles of supplies on which there is practically no competition. The hospital purchases most of the supplies used for maintenance, including groceries and dry goods, by a system of competitive bids.

The committee find little difficulty in reading the record of the board to ascertain what the board did with reference to the purchase of supplies, the method pursued, and the parties to whom the contracts were let. This was not the case at many other institutions in the state. The superintendent first submits the estimate of the proposed purchase of supplies, which estimate is passed on by the board, and being thus approved, the superintendent or steward makes the purchase.

A greater part of the bills are audited by the board prior to payment. This is not the case at many other institutions.

The superintendent of construction likewise submits the estimate of proposed purchases, which estimate is passed upon by the board, bids are solicited, all of which is set forth fully in the minutes of the meeting of the board.

The hospital management having adopted the plan of constructing all buildings and improvements by day's work, necessarily increases the amount of clerical service in accounting for the moneys expended. In the absence of the architect, who lived at Des Moines, his work is performed by an assistant who resides at Clarinda. The committee ascertained that the pay roll, for the services of those employed in the construction of the building, was, in many instances, signed by a party other than the party named in the pay roll. It was also ascertained, that when the institution was unable to pay the cash for the labor performed, time certificates were issued, and in some instances these certificates bore the endorsement of parties other than the party entitled to receive the pay. Further investigation satisfies the committee that this irregularity resulted from the inability of some of the workmen to write their names and from the want of method on the part of the assistant to the architect.

We are satisfied after careful inquiry, that no wrongful appropriation of the state's money occurred from the acts of the assistant, but we disapprove of the lax methods which permit these irregularities.

The accountant of the committee was unable to verify the list of the warrants issued by the state auditor to the treasurer of the Clarinda hospital on the construction fund, because the present hospital treasurer has not the books of his predecessor. This is explained by the fact that the said predecessor kept no complete set of treasurer's books. The present treasurer received a salary which amounted to about \$800 per annum in recent years, being one-half of 1 per cent of funds coming into his hands. As treasurer, he keeps no books. The warrants issued to him are deposited to his credit in the bank, and the institution draws its checks, which are paid on presentation to the bank. The bank has an account with the treasurer, in his representative capacity, but makes no pretense of keeping the several funds and appropriations separate. One bank at Clarinda has the construction fund, and another bank the support fund. Other than this there is no separation of the support or construction funds of the hospital, on the part of the treasurer. This, we take it, is improper. It prevents a satisfactory examination by a legislative committee, and tends to obscure the condition of the hospital finances. It makes it impossible to ascertain from an examination of the books how much of the appropriations of the legislature are

unexpended or remain in the state treasury. The treasurer's office is no check on the accounts of the institution, and the institution's books are no check on the treasurer. The report of the treasurer, found in the biennial report to the legislature is necessarily a copy of the institution's records though appearing nominally as a report made from the treasurer's books.

It might be said in passing, that the superintendent of construction, who is the architect, aims to keep an account of the several appropriations made for the work of construction, but this at best is a memorandum for his convenience, and does not minimize the evils that result from the failure of the treasurer to keep proper books and records.

The ability of an institution to, in some degree, contribute to the manufacture of its own supplies, is well exemplified in the industrial department instituted by the superintendent at Clarinda. The inmates make their clothing, shoes, underwear and a certain amount of the cheaper class of furniture used in the hospital. They also manufacture brooms and other articles of use. This works a substantial saving to the state. Comparisons were made by the committee, of the cost of clothing and other articles of apparel, with the prices paid at other institutions, and we are satisfied that under a practical management the inmates of the institutions can, in certain lines, greatly reduce the cost of their own maintenance. Employment, which is valuable as a remedial treatment, is, at the same time, furnished the inmates.

No practical benefits have yet resulted in the conduct of the Clarinda hospital, from the change in the law making the appropriation for support purposes available earlier so cash may be paid for supplies. The superintendent hopes to soon reap any advantage which may come from this amendment to the statute.

The new code gives the Clarinda hospital the same per capita support fund as the hospitals at Independence and Mount Pleasant. Considering the fact that the number of inmates is 25 per cent less at Clarinda than at the other hospitals, and that fuel must be transported a much longer distance, at an increased cost, we are satisfied, that if the same measures of economy prevailed at the other hospitals, they can be maintained at a less per capita cost than can the Clarinda hospital.

It is our opinion that with the present system of purchasing supplies at the hospital, together with the accountability required from the subordinates, and the evidence of economy found in the management of the superintendent, that there will be no difficulty experienced in maintaining the hospital at its present standard, at the per capita of \$14 or even less.

The superintendent is enabled to give more of his time to the medical department of the hospital, to the personal supervision of employes, and to the care of the inmates, than the other superintendents, because of the fact that the work of construction is largely in other hands. We are firm in our opinion that much better results would come in the management of all the state's interests if the superintendents had less to do with the construction of buildings and the work incident to the expenditure of the extraordinary appropriations.

The board of trustees at this hospital have paid the expenses of the superintendent to national conventions held in distant states, as was done at the other hospitals.



## CHEROKEE HOSPITAL FOR INSANE.

In 1894 the legislature authorized the construction of the Cherokee hospital. Twenty-four thousand dollars was appropriated for the purchase of land, and this has been expended in the acquisition of 600 acres within two miles of the city of Cherokee.

The rental of this land will not inure to the state until March 1, 1898.

The Twenty-fifth and Twenty-sixth General Assemblies provided that the work of construction should proceed, and made \$75,000 available in 1896, \$75,000 in 1897, and \$125,000 in 1898, and \$125,000 in 1899.

Of this entire appropriation of \$400,000, about \$76,000 was expended in the construction of the foundation of the hospital building, planned to accommodate, if need be, 600 patients. The balance of the appropriation, excepting three or four thousand dollars, has been expended in constructing the walls, enclosing and roofing this building.

Not only have the appropriations that were available and payable been exhausted, but certificates have been issued by the building commission against the appropriations available for the year 1898 and for the year 1899. The contractors agreed to complete their work of constructing the walls, enclosing and placing the roof on same by December 31, 1898, but for their own purposes have hurried the work of construction, and will complete their contract in about a year before the time they otherwise would.

The building commission has substantially exhausted all the moneys appropriated and payable, and has anticipated the appropriations for the year 1898 and for the year 1899.

The committee visited Cherokee and after an examination of the architect, superintendent and the commissioners is satisfied that no injury will be caused the property of the state or the buildings now in course of construction if no further work is done for a period of two years, except such damage as will necessarily occur to property left unfinished and unoccupied.

As to the propriety of this legislature making further appropriations, this committee does not deem it within its province to express an opinion, but thought it proper to inquire as to whether the property in its present condition would suffer unless further work was immediately done on the walls of the building.

The building commission of the Cherokee hospital have employed a superintendent of construction, who lives at Cherokee, at a salary of \$1,200 per year. The architect who drew the plans and superintends the work of construction, receives 2 per cent upon the cost of construction. For the performance of like services the superintending architect received 3¼ per cent at Clarinda.

Before closing our reference to the Cherokee hospital, we must refer to the simplicity of the act providing for its construction, in that all warrants for the work of construction are drawn by the state auditor and the payments are made to the parties entitled thereto by the state treasurer. This does away with the machinery of the hospital treasurer and the expenses incident thereto, and the probable withdrawal from the state treasury of thousands of dollars which under the law are now left in the state treasury until the money is actually due on the work of construction.

The committee having visited all the state institutions, examining the work of construction made under extraordinary appropriation of the legis-

lature, do not see how any institution would suffer, or the state experience any disadvantage, if all extraordinary appropriations remained in the state treasury until the same were due and payable to the parties entitled to receive their pay for work. It would simplify the work of the government of the state institutions, and would prevent the state from paying interest upon a deficit with many thousands of dollars lying idle in the hands of the treasurers of such institutions.

This suggestion is entitled to the more weight from the fact that the Twenty-third General Assembly sought to prevent the withdrawal of moneys from the state treasury, except the same were needed within thirty days from the date of requisition. It appears, however, that the statute has not been observed, but by one or two institutions, and the evil sought to be remedied by the Twenty-third General Assembly is as great to-day as it was before the passage of this act.

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#### VISITING COMMITTEE FOR INSANE HOSPITALS.

The visiting committee appointed by the governor for the purpose of visiting the insane hospitals, is paid out of the support fund of the several hospitals. The expense of the visiting committee now constitutes a considerable drain upon the support fund. The expenses of this committee for the year ending June 30, 1896, is about double that for the year ending June 30, 1895. This results from the fact that two of the committee visit the different hospitals at the same time, and spend a week at each hospital, thus receiving a per diem and expenses for three weeks in the month. We are of the opinion that the visiting committee costs much more than is necessary, and its visits are extended much longer than the character of the work warrants.

Much has been said in favor of the work of the visiting committee, and the good that comes from the fact that it can go through the hospitals at any time, observing the care that is given the inmates, and listening to any complaints that the patients may make. Granting this to be true, we do not think it was the intention of the law in creating the visiting committee composed of three persons, that the members should spend a week at each institution and draw pay for three weeks in every month.

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#### SOLDIERS' HOME.

The legislature located the Soldiers' Home at Marshalltown in 1886. The number of inmates as appears upon the books of the home in July, 1897, was 644. The number of inmates actually at the home and domiciled therein at this time was 563. The commandant receives a salary of \$1,200 annually, and the further allowance of \$900 annually, and residence on the grounds.

This institution has six commissioners charged with the government of the home. The statute does not provide in terms for per diem compensation for the commissioners, and it is doubtful if they are entitled to it. However, they have drawn compensation and paid themselves from the

funds of the institution—other boards of trustees are paid directly from the state treasury. None of the commissioners have observed the limitation of the statute, which provides that the expense of a trustee shall not exceed 5 cents per mile for the number of miles actually traveled. Some of the commissioners have exceeded the limit to a small extent and others have exceeded it to a greater extent.

Five of the commissioners were present when the committee visited the home, and they declared that they did not understand that this limitation applied to them.

There can be no question that if the commissioners are entitled to compensation and expenses, that this limitation is applicable.

It would involve a tedious examination to ascertain the exact amount that the commissioners have drawn, in excess of what they were entitled to under the statute.

The commissioners have incurred expenses to a considerable amount in making trips to other states, visiting other like institutions and attending conventions of managers of soldiers' homes. Expenses have also been incurred in making trips to Chicagó and other places for the purchase of supplies and equipment for the hospital and other buildings which were constructed.

Such expenses for the fiscal year ending June 30, 1897, for every purpose including the salary of secretary at \$100, and the salary of the treasurer for three months, as well as the charges of the building committee of the board, and traveling expenses to places outside of the state, aggregated \$3,682.83.

The expenses of the commissioners for the biennial period ending June 30, 1891, was about \$1,700, or \$850 per year.

It can be fairly stated that the increase in the expenses of the commissioners was at least \$2,500 in the year 1897, over that of the year 1891.

This was explained, to some extent, because buildings were being constructed and equipment purchased in the year 1897, which was not the case in the year 1891.

We find that no expenses were paid the commandant for trips outside the state. He attended conventions and visited other homes at his own expense.

The committee ascertained that there was considerable friction in the board of commissioners, and as a result, that harmony in the management, which is so necessary for a proper and economical administration, did not prevail.

A former treasurer, who is also the resident commissioner, refused to turn over to his successor the books of the treasurer, and other manifestations of discord in the board, were apparent.

The statute grants \$10 per month for each inmate in the home, which appropriation is known as the support fund.

In addition to this, there is an appropriation of \$1,050 per month for salary and wages.

The committee discovered that ever since the home was established, the support fund was drawn on a computation based on the number of inmates on the books of the home, and not for the number of inmates actually domiciled in the home. The officers and board secured the federal

appropriation which is made for the partial support of the home, by making proofs showing the actual number domiciled at the home.

It is needless to say that the manner of drawing the support fund from the state was illegal, for the legislature never intended to make an appropriation for inmates, who were not supported at the home. To provide otherwise would expose the state to every character of abuse, and would place no limit upon the amount which the officers of the institution could draw from the state treasury, for it can be seen how easily the names of inmates would remain upon the books of the home, though the persons were absent for years.

As a matter of fact, this institution has drawn a per capita allowance for men who have been absent from the home by permission or on a furlough for a period of two years, and who have never received any support from the home, excepting probably a few dollars' worth of clothing in a year.

On calling the attention of the commissioners to the methods adopted in calculating the per capita allowance, the committee was informed by each and every one of the commissioners present, that they were unacquainted with the manner in which the computation was made. They further stated that they did not approve of this method of drawing the per capita allowance, and had they known the allowance was procured on this computation, they would not have permitted the practice to continue.

The committee thought well, through its chairman to advise the state auditor of the practice prevailing at this institution with respect to the computation as to the number of inmates. Upon the requisition being drawn under the old method by the board of commissioners, the auditor refused to honor the same.

The attorney-general held in harmony with the views of the committee, that there was no warrant for such a practice. We now understand that the Soldiers' home receives its support fund, based upon the number of inmates actually in, and domiciled at, the home.

The accountant of the committee estimated that about \$38,570 was drawn by the home since July 1, 1893, in excess of the proper and legal amount.

The commandant, who was formerly a member of the board of commissioners, informed the committee that he simply followed the method of computation practiced by his predecessor, and had no knowledge as to what this practice was until he became commandant.

Mr. Russell of the board of commissioners, was absent from the state, and unable to be present when the committee visited the home, and we have been unable to meet with him before making this report. We believe, though, that justice to him requires us to say that he did not know the method of computation, upon which the per capita allowance was secured.

The supplies, including the groceries and other matters of subsistence, are secured without any system of competitive bids, but are purchased by the quartermaster at such times, and for the best terms he can secure.

The groceries are purchased to a very large extent, for some years past, of a single house at Marshalltown, and we believe there is very little competition in the furnishing thereof. The commandant and quartermaster believe that they secure the supplies at reasonable prices, but the experience of this committee at other institutions is such, that we think a

system of competitive bids would show a reduction in the cost of groceries and other supplies.

Commandant Ratekin and Quartermaster Longley inaugurated a system of requisitions and accountability on the part of the employes in the use of supplies, which furnishes an admirable illustration of what system and method do in minimizing the cost of subsistence at institutions of this character.

We believe that this method and system is the most perfect and complete found at any of the state institutions, and will compare favorably with that existing in the institutions of other states. The books disclose the number of pounds of any of the different commodities in the storeroom, and the committee had the satisfaction of testing the accuracy of the accounts, by weighing different supplies, and found that the quantity corresponded with the amount indicated on the books. This method of accountability was established by the commandant and Quartermaster Longley in January, 1895. It immediately resulted in a marked reduction in the amount of supplies consumed and in the cost of subsistence.

There were 378 men at the home in January, 1894, and the cost of subsistence was \$2,141.11; there were 475 men at the home in January, 1895, and the cost was \$2,069.43.

We thus find that the cost of subsistence for January, 1895, was \$71 less than in January, 1894, though the number of inmates was increased by ninety-seven.

The commandant submitted to the committee figures and records indicating that in the system adopted there was a saving of \$18,000 per year, if the whole number of men on the books were actually present. The correctness of these figures was questioned, but however this may be, the committee is satisfied that a very marked and unusual reduction in the cost of subsistence resulted from the reforms inaugurated by the commandant.

The other books and records of the institution can not receive the praise that is given to the quartermaster's books.

The treasurer keeps a part of the books, and we find there was not that co-operation between the officers of the home and the former treasurer which should exist. The former treasurer reserved the right to apportion the expenditures between the different funds in a manner which he thought proper, which was frequently at variance with the apportionment made by the commandant. This, of course, leads to confusion. The committee found that the biennial report of the treasurer did not agree in some features with the books kept at the institution, because of the fact that the treasurer in such biennial report apportioned the expenditures as he thought proper.

The Twenty-second General Assembly divided the standing appropriations for the home into the "salary and wages fund" and the "general support fund." We take it that it was the intention to provide that no more than the amount appropriated for salary and wages per month should be expended for such purpose, and that no part of the support fund should be expended for the payment of salaries and wages. The committee is satisfied that this is the proper and only construction of the statute.

The legislature has further made it a penal offense to divert an appropriation from the purposes for which it was made.

There are quite a number of employes who might be paid out of the support fund were it not for the fact that there is a salary and wages account. The committee is of the opinion that perhaps some discretion is lodged in the commissioners as to whether the cooks, bakers and other employes that could be named should be paid from the support fund. Be this as it may, the commissioners have never observed the distinction between the salary and wages account and the support fund, but have repeatedly made payments for salaries and wages from the support fund.

One thousand dollars of the contingent fund was transferred to the salary and wages account and never returned. The transfer of this is shown in the biennial report for the fiscal year ending June 30, 1895, on page 41. In June, 1896, the salary and wages account was overdrawn \$859.12, and was made up from the support fund, which amount thus transferred was never returned.

As indicating the manner in which the accounts were intermingled we find that the pay roll of a certain number of employes was paid out of the support fund in May, 1896, and the same employes were paid out of the salary and wages fund in June, 1896.

There is no rule to guide the commandant or the officers of the institution as to what fund should be drawn upon to liquidate the pay roll. The practice has been to exhaust the salary and wages account first, and then draw upon the support fund, which was done in almost every month, during the period covered by our inquiry.

Our accountant ascertained that the sum of \$6,065.82 was taken from the support fund and expended for salaries and wages from November 1, 1894, to December 1, 1896.

It is true that a part of this was for temporary help, some of which might be considered as chargeable to the support fund, but the greater amount of this sum is for salaries of employes properly chargeable to salary and wages account.

The commissioners and commandant informed the committee that it is impossible to conduct the institution for the amount which the legislature appropriates for salaries and wages. This is no justification for the diversion of the support fund, but of course should be considered in weighing the good faith of the commissioners and their efforts to properly discharge their duties. The sum of \$38,570 which the commissioners since July 1, 1893, drew over and above that which they were entitled to draw on the support fund, was in part expended in salary and wages account.

Sometimes a part of the funds would be transferred to the salary and wages account, but very frequently the salary and wages were paid from the support fund, without even the formality of a transfer on the books.

This method of conducting the business greatly obscures the exact character of the expenditure, and makes the reports of the officers somewhat misleading.

The legislature should either insist that these funds be separated and not intermingled, or it is the duty of the legislature to make one general appropriation, and not present the condition of having the law openly and continually violated.

We note that the Twenty-sixth General Assembly appropriated \$2,000 for purchasing furniture for the hospital and the residence of the doctor

and commandant. The commissioners expended over \$5,000 for this purpose, drawing the sum of \$3,000 from the support fund.

About \$1,200 of this amount was expended in articles of furnishing, which might, under other circumstances, be construed as properly chargeable to the support fund. This illustrates the loose method of the board in dealing with the several funds, and conclusively shows that the commission has not regarded an appropriation by the legislature of a sum for a specific purpose, as preventing the commissioners from spending additional amounts from other funds for these purposes. The board also expended about \$2,000 of support fund in improving and grading the grounds.

The support fund at this home was resorted to in order to procure money to supplement the expenditures, not only for the salary and wages account, but for purposes for which the legislature made specific appropriations.

The board of commissioners ascertaining that an appropriation was insufficient, did not hesitate to supplement such appropriation by moneys taken from the support fund.

The committee listened to certain charges and complaints against the quartermaster, and after a careful consideration of them, find that such complaints in no way affect the integrity of the quartermaster or his ability to perform the duties of his office. We further say that the record of the quartermaster, and his participation in securing a more economical administration of the purchasing department of the home is creditable, and should not go unnoticed.

It has been said, since the management is required to draw its per capita support based upon the actual number of inmates domiciled at the home, that great difficulty will be experienced in conducting the home upon this allowance. The committee does not share in this fear. The support fund, if properly applied for the purposes contemplated by the statute, is adequate. The Illinois Soldiers' home at Quincy was maintained for about \$107 per capita per annum, the support fund including about the same items of expenditure as are included in the support fund at this institution.

The management and commandant submitted records and books indicating that the home was properly maintained for \$111 for each inmate in the year 1895, and \$113 for each inmate for the year 1896.

The law allows \$120 for each inmate per year, in addition to the sum of \$1,050 per month for salary and wages, and the fear that the veterans in the soldiers' home will be deprived of any of the comforts heretofore enjoyed by them by now enforcing the law, as it should have been enforced since the home was instituted, is groundless.

The commissioners were present when the committee examined the officers of the home, as well as the books and records, and had no criticism or complaint to make as to the correctness of the figures submitted in this report.

Much discussion and litigation has resulted from the action of the board of commissioners in dealing with the pensions received by the inmates. The courts have decided that the commissioners have the power to make the regulations now in force at the home. One of the rules with respect to the pension money requires that all in excess of \$6 per month received by the inmates shall be paid into the home. The commandant is entrusted with the duty of paying of such excess over \$6 to the "dependent" relatives

of the inmate. If there are no dependent relatives, such excess is appropriated by the state. For the last three or four years considerable sums derived from this excess pension money have been paid into the state treasury. Some of this excess pension money has been added to increase the support fund. The increase of the support fund by this means is without authority under the law, and in fact there is no legislative authority for the making of any specific rules by the board with respect to the pension money.

The committee is of the opinion that vesting in the commandant the power to determine who are "dependent" relatives, gives him a power that is subject to great abuse, and provokes discontent and dissatisfaction on the part of the inmates and relatives.

The legislature should definitely name the parties who are entitled to such excess money and should not leave with the commandant, or the board, the power to determine whether the relatives of this inmate are dependent, and the relatives of another inmate are self-supporting. We make this recommendation, assuming that the legislature is content to leave the authority of the commissioners to deal with the pension money as the courts have decided.

It may not be generally known that the amount of pension money deducted from pensions of inmates is about \$6,000 per annum. The federal government deducts one-half of this sum from its appropriations for the support of the home, thus leaving only \$3,000 as the profit to the state on the deductions from the inmates' pensions.

Quite large sums have been refunded to the state by the home, in recent years, but owing to the uncertain character of the accounts of the institution, and the fact that the treasurer's books and the books of the institution are not in accord, it is difficult to ascertain whether such refund is from the support fund or from the excess of pension fund.

Before concluding our report on the soldiers' home, it is proper to say that the committee ascertained that the great bulk of the supplies, of all kinds, is purchased in the city of Marshalltown.

The experience of the committee at this and other institutions in the state, leads it to believe that the greatest economy is not effected when so much of the supplies are purchased of local trades-people. The resident trustee is subjected to great influence and pressure, in order that such supplies may be purchased locally without serious competition; while the local trustee is valuable in the performance of many duties, the tendency is that he will be blind to many abuses that creep into the purchases of supplies from residents of his town.

The home purchases its drugs and medicinal supplies almost exclusively of one house at Marshalltown.

The committee ascertained that during the last year the amount of the drug bill was about \$3,600. During parts of the year whiskies were purchased to the amount of about a hundred dollars a month. Believing that this bill was extravagant, inquiry was made of the physician at the home, and he informed us that it was the practice to give whisky to many inmates of the home at specified hours during the day, when they called at the physician's office for such rations. It may be that this practice can be approved, but the committee is convinced that if whiskies are to be purchased to such a large extent and consumed as a regular diet, they should not be purchased in such small invoices and of such expensive brands.



Examination of the drug bills at other soldiers' homes indicates that the Iowa soldier's home has a most extravagant drug bill. The report of the soldiers' home at Quincy, Ill., for the last year, indicates that its drug bill was \$710 with 1112 inmates. The bill of the soldiers' home at Marshalltown, therefore, is about ten times that of the bill at Quincy.

We entertain no doubt that there is room for a substantial saving in this item of expenditure.

Upon a review, the committee believe that if the statute was amended so a member of the board of commissioners could not be eligible to the position of commandant during the term for which he was elected, and two years thereafter, many of the dissemsions found in the management might not exist.

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#### INSTITUTION FOR FEEBLE MINDED CHILDREN.

This institution has about 700 inmates. Three hundred and fifty of these are in the custodial building, and receive no education or remedial treatment. They are simply housed and cared for to protect themselves from injury, as well as to protect the public. The other inmates are taught and subjected to remedial treatment.

This institution has a board of trustees composed of three members.

The superintendent was first employed in this capacity in 1882, at a salary of \$1,000 per annum. The number of inmates at that time was 175. The superintendent now receives \$2,400 per annum and the number of inmates has increased to 700. In addition to this compensation, the superintendent receives \$3 for each day's service performed as secretary of the board of trustees. Comparison of the superintendent's salary with the salaries paid superintendents of like institutions in other states shows that he receives a compensation somewhat in excess of that paid such superintendents where the number of pupils is practically the same.

The superintendent makes all the purchases, thereby dispensing with the service of a steward. Two-thirds of the supplies, including dry goods, clothing and food stuffs, are purchased at Glenwood. An approved method of keeping account of supplies purchased and consumed was established in June, 1897. Bids are solicited for a greater part of these supplies and an examination of the bids filed with the board, indicates that the bids vary \$300 sometimes in a total purchase of \$2,100 for a single quarter. The treasurer of the board is also the resident trustee, and was paid about \$200 per year for his service as treasurer. This compensation is made from the institution funds.

The reading of section 2713 of McClain's code indicates that the treasurer is not entitled to a salary as treasurer, if he is a member of the board. This is the view the committee takes of the law. Whatever extra service may be performed by the treasurer, if he is a member of the board, may be paid for at the same per diem compensation which the trustee is entitled to receive. The statute does not contemplate the payment to the treasurer of a compensation as treasurer, if he is a member of the board. We concede that perhaps the statute might bear another construction, but we think this view is correct.

The resident trustee beside receiving his compensation as treasurer, drew a per diem compensation, in the year 1896, for eighty-one days. This

is the largest per diem compensation which the committee knows of any trustee receiving. He further received compensation for making the treasurer's biennial report. It was explained to the committee that the large per diem compensation of this trustee was because of the frequent visits he made as member of the building committee.

Owing to the inability of the institution, during a part of the year 1896, to receive cash for the warrants due it, a discount of \$300 was made upon a warrant of \$15,000 and the sum of \$240 was paid as interest to a local bank at Glenwood. Subsequently the state warrants were at a premium and the treasurer of the institution, sold about \$75,000 of such warrants at a premium. This premium and accumulated interest was retained by the treasurer, believing that the state did not expect any more than the face of the warrants. We are pleased to state that the treasurer has recently reimbursed the institution for premiums and accumulated interest, which he claims to have received on the sale of the institution's warrants.

The standing appropriations for this institution are found in section 2717, McClain's code. The sum of \$10 per month for each inmate was appropriated for the support of the institution; the sum of \$22,000 was appropriated for the ordinary expenses of the institution, including furniture, books, school apparatus and compensation of officers and teachers. The provisions of the old law are substantially enacted in the new code save, that the sum of \$22,000 is appropriated for the ordinary expenses of the institution and for the compensation of employes, as well as that of officers and teachers. The separation of the appropriation undoubtedly required the officers of this institution to pay the compensation of officers and teachers from the ordinary expense fund, and under the new law the compensation of officers, teachers and employes, should be paid from the ordinary expense fund. The fact is, that the management of the institution has not observed the requirements of the statute or the construction that must necessarily be given it. No separate record is made of the compensation of officers and teachers and we find that the appropriation for the ordinary expense fund was exhausted, and recourse was then had for the liquidation of the balance out of the support fund.

We repeat what we said, in speaking of the Soldiers' home, that the officers of the institution should observe the requirements of the statute and maintain a separation of those funds or the legislature should make a general appropriation and not countenance the continued violation of the requirements of the statute.

The records and books of the institution show the use of the support fund for repairs, and the superintendent admits that about \$7,000 annually of the support fund is expended in repairs. This expenditure of the support fund is made, even while the special appropriation for repairs is unexpended. We are persuaded that the expenditure of this amount of money of the support fund for repairs constitutes a diversion of the fund, and exposes the management to the just criticism of a failure to properly expend the support fund. If the institution is to determine whether the repair fund is adequate, and to supplement the legislative appropriation by drawing in a biennial period, \$14,000 from the support fund, to be expended in repairs, it can be seen that the legislative control over the appropriation of the state's money is somewhat weakened.

What was said as to some of the disadvantages of having the local trustee at the Soldiers' home is applicable to the institution for the feeble minded. The strife at the place where institutions are located, for the patronage and trade of the institution is, at times, bitter and engenders factibnal disputes. The selection of the local trustee becomes an important matter for the jobbing interests and even for the banking interests of the locality. When the trustee is selected he is expected to favor the influence that secured his selection. These influences exert a pressure, for recognition in the distribution of the patronage and custom of the institution. The trustee in turn exercises an influence upon the management and the board, and in this way, the committee has repeatedly observed that an economical administration of some of the state institutions is at times jeopardized.

Inquiry developed that large sums of money were procured for the support fund from the state when there was a surplus in the support fund, and when the immediate wants of the institution did not require the withdrawal of such moneys from the state treasury. This is so at all the state institutions, and the management of this institution offered the same explanation as the officials of other institutions, that it is necessary to draw the support fund monthly or quarterly, as the statute permits, because if it is not drawn at such time the institution loses whatever sums it might be at such times entitled to receive. It is necessary, it is said, to accumulate a large support fund in the summer to anticipate the heavy expenditures of the winter. One of the serious evils of this system is the accumulation of money in the hands of the treasurers of the several institutions during several months of the year and the depleting of the state treasury, thus preventing the discharge of interest-bearing state obligations, which might otherwise be done. This evil might be remedied if the legislature provided that the support fund should not be drawn until the same was required, and that a failure to draw the monthly or quarterly allowance for support should not deprive the institution of such support, but the same should remain a credit to the institution's account at the state treasury, and could be secured when the institution was in need of the same. The many advantages of such a provision are apparent, and we can discern no disadvantage to the state or institution in such a law.

We concur heartily in the recommendation of the state treasurer, that he be permitted to sell the warrants issued to the several institutions, if the state is unable to pay said warrants upon presentation. This would prevent the hawking about of the warrants by the officers, regents, or trustees of the institution, which is now the case, and insure that whatever premiums or accumulated interest there might be would inure to the advantage of the state. It would prevent a repetition of the act of the treasurer of this institution in retaining the premium upon warrants sold by him.

The insane hospitals purchase and consume the best meats obtainable. The superintendent of the institution at Glenwood does not purchase the highest priced meats, and we have no doubt that a considerable saving is thus made. The superintendent stated to the committee that if the legislature amended the statute so as to give him a single appropriation for all support purposes, that he could manage the institution at a per capita allowance of \$12 per month, but to allow for uncertainties the statute should make the maximum allowance, \$13.

Deducting the \$7,000 expended for repairs out of the support fund, from the total appropriation for support purposes, it is found that this institution is now conducted for \$11.78 per capita. With a reasonable adjustment of the salary list, the institution could be readily operated at a maximum per capita allowance of \$11.

The salary and wages at this institution in the year 1897, is about \$8,000 more than that paid in the year 1892, with an increase of 184 in number of inmates. The compensation of the employes of the institution is fixed by the superintendent, and he stated to the committee that his acts in the premises are not revised or passed on by the board.

The inmates manufacture brick on the land belonging to the institution, and in recent years the institution has made a profit by such manufacture ranging from \$1,000 to \$1,500 annually.

The system of books for the financial transactions, and the manner in which they are kept at this institution, on the whole, are the best and most complete which the committee found at any institution. We suggest that when the uniform system of books for the state institutions is adopted that the books and the manner in which they are kept at this institution can be examined with much profit, and will afford valuable information in the preparation of a uniform system.

The superintendent is, by the law, required "under the direction of the board to superintend the care, management, training and instruction of the wards of the institution and the management of its finances." The fact is that the expenditures of the ordinary and extraordinary appropriations are made by the superintendent upon information acquired by him and to a great extent upon his judgment. Whatever co-operation the board gives in the expenditure of the appropriation is advisory, and reliance is wholly placed upon the superintendent's judgment.

The superintendent stated to the committee that the conduct of the institution and the attention required in the construction of the buildings and furnishings and equipment of the same consumes his entire time, and during the last two or three years he has not given the attention to the inmates or to the duties ordinarily performed by him that he would desire. We say that it is impossible for the superintendent to perform the service that he does and give any portion of his time to the care or treatment of the inmates or render the service to the inmates which his experience as a medical man would enable him to do.

The payments of bills for supplies, etc., is made by the institution prior to the time the same are audited by the board. The resident trustee, once a month, looks over these bills before payment, but no action of the board is had until after they are paid.

The buildings that are in course of construction are being erected under contracts. The board properly advertised for bids, and in the judgment of the committee satisfactory contracts have been made.

The large expenditure for buildings now being erected was caused by the fire which destroyed most of the main building in the year 1896. The action of the executive council in appropriating funds from the providential fund and the great saving which was made in the preservation of the walls of the buildings furnishes a striking illustration of the impropriety of preventing the executive council from the exercise of this power, as was done

by the special session of the legislature. It is the opinion of the committee that the power to make such extraordinary appropriations when the legislature is not in session should be restored to the executive council.

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#### INDUSTRIAL HOME FOR THE BLIND, KNOXVILLE.

This institution was opened for the reception of inmates under an act passed by the Twenty-third General Assembly. The board is now composed of three members. The compensation for mileage and per diem expenses for the biennial period ending June 30, 1897, was \$2,107.65, which is equivalent to one-seventh of the total expenditure for support purposes during the same period.

It has a small number of inmates, and is of an unusual character, there being but few institutions of like kind in the United States. There are forty-seven inmates actually maintained in the home, and seven others are given employment, but receive board and lodging at another place.

The statute provides that the home is established for the adult blind of the state who may be trained in some suitable trade or vocation, and to furnish a working home for the adult blind who have learned a trade or who may desire to remain or be employed. Prior to the enactment of the new code, the board of trustees required each inmate to be of sound bodily health and capable of performing manual labor. The new code enlarges the purposes of the institution, admitting all the adult blind of the state as well as those who are capable of performing labor. Owing to the crowded condition, and the failure of the legislature to make proper appropriations, the management is unable to open the home to the indigent blind unable to perform labor.

There is no standing appropriation for the support of this institution—each general assembly providing the support for the next biennial period. The Twenty-sixth General Assembly appropriated \$18,000; \$12,000 of this sum was for salaries and \$3,000 for manufacturing and \$3,000 for contingencies. The entire appropriation is expended.

The superintendent receives a salary of \$50 per month.

The manufacturing department is under the immediate charge of a foreman; who with the salesman are the only salaried employees.

Brooms constitute the chief article of manufacture. In the biennial period ending June 30, 1896, 8,000 dozen brooms were made; in the biennial period ending June 30, 1897, 12,000 dozen brooms were made.

During the visit to the several institutions, the committee inquired whether the products of the Knoxville home were bought by such institutions, and we ascertained that at one time brooms were bought, but it was discovered they were defectively made and no further purchase was had. Under the present management a better grade and quality of brooms are made and it has disposed of the surplus product. A traveling salesman is employed at a salary of \$125 a month.

The inmates are limited in the amount of work to be done each day, but at the present they are able to earn from three to twelve dollars per month, more than is required to pay for their board.

We find there is a loss in the manufacturing department in the last biennial period of \$4,000, which is equal to one-fifth of the entire amount received from sales.

Owing to the manner in which the books were kept, the committee was unable to ascertain the amount paid for raw material, except by going through each bill and voucher, which was not done. The committee believe that if the raw material was purchased in larger quantities, more favorable terms could be secured, thus reducing the loss in the manufacturing department. Hammocks and nets are manufactured to a limited extent.

The home department is under the direct charge of the superintendent and matron.

Each male inmate is charged \$2.25 per week, and the female inmates are charged \$2 per week, which includes board, lodging, mending and laundry. This charge is collected from each inmate by deducting the sum from the amount due such inmate for labor performed. A few of the female inmates perform house work, for which they are paid 75 cents per week and board.

About \$5,000 is collected from the inmates annually, which sum is \$1,500 less than the amount for groceries and provisions. Treated simply from a commercial point of view, the home department as well as the manufacturing department is conducted at a loss.

All the supplies are purchased in small quantities of retail dealers in Knoxville. Coal is purchased by advertising, and under an annual contract.

The superintendent receives no moneys or funds except remittances for brooms sold, which he pays to the treasurer.

The treasurer of the home is cashier of a local bank and keeps no books as treasurer. The only way the committee ascertained the amount of moneys in his hands was by examining the books of the bank where the deposit is kept. No separation of the funds is shown in the treasurer's accounts. This is improper, for the treasurer should keep books showing the condition of each fund and appropriation.

Though the manufacturing department is operated at a loss, the management believe that it should be maintained because it affords occupation to those who otherwise would remain in idleness. It also gives a feeling of independence to the unfortunates in earning their support. This home is a charity, and should be so regarded, for the state expends an amount for each inmate equivalent to that paid for the inmates at the insane hospitals. It is reasonable to expect in its further operation that measures of economy will be introduced so the manufacturing department may be made more self-sustaining.

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#### THE ORPHANS' HOME AND HOME FOR DESTITUTE CHILDREN, DAVENPORT.

There are 492 children enrolled at this home, about 300 of whom are soldiers' orphans.

The home is governed by three trustees, one of whom is a resident of Davenport. A member of the board who resides at Marshalltown, is the treasurer, and he keeps all funds of the home at that place. The treasurer was unable to be present during the committee's visit, being absent in the south, but the committee examined his books.

The new code provides that the treasurer shall be a resident of the county where the home is located.

The superintendent receives an annual salary of \$1,200. This might be contrasted with the salary paid the superintendent of the school for the deaf, who receives \$2,250 per annum, though he has but 300 children in his charge.

Prior to the enactment of the new code, the state paid \$10 per month for the support of each of the soldiers' orphans. For the indigent children it paid \$8.33 per month for each child, which sum was returned to the state by the county from which the child came. In the new code it is provided that the counties shall reimburse the state not only for the support of the indigent children, but for the soldiers' orphans as well. In this way the burden is put upon the counties to care for all the inmates of the orphans' home.

The children reside in seventeen cottages, each cottage being supervised by a matron.

All the supplies except shoes and carpets are purchased by a system of competitive bids. The shoes are purchased in large quantities directly of the eastern manufacturer, and at jobbers' rates. All the supplies are purchased in large quantities, and in July, 1897, there were \$8,200 worth of supplies on hand. The coal is bought in Illinois. Because of the railway rates, Iowa coal could not be furnished at the price paid for the Illinois product.

The committee believes that no institution in the state is conducted more economically than is this home. Every expenditure, including teachers' and officers' salaries, is paid from the support fund, which averages \$9.35 per capita per month. This is an object lesson for those who believe there is no opportunity for substantial economy in effecting a reduction in the per capita allowance for support purposes at the other institutions of the state.

The Davenport home receives about \$112 for each pupil per annum; the school for the deaf at Council Bluffs receives \$210 for each pupil per annum; the school for the blind receives \$219 for each pupil per annum; the institution for the feeble minded receives \$151.43 for each inmate per annum. The institution for the feeble minded and the school for the deaf are reimbursed by the counties for the clothing furnished the inmates, which shows a still greater contrast in favor of the Davenport home. The committee inquired why this marked difference should exist, and is convinced that it is in a large measure due to the difference in compensation paid the officers, and the practical economy observed in buying the supplies in large quantities by a system of competitive proposals, by a management that believes this is the most economical way to make purchases.

The buildings are insured against fire, in policies now aggregating \$60,850. We are not aware of any other fire insurance on state property.

At the time of the visit of the committee there was a cash balance of \$6,241 in the treasury, and a stock of supplies on hand estimated at about \$5,000. A comparison which the committee made between the cost per capita of this home and like homes in other states, shows that the cost of the Iowa home is less.

## FORT MADISON PENITENTIARY.

The prison had 482 state and thirty-eight United States convicts at the end of the last fiscal year.

The state does not contribute to the support fund of this prison, and the only appropriations made are for repairs and construction work. The labor of a large number of convicts is let by contract to two corporations engaged in manufacturing, and the earnings of these convicts, with other small sources of revenue, pay the support expenses of the prison. During the last year \$11,000 of surplus was covered into the state treasury by the warden. At present there are two contracts; one with a tool company and the other with a chair company. The warden makes these contracts, with the approval of the executive council. The tool company contract, made in October, 1894, originally provided for the employment of 155 men at 50 cents per day. In May, 1896, this contract was modified so that from June 1, 1896, to June 1, 1898, the state would receive 45 cents instead of 50 cents per day for the labor of the convicts. The number of men to work under the contract was also reduced from 155 men to 132. The contract with the chair company was modified about the same time, and the number of convicts employed was reduced from 130 to 120, and the price of the labor was reduced from 50 cents to 40 cents per day. This modification of the chair company contract will continue for a period of two years. Because of these changes in the contracts the revenues of the prison will be decreased to the extent of \$21,000. It was ascertained that the chair company offered evidence to the warden and executive council showing why such reduction and modification should be made, and we not prepared to say but it was a proper exercise of discretion on the part of the executive council to grant such reduction. We can not say this, however, with reference to the change in the tool company contract. The managing officer of the tool company appeared before the committee, but refused to answer any inquiry with reference to the reasons for the reduction in the contract, other than to say that the prices prevailing in the year 1896 were not such as to warrant the sale of their product. He declined to say whether or not the business was profitable, or whether he would have canceled the contract, as he might, if such reduction had not been made. He further stated that no evidence in the form of books, records or affidavits were presented to the executive council when the change was asked and secured. It appears that he merely made parol representations that it would advantage them in the conduct of their business if such a reduction was had. The committee has examined the records of the executive council and find that the tool company offered no evidence which is preserved and upon which the reduction and alteration of this contract was secured. We ascertain from inquiry, and are satisfied of the correctness of the information, that the year in which this contract was changed was a very profitable one for the tool company, and it sold its entire product at remunerative prices. We regret that neither the officers of the tool company, nor the records of the executive council, furnish evidence to the committee upon which it may base an opinion as to whether it was the proper exercise of power on the part of the warden and executive council to reduce the contract of the tool company. No such reduction should be made without the preservation in proper form by the executive council for



the examination of the legislature, or of others interested, of the evidence which was presented to the executive council and upon which it based its action. In the case of the tool company contract we are satisfied no such evidence was presented other than the parol declarations of the officers. Recently the tool company has re-employed many of the hands formerly employed. It is proper to add that at the time the reduction was made in the tool contract some provision was made about this company surrendering to the state, before it might be required by the terms of its contract, the use of a certain building and the removal of another building, in order that the prison wall might be extended. This was a matter of convenience to the state, undoubtedly, but constituted no consideration for the reduction in the earnings of the convicts, as indicated heretofore.

During several years past and especially under the management of the present warden there has been a continual reduction in the cost of support at this prison. The per capita cost of general support, including subsistence and other expenses, shown on page ten of the warden's report to this legislature, is \$5.55 per month. Reference to the Anamosa penitentiary may not be improper at this place for the cost of support there, including substantially the same items of expenditure, for the same period, is over \$9.00 per capita per month. The difference in this is explained, in that the expenditure for fuel at Fort Madison is much less than at Anamosa, owing to the fact that Fort Madison is located near the mines, and has direct railway facilities. It is also explained by the fact that the convicts at Anamosa receive better and more expensive clothing, and are furnished better and more expensive food. The female department and insane ward also add to the expenses of the Anamosa prison. The committee could not but observe the difference in the physical comforts given to the convicts in these prisons.

Section 4773 of the code of 1873 provided "that all articles of food, clothing, bedding, raw materials for manufacture, fuel and other articles that may be necessary for the use of either penitentiary, must be contracted for by the year, when such contracts can be advantageously made, in the following manner: Each warden shall annually make out an estimate of the quantity of each article necessary for the next ensuing year, commencing on the first day of October of each year, and ending on the last day of September thereafter, and advertise that he will receive sealed proposals for furnishing and delivering at the prison such articles, or any of them, until the first day of October, payment to be made quarterly, stating the quantity and quality of each article required, the time when each must be delivered, and the terms of payment; which advertisement he shall cause to be inserted in one or more of the papers published at Fort Madison and Anamosa, and in one or more of the papers published at the seat of government, three weeks successively, the last publication to be at least one month before the first day of October in each year; but no advertisement shall be made until the estimates are submitted to the executive council and are approved by it, and all bills and awards of contract for supplies shall be allowed and approved of." It appears that the warden at Fort Madison complies only in part with this statute, as he has never advertised for the purchase of clothing, shoes, or other dry goods, because he simply followed the practice of his predecessors who omitted such articles in their advertisement. It further developed that but few responses are received from those who might desire to furnish supplies to the prison.

Meat and coal are the only articles purchased as a result of this advertising. All other supplies are purchased as occasion requires, and without any system of competitive bids. The fact that the statute provides that such supplies shall be contracted for "when such contracts can be advantageously made" has practically worked a nullification of the statute. The present warden and his predecessors have not regarded the statute as mandatory.

Wherever institutions other than the prisons have attempted to secure bids, by means of public advertisement, the committee find that there were many responses, and that the different bids submitted, indicate that by accepting the lowest bid, a practical saving was effected. This statute has fallen into disuse at both prisons, and the jobbers and others who might desire to furnish supplies, understand the custom prevailing, do not for this reason submit their bids in response to the publication of the warden's notices.

The clothing for discharged convicts cost about \$7.70 for each suit. During the year about five hundred convicts are discharged, and the purchase of clothing is made alternately of two local clothing houses at Fort Madison. Over 75 per cent of the purchases or supplies, other than fuel, is made of Iowa houses. The coal is purchased entirely in the state of Illinois at mines from which there is a direct railway to Fort Madison.

All prison funds are deposited in the banks of Fort Madison, and are drawn upon the check of the warden only.

At Anamosa the prison clerk has charge of the funds of the prison and issues checks thereon.

The clerk at Fort Madison is assisted in keeping the books to some extent by convict help.

The largest expenditure for salaries at the prison is made for guards. The statute provides that the number of guards shall not exceed one for every ten convicts. When the committee visited the prison this limit was reached, owing to the circumstance that the prison walls were being extended, and extra guard help was required.

The prison guards are almost uniformly appointed at the solicitation or recommendation of members of the legislature, and many of the guards are spoken of by reference to the member of the legislature who secured his appointment. As the warden is elected by the legislature, it is easy to see that he is exposed in the selection of guards to influences to which he should not be subjected. We are convinced if the warden was selected in another manner, or was entirely free in the appointment of guards, he would be enabled to procure more energetic and active men, thus reducing the number of guards and the salary list as well.

It is also the opinion of the committee that a reasonable expenditure should be made in changing some of the shops, which would enable one guard to watch more convicts, thus reducing the number of guards. To make these changes would not involve a large outlay, and when once made, would cut off a permanent expenditure for guard service.

The committee can not forego in this connection, making reference to a want of uniformity, in the selection of the managing officers of the state institutions. There is no reason why the boards of trustees should select the superintendents of some of the institutions, and the legislature should

biennially elect the wardens of the prisons. Whatever evils exist in the trustee system, and we confess there are many, it must be said that there is very little, if any, partisan politics in the management of the several institutions of the state, except in the prisons. The election of the wardens by the legislature makes the office quasi-political. The dominant party in the legislature selects the warden. He feels this office has a political character, and this determines very largely his course in the selection of guards and other help at the prison. The guards being selected with some reference to their political affiliations, in turn join with the wardens at both Fort Madison and Anamosa, and constitute, it is claimed, a unit at local caucuses and conventions. This is to be regretted. It breeds dissatisfaction in the community where the prisons are located. It exposes the prison management to harsh criticism and to unfounded accusation. It brings in its wake many evils and no benefits.

We are not disposed to enlarge further on this feature of our report, but we hope that the legislature may provide that the state prisons shall not continue, as they now are, under political influences, which can not promote the public service.

Another feature of the prison government must not go unnoticed. When the present law was enacted, it was thought best to place the prisons under the direct and special supervision of the governor, thinking thereby that many abuses, which theretofore existed, would be corrected, and the occasion for their repetition would cease. This was the theory of the law makers, but it can not be said that the results justify their expectations. The many duties which the governor is called on to perform, necessarily prevents that close and careful supervision which the law expected him to give the prisons and their management. Some of the governors in recent years have visited the prisons quite frequently. Other governors have, visited the prisons but once in a biennial period, and then not for purposes of supervising the management. It is true that clerks in the executive office visit the prison at stated times and that the visits of these clerks are contemplated by the statute, when the governor is unable to personally inspect the prison. The short visits of these clerks do not secure to the state the examination, scrutiny or supervision which the prisons should have, and which many believe they now have. In the absence of such thorough supervision by the governor, it can be fairly stated that the warden, in his management of the prison, is practically without supervision, except in so far as he may solicit advice or suggestions from the governor or executive council. Without in the least intending to reflect on the conduct of the present wardens of the prisons, it must be said that the interests of the state are too large, the duties of the warden are too important, the expenditures are too great, the discretion lodged in the officers is of too broad a character to permit the prison management to further continue without a more direct and constant supervision than now obtains. It is proper to vest the broadest power in the warden in matters of discipline but this should not be the case with reference to the financial management.

While the committee was at Fort Madison, complaint was made by Mr. George H. Schaffer against the warden, because of the manner in which the warden let the contract for furnishing the stone for the extension of the prison wall, the construction of which was authorized by an appropriation

of \$18,000. Mr. Schaffer submitted two bids for the furnishing of the stone, one in his own name, and the other for a different price in the name of a corporation of which he is an officer. When the bids were opened, it was discovered that he was under-bid by another party. This lowest bidder failed to enter into a contract, and the warden again solicited bids. Again Mr. Schaffer was unsuccessful, and the contract was let to the lowest bidder. Mr. Schaffer claims that he should have the contract under the first bid because the lowest bidder failed to enter into the contract, and he asserts it was the duty of the warden to award the contract to him. Other disputes arose, which the committee inquired into. We reached the conclusion that there was no merit in Mr. Schaffer's complaint against the warden. Indeed, the warden might be subjected to criticism, did he act in a manner other than he did.

It is probable, however, that there would be no complaint, and Mr. Schaffer would not have entered the objections he did, if the warden had published advertisements in the newspapers, to inform the public in an authoritative way, as to the terms under which bids were solicited and the contract made.

Other witnesses appeared before the committee and complained of the character of the work and of the quality of the stone that was put into the extension of the prison wall. Some of these witnesses were workmen who had been employed upon the wall. These same witnesses testified as to defects in the addition made to the cell house. The committee considered these complaints fully and it found that the pilasters on the west wall were not constructed in the most workman-like manner, and this should also be said of a part of the north wall as well as of the arch over the main gateway. These defects are due largely to the neglect or want of skill on the part of the foreman, but from evidence submitted and inquiry made, the committee is fully satisfied that the walls on the whole, are well and substantially built, but ordinary skill was not at all times exercised by the foreman employed by the warden.

It should not go unnoticed that this wall is a great improvement for the Fort Madison prison, and was constructed by the warden almost entirely with convict labor, and within the appropriation of \$18,000. We are satisfied that were it not for the earnest and daily supervision of the warden, and for the economical management thus secured, the wall could not have been built for the appropriation.

What we say of the wall is also applicable to the improvement of the cell house, for which the Twenty-sixth General Assembly made an appropriation of \$30,000.

The accountant of the committee discovered that a state warrant issued to this prison for the pay roll, in the month of March, 1894, was credited on the prison books in a sum \$98 less than the amount of the warrant. The present warden was not then in charge of the prison, and the present clerk can give no information to the committee with respect to this discrepancy. The committee is unable to offer any explanation, save that the state issued the warrant which was \$98 in excess of the amount with which the then prison management charged itself.

For many purposes this prison has an unfortunate site, and the buildings in recent years became greatly out of repair. The work of the present warden in expending the appropriations of the Twenty-fifth and

Twenty-sixth General Assemblies for contingent and repair purposes, has greatly improved the appearance of the prison, and we believe such expenditures were prudently made.

The contracts between the warden and manufacturing concerns should reserve to the warden the right to compel such companies to provide fans and other proper means of ventilation, in order that the convicts be not endangered in their health.

The tool company's shop, known as shop No. 11, is not properly provided with means to carry off the emery and dust, and the warden should insist that this company provide proper means for ventilating this shop.

The books of the prison should be kept so as to show the cost and quantity of each article of supply, which was used or consumed, as is done in other states, and at some of the institutions in this state. This does not necessitate much labor, but is very valuable as a guide for the management, and is useful for the purpose, of comparison on the part of the legislature and the public, and is a standing check on waste or extravagance.

The committee examined the notes of the contractors in the hands of the warden, visited the banks and verified the amount of moneys in the hands of the warden, as shown by his books.

The warden keeps no copies of letters written by him, on matters connected with the prison management. This should be done. It would greatly facilitate the work of a legislative committee, and tend to a more accurate and business-like performance of his duties.

The committee believes that the prison should be supplied with wagon scales, because in many ways such expense could be recouped in a single month.

It appears some convicts are sent from counties in the vicinity of Fort Madison, to Anamosa, although there was room for such convicts in the Fort Madison prison. The committee is not informed why prisoners are not sent to the nearest prison, if there is room at such prison. The cost per capita is greater at Anamosa than at Fort Madison, so the state and county are both interested in correcting this abuse.

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#### PENITENTIARY AT ANAMOSA.

The number of convicts in this prison on June 30, 1897, was 625. On April 1, 1892, the number in confinement was 262.

The convicts are employed in the work of constructing buildings and other improvements for the state.

The quarries from which the stone is procured are located about two miles from the prison and connected by a spur line of the Chicago & Northwestern railway. The stone is transferred to the prison in the condition in which it is quarried by the convicts. The cutting and dressing are done in the prison yards. The stone is dressed and placed in position in the buildings by the convicts under the supervision of the foreman. All the work of construction is superintended by the master mechanic and architect, who now receive \$5 per day and expenses for the number of days he actually spends in prison work. Until a few years since the master mechanic received a salary of \$1,500 per year and gave constant attention to the work.

He now visits the prison on an average of about six to eight days in each month. About twenty-five cars of stone are monthly transported from the quarries to the prison yard.

At the present time the state is building what is termed the center building and the warden's house and the north wing of the cell-house. Because of the fire, which destroyed some of the prison buildings, the management is also engaged in reconstructing this building, equipping it, and making other changes to provide better for the needs of the prison.

The Twenty-sixth General Assembly made appropriations to be expended on the center building and for the foundation of the south wing of the cell-house. Chapter 134, acts of the Twenty-sixth General Assembly, appropriated \$32,348, "For completion of the center building now under construction." Inquiry of the prison officials and the master mechanic developed that this appropriation is not sufficient to complete the center building, and in fact the master mechanic never understood that such sum would be sufficient. He asserts that representations were made to the Twenty-sixth General Assembly that the building could for such sum be completed to the extent that the roof could be placed thereon.

Reference to page fifty-one of the twelfth biennial report of this prison, for the year 1895, shows that the master mechanic furnished estimates aggregating the sum of \$32,348, but does not state, in his report, that it will be sufficient for the completion of the building. However this may be, the master mechanic asks, on page forty-one, of the biennial report made to this legislature, for \$8,450, as the amount necessary to complete this structure.

The foundation for the north wing of the cell-house, for which the Twenty-sixth General Assembly made an appropriation of \$23,000, was in course of construction when the committee visited the prison. An immense quantity of stone is being transported from the quarry for this foundation, and is being placed in the wall by the convicts.

The system under which the state has for years constructed the buildings at Anamosa, is very lax and unbusiness-like. The most permanent and expensive buildings constructed by the state are found here. There is practically no system of accounting for the materials bought or furnished. There is no method by which the committee was enabled to ascertain whether materials that were bought, were actually brought within the prison walls and used in the work of construction. There never have been any specifications or details for the construction of any of the buildings built by the state. The committee could find no specifications as to the kind, amount, or quality of any particular material of construction. It appears that the only plans, now at the prison, and under which the work is being done, are the elevations for the buildings made over twenty years ago.

The architect and master mechanic appeared before the committee, and stated that he superintended the building of the insane building, the female department, and all buildings subsequently constructed. He further stated, that when in need of materials, for the purposes of construction, he personally contracted for the same; that no supplies or materials for construction, were ever purchased by advertising or by competitive bids; that he can not tell now how the north wing of the cell-house shall be completed, except that it will probably be similar in architectural design to the south cell-house; that he could not advise the committee as to the kind of material

which is to be used in the interior finishing of the center building and warden's house; that he was unable to state the quantity of lumber or of iron that might be thus used. We were further informed, when in the work of construction the occasion arises for the use of these different materials, he then determines the kind of material, and personally contracts for the same. He frequently visits Chicago and makes purchases there, after an inspection of the material. The warden does not participate in the purchase of these materials, but the matter is left almost entirely, to the master mechanic and architect. No one, it appears, supervised the action of the architect. He consults with no one in the determination of the kind and character of supplies, or in purchasing the same. There is no meeting of any committee, or of the warden, or of the clerk, with the architect. There is no auditing of bills except the approval of the architect. The foreman who immediately supervises the work on the building, keeps no books or records indicating the quantity or character of the supplies which are purchased, and used in the work of construction. For this reason the committee was unable to investigate whether the expenditures of the appropriations were properly made. It can be fairly stated that the only record which the committee found connected with the expenditure of the moneys for materials for construction purposes was the vouchers in the clerk's office, showing payments of certain sums. No evidence is preserved, that the material or supplies, for which the moneys were paid, were brought to the prison, nor is there any method by which the amount of the different materials used in the construction of the building could be ascertained, except by going over innumerable bills and vouchers, which of course was impracticable.

The master mechanic, at the present time, lives at Maquoketa. He keeps no records and maintains no office at the prison. The committee is persuaded that this method, which the state adopts in the construction of some of its most expensive buildings, involving the expenditure of hundreds of thousands of dollars, would not be tolerated by an individual or private corporation. It manifestly permits too much discretion in those who are charged with the work of building; it blunts all sense of accountability; it prevents every effort of inquiry, by the governor or legislature; it has the "promise and potency" of much wrong doing. The faithful administration of the trust reposed in the officials, is not secured by any regulation, check or supervision. This lax method has existed, so far as the committee is advised, for at least fifteen years last past, and the present management has simply permitted the methods of the preceding officials to continue. The master mechanic and architect can well say that he performs his duties as required, and it is not for him to make any rules or regulations for his own supervision.

The contingent and repair appropriation for some years is declared to have been inadequate. It is generally exhausted long before the expiration of the biennial period, and recourse is then had to the support fund. No definite rule prevails, or has prevailed, as to what expenditures should be charged to the contingent and repair fund, or to the support fund. This abuse is, as this report indicates, common to most of the state institutions. To use these funds indiscriminately opens up avenues of extravagance. We notice that the foremen of derricks, of stone cutters, of stone masons, and

of the quarry, and the engineer and master mechanic are sometimes paid from the support fund. At other times the salaries of such persons are paid from the appropriation that is made for the building upon which they are employed. When the appropriation for the building runs low, recourse is then had upon the support fund.

As further illustrating what the committee believe to be a diversion of the support fund, it should be noticed that the executive council has given sanction to a practice that can not be commended. It will be observed by an inspection of the warden's report to this legislature that \$11,000 of the support fund was expended in the construction of a water tower and well, and a waterworks system; that \$13,000 more of the support fund was expended for the rebuilding of a burned building and the purchase of an electric plant to light the prison. Only so much of this fund as is necessary for support purposes can, under the law, be drawn from the state treasury. The committee ascertained that this sum of \$24,000 was taken from the support fund after the executive council had secured the opinion of the attorney-general that such expenditure of the support fund was proper. It appears that the prison had some dispute about the price and quantity of water which it was receiving from the city of Anamosa, and to avoid the making of a new contract the executive council directed the expenditure of the sum of \$11,000 of the support fund as above indicated. We say that the purposes for which this expenditure was made might be entirely proper, if made with proper funds, but must condemn as dangerous the precedent which the action of the executive council affords.

We respectfully dissent from the opinion of the attorney-general, holding that such a use of the support fund is authorized by law. The statute appropriates for the support fund only so much as is necessary for support purposes, and any money that is not thus required should not, under the law, be drawn from the state treasury. The mere fact that a surplus has been drawn, not needed for purposes of support, furnishes no reason, as is suggested in the opinion of the attorney-general, for its appropriation for other purposes, but exposes the management to the temptation of doing what was done, when \$24,000 of the support fund was expended in making permanent improvements. If it is conceded that the prison management has the right to take \$24,000 of the support fund and expend it for the purposes indicated in the warden's report, it may well be said that the legislature has little control of the state money. There is no need to create different funds to be expended for different purposes, or in making it a misdemeanor to intermingle such funds, if the precedent to which we are referring shall be regarded as the correct construction of the statute, and a rule to be followed by all other state institutions.

The clerk of the prison purchases most of the supplies and makes payment therefor by signing the name of the warden to checks. The clerk has complete charge of the cash account and deposits state moneys in the name of the warden.

No supplies, food stuffs or the material for construction of buildings are bought by advertising or under a system of competitive bids. The statute which requires the warden to advertise and to purchase supplies under contract is complied with, but the management claim that they receive very few responses to such advertisements. It is said no grocery houses submits any bids in response to such notices. What we stated in reference to this



statute in our report of the Fort Madison prison is applicable here. Supplies have not been purchased for years by contracting under terms of the statute, and jobbers, with knowledge of this fact, do not respond or submit bids.

We find that an employe in the clerk's office, who does clerical work only, appears on the pay roll as a guard at guard's wages, but has never performed guard's duty. The management claims that a former governor of the state authorized the employment of such person and the placing of his name on the pay roll as a guard. Inquiry by the committee of such official indicates that a misunderstanding undoubtedly existed with respect to the manner in which this employe should be paid. If this kind of help is required, the wages should appear as paid for clerical help and not for guard service.

The statute permits one guard for every eight men at this prison and the officers show that they have not employed guards to the limit, and by so doing have made a saving to the state of \$4,000 a year. The committee has no doubt that the statute could be amended to provide one guard for every nine men without interfering with the efficiency of the guard service, thereby insuring a substantial saving. What we said as to the manner in which guards are employed at Fort Madison is equally applicable to this prison. There is also opportunity for improvement in the guard service and in the prison discipline as shown by the number of convicts who succeed in escaping.

Examination of the books indicates that some of the guards have had financial transactions with the convicts. In one instance we noticed a remittance was made from the compensation of a guard to an ex-convict, after he was pardoned.

The convicts are permitted to transfer accounts with each other, by leaving slips showing such transfers, in the deputy warden's office, which are afterwards carried out in the individual accounts of the convict. This causes considerable clerical work, and the custom is probably abused. It may be proper under certain circumstances, but we are persuaded too much latitude is now permitted in this particular.

Many discrepancies between the time book kept by the deputy warden and the pay roll as kept in the clerk's office were observed. The transcript of the deputy warden's time book, made by him, and which is filed with the clerk, and from which the pay roll is made, accords with the pay roll, but not with the time book. At the time of making such transcript he corrects and adjusts the time of the guards as he thinks it should be, without close regard being given to the actual days shown on the time book. The time book is not, therefore, kept in an accurate manner. We can not find after careful inquiry, that the state has suffered by these discrepancies. We are led to the conclusion that the deputy warden is a man of integrity, but does not appreciate the importance of accuracy and detail in the keeping of his time book or making of his transcripts.

The practice of permitting a guard to have a substitute to act for him, and the guard retain his name on the pay roll for the time during which the substitute performs the service, should not be continued. It exposes the prison management to the charge of paying guards when it is known they are absent. It allows unbusiness-like methods to creep into the management. The guard should draw pay for only such time as he is person-

ally present. If the substitute acts for him, the name of such substitute should appear on the pay roll, and the compensation should be drawn by such substitute. No other method should obtain.

Some complaint was made to the committee about the amount of the receipts from visitors, which the turnkey reported. The matter was suggested to the warden, who stated that he would take such action to correct any abuse that he might find to exist, and we are informed that the warden has taken proper action in the premises.

It appears that the cost of a guard, who is employed to show visitors through the prison, exceeds the amount of receipts from visitors during the year. A stricter method should be instituted, whereby larger receipts from visitors would be secured. If the clerk or other officers sold the tickets, it would afford a check that would be valuable in insuring to the state a full return of this revenue. The new code provides that the maximum support fund shall be \$9.50 per capita per month. From a full inquiry into the management of the prison, the committee is satisfied that this maximum appropriation could be reduced to at least \$8.00, and the prison maintained for such sum, without impairing its efficiency, or causing any diminution in the amount or quality of the supplies consumed.

Notwithstanding the provision of the statute, which provides that only so much of the support fund as may be necessary shall be drawn from the state treasury, the management of this prison has drawn monthly the full per capita allowance, thereby creating a surplus in the hands of the warden. This surplus remains for uncertain periods at Anamosa, and a portion thereof was returned to the state treasury, and other portions expended in the making of permanent improvements, as heretofore indicated. This support fund was withdrawn from the state treasury when it was known that a surplus was on hand and must be returned, or expended for purposes other than legitimate support purposes.

There was a surplus of \$3,078 found in the salary fund. No balance is kept in this fund at the Fort Madison prison and the statute does not contemplate the retention of a surplus in this fund by the prison authorities. Reference to the statute discloses that the salaries are "To be paid by the state treasurer upon the requisition of the warden, accompanied by a statement showing the number and kinds of guards employed," etc. The proper procedure is, to make out the pay roll for the preceding month, issue the requisition which is paid by the state treasurer, and from the proceeds pay such pay roll. This prevents a surplus in the salary fund. The committee thinks such surplus should be converted into the state treasury, and stricter adherence to the statute had.

A tract of land of about thirty-five acres, located a half-mile from the prison, is used for raising vegetables for the prison. Eight to ten convicts, under one guard, are employed on this land. It is claimed the land is not fertile. The working of this tract has ceased to be profitable for the state, even to raise vegetables. The value of the product during the last five years has not exceeded the cost of a single guard, who is required to care for the men working at the farm; but this expense can be justified, because vegetables are raised and consumed at the prison, which could not be bought in proper quantities in the markets of Anamosa. The state might procure a more fertile tract of land, thereby promoting a more economical administration.

There is no separate account kept with the farm, and no record which the committee could find showing the quantity raised or manner in which it was consumed.

An important inquiry in the future management of the penitentiary is whether the working of the present quarry is the most profitable way for the state to procure stone. Great quantities of the stone removed from the quarry are broken and thrown aside because not suited for the prison purposes, though in fact they are valuable for other purposes. Were it not that a large quantity of this stone, which would be otherwise waste, is now used in the foundation of the cell house, the quarries would now be operated at a loss.

The records are not so kept as to indicate the quantity of lime, cement, powder or other like materials for use in the quarry or in the construction work. This is of importance, because where the work is done by convicts the most rigid supervision and economy must be insisted on, or waste and extravagance result.

The books of the prison, showing its financial operations, are not creditable to an institution of this magnitude. The present warden has substantially the same system of books as his predecessor. The cash book is the book of original entry. From this book the monthly statements are made, which the law requires to be furnished to the governor, and after such statements are made from the cash book copies thereof are entered in the ledger. The ledger should be prepared from the other books. The statement furnished the governor should be made from the ledger, instead of the ledger being based on these statements.

During the visit of the committee complaints were made respecting the official conduct of the warden and some of the prison employes. Some of these complaints emanated from former prison employes and if true would reflect upon the honesty of the administration and the integrity of such officials. A patient and thorough hearing was granted and the committee say that in many instances proper explanations were made of matters that were only partially understood by the parties making the complaint and in other instances the accusations were unfounded. There was nothing observed in the records of the prison, its financial management, or in the accounting for expenditures which reflects on the integrity of the warden.

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#### THE INDUSTRIAL SCHOOL—ELDORA AND MITCHELLVILLE.

There are about 500 boys at the Eldora department of this school, and 160 girls at Mitchellville.

The whole school is under the management and control of a single board of five trustees. The board holds quarterly meetings, two meetings being had at each institution every year. A visiting committee, generally the local trustee, visits each institution every month. The trustees of this school have drawn less compensation for expenses and per diem charges than the governing board of any other institution. In the biennial period closing June 30, 1897, the total amount paid such trustees was \$945.37.

The cottage system prevails at both departments. A school is taught in each cottage at Eldora, while at Mitchellville the pupils are taught in a

school building. One-half of the scholars attend school in the morning and one-half in the afternoon. When not in school the boys and girls work in the industrial departments of the school.

Though the school is known as a single institution in the statute, separate appropriations are made by the legislature for each department, which is under the direction of its own superintendent.

The funds are disbursed in a manner different from that prevailing in any other institution. The support fund for Eldora and Mitchellville is paid by the treasurer of the board to the superintendents of the different departments, and is by the superintendents disbursed. The extraordinary appropriations at Eldora are paid directly by the treasurer to the persons entitled thereto, upon a check issued by the superintendent. The superintendent at Mitchellville pays debts from the support fund, though such debts are chargeable to special appropriations made for improvements or buildings. The superintendent is reimbursed by the treasurer, but this practice gives the superintendent the right to practically disburse all the moneys in his department.

The superintendent of each department makes the purchases of all supplies for his department, and pays therefor before the bills are audited by the board or any member thereof. He takes a voucher or receipt for the payments made, which is the evidence of the payment in settling his accounts with the board. The adjusting of accounts in this way long after the payments have been made by the superintendent, does not constitute a proper auditing of the expenditures. The fact that the superintendents make purchases without consultation or direction, and are vested with the power to pay therefor, furnishes a strong reason why the board should pass upon the bill and cause a proper audit to be made.

The treasurer lives at Eldora, and deposits his funds in two local banks. The committee ascertained that some interest and premium upon state warrants issued to this institution were received by these banks, and proper accounting therefor was not made to the institution, except in one instance where half of the premium on a warrant was by the bank paid to the treasurer, who covered it into the institution's funds. The committee believe it to be the duty of the board to insist upon a proper accounting for such accumulated interest and premiums, and repeat what has been said respecting this subject in our review of other institutions, that the state is entitled to all such sums.

The committee examined as to whether the appropriations made by the legislature in the period covered by our inquiry were properly expended. We found that a sum in excess of \$2,000 was, by the management, taken from the support fund to supplement an appropriation made for the construction of a wing for the administration building. Small amounts of the support and contingent funds have also been used in making permanent improvements and to increase other special appropriations.

Section 2731 of McClain's code provides that a list of the officers and their salaries shall be published in the biennial report which the trustees are required to make to the general assembly. This requirement, which is re-enacted in the new code, has not been observed by the management.

The Twenty-sixth General Assembly increased the per capita allowance of the Eldora department from \$8 to \$10 per month. The girls' department receives a per capita allowance of \$11 per month.

During the short service of the present superintendent at Mitchellville, the committee observed evidences of economy that will undoubtedly result in reducing the per capita expense.

Under the new code, the law compels the discharge of the girls at Mitchellville when they reach the age of eighteen years. As girls of sixteen years of age can be sent to the school, this permits an attendance of only two years, which the management believes to be an insufficient length of time to secure the best results in education or reformation. Prior to the new code, the girls might have been required to stay until they arrived at the age of twenty-one.

The same criticisms that have been often made in this report as to the manner in which supplies are purchased and the failure to insist on the employes accounting for the consumption and distribution thereof, and the failure to maintain a thorough system of bookkeeping, can be justly urged against both departments of this school.

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#### AGRICULTURAL COLLEGE AT AMES.

The attendance at this college is about 573. The college has heretofore received the means for its maintenance from the federal government. The state constructed the buildings at an expense of about \$400,000, and furnishes the equipment of the school. The president of the college is paid \$3,850 annually.

The original endowment was secured by an act of congress in 1862. This act was supplemented by another, appropriating \$15,000 the first year, which was to be increased \$1,000 annually until the maximum appropriation amounted to \$25,000 annually. Under this endowment the college received \$24,000 last year.

Congress subsequently appropriated \$15,000 annually to be expended for experimentation purposes.

These three sources of income constitute the support fund from the federal government. This fund cannot be applied, directly or indirectly, to the construction of buildings or in the making of permanent improvements, but must be expended for the "teaching of the mechanic arts and sciences to the industrial classes, not excluding classical and scientific studies."

The original endowment fund has always been invested by parties other than the college treasurer. The office of financial agent was created by act of the Iowa legislature in 1884. Prior to this time the funds from the original endowment were invested in bonds and stocks. About the year 1884 congress made a provision which permitted the state of Iowa to invest the endowment fund in first mortgages on real estate. As all expenses for the investment of this fund were required to be paid by the state, it was thought proper to create the office of financial agent. This officer is paid from the state treasury like other state officers.

In 1868 it was determined, as the college was not expending its revenue, to invest a part of such unexpended revenue. This was done by the purchase of real estate to the amount of \$15,000, known as the "Sioux City pur-

chase." This investment proved advantageous, the land increased in value; and a fund was derived called the "accumulated interest fund," which now amounts to about \$81,500.

The original endowment fund was invested since 1884 by the financial agent; but the accumulated interest fund was invested by the treasurer of the college, without expense to the state, in first mortgages on improved farm property.

In November, 1897, the board of trustees transferred the proceeds of the mortgages in the accumulated interest fund, when collected, to the state treasurer, who is the actual custodian of all the mortgages and investments of the original endowment fund.

The financial agent hereafter will be charged with the additional duty of investing the accumulated interest fund, which has heretofore been invested by the college treasurer.

The financial agent resides at Odebolt, and received, until the new code was adopted, \$1,200 per annum and 1 per cent commission in addition thereto on all loans made. About \$40,000 to \$50,000 of new loans, including renewals, are now annually made by him. Most of the loans are made on farm land in northwestern Iowa.

The treasurer of the college receives \$1,500, and has his office in the college building. He performs many duties other than to act as custodian of the college funds.

The endowment fund, together with the value of the real estate remaining unsold, and which is to a great extent under lease contract of sale or by the college, amounts to about \$680,000.

Inquiry developed that no loss has resulted to this fund on any investment made since the office of financial agent was created in 1884; only two foreclosures of loans were made since that time, and under which title to the mortgaged lands became vested in the college.

The expense and salary of the financial agent have not exceeded \$2,000 annually, the maximum compensation fixed in the new code.

Under a contract which the board made with the financial agent, a sum not in excess of \$10,000 is permitted to be kept by the agent for the purpose of making loans, and he furnishes a bond in the sum of \$50,000. As the contract permits the financial agent to draw a considerable sum from the state treasury, we deem it the duty of the board to see that the funds are kept loaned and all accumulations are accounted for by such agent.

Both the financial agent and secretary keep a register of loans, and an examination of the methods pursued by the secretary in recording the loans, and of the books kept by him, leads the committee to believe that a very safe and prudent method has been devised for the investment of the college funds.

The several appropriations heretofore made by the state did not in terms provide for any state appropriation for the purpose of increasing the income.

The only expenditures made by the state, as heretofore stated, were for constructing the buildings, improvement of the properties, and equipping the college. Section 2674 of the new code provides "For the repairs, general improvements and current expenses of the State College of Agriculture and Mechanic Arts, in its several departments and chairs, and in aid of the

income fund, the sum of \$18,500 is annually appropriated out of any money in the state treasury not otherwise appropriated." This statute commits the state to the policy of making an appropriation for the income of the college, so it can be now said that the college draws its support from the federal and, to a certain extent, from the state government. The language quoted is exactly the language adopted in making the appropriations for the State university.

The endowment fund has in recent years been loaned at 7 per cent interest. A few months since the board of trustees authorized the financial agent to make loans under certain conditions at 6 per cent. As it is evident the rate of interest is declining, the fixed income from the college investments will become less, and the state will probably be called upon in the years to come to make further and larger appropriations for income purposes.

The committee examined in detail the appropriations made by the Twenty-fourth, Twenty-fifth and Twenty-sixth General Assemblies and found that such sums were all expended except an appropriation of \$3,500 for sewerage purposes made by the Twenty-sixth General Assembly. The committee was pleased to notice that the college management strictly observed the statute which prevents the drawing of appropriations unless needed within thirty days from date of requisition. Some payments are yet due upon contracts for other construction work, but appropriations therefor may be considered as expended.

The manner in which the state makes many of its appropriations is illustrated by this sewerage appropriation. The committee, after inquiry, is satisfied that the board of trustees at the time the appropriation was solicited and procured had not itself determined or ascertained the proper way in which to perfect the sewerage system. Differences of opinion existed on the part of the members of the board, and not until the November, 1897, session of the board did it determine the manner of its expenditure, although the appropriation was secured in the winter of 1896. The board, at its meeting in November, 1897, determined that the work on this sewerage system should be done differently from the representations that were evidently made to the legislature at the time the appropriation was secured. It is probable that the expenditure will be properly made. We cite this as an illustration of the lax method which the legislature has heretofore pursued in making its appropriations. It must appear by the mere statement of the fact that such a practice is not business-like, and has very little in it for commendation.

The appropriation to secure water supply at Mount Pleasant, to which reference was made, was another illustration of the method of making legislative appropriations.

We are of the opinion that no appropriation for permanent improvements should be asked of the state, or made by the legislature, not only until the needs and merits of the appropriation are determined, but the exact manner in which the appropriation is to be expended should likewise be provided. Plans and specifications with proper estimates should accompany the demand for the appropriation, and remain a part of the records of the legislature. This would afford a guide to the legislature in passing on the propriety of improvement, and enable the public and general

assembly to determine whether such expenditure has been properly made, and in harmony with the provisions of the appropriation act.

The buildings at the college and repairs thereon have been constructed under a contract system by advertising for bids and letting the contract to the lowest responsible bidder. The work has always been properly supervised. The officers and trustees are satisfied, as well as this committee, that the state is saved many thousands of dollars by letting contracts for the construction of its buildings. This policy, however, is not pursued at many of the state institutions, where it is claimed that the better and more economical way is to construct the buildings by days' labor under the direction of the superintendents or hired foremen. The contract system is either right or wrong; the conditions are not so wholly dissimilar as to make it permissible to adopt one system at one institution, and a different system at another. By permitting each institution to determine these important matters for itself, the state acts in a manner different from an individual or private corporation engaged in different works of construction.

This college has what is termed the "Dormitory system," and a steward is employed to purchase supplies and food-stuffs for the students, who are expected to lodge and board at the college. The financial account of these matters forms a part of the treasurer's books. The boarding and dormitory system is self-sustaining. It is believed by many of the officers of the college and some of the members of the board of trustees that the dormitory system should be abolished. The committee shares in this view, and believes that if the students procured rooms and board at places other than on the college grounds many complaints which are sometimes urged against the college would not exist. It might be very proper to still retain "Margaret hall," which is now occupied by lady students, if it were known that living at this hall was entirely voluntary. If this change is made, buildings on the premises now occupied by the students as dormitories could be used for educational purposes. It would tend to broaden the character of the college, remove all complaints against the boarding system and result in a probable increase of attendance.

In order to afford instruction to students in creamery work there is maintained on the college grounds a creamery which manufactures about \$20,000 worth of the product annually. A milk route for 200 patrons is maintained, and during portions of the year about 20,000 pounds of milk is daily bought at the creamery. The treasurer keeps the books and accounts for such transactions and for the sales of the manufactured product, and such labor forms no inconsiderable part of his duties. This creamery has been operated hitherto at a loss of \$1,100 annually, and an appropriation of \$800 has been made to meet the probable deficit for the ensuing year. We say it has been operated at a loss, speaking of the commercial side of the transaction. Of course it furnishes instruction to those interested in practical creamery work. We refer to this because it might not be generally known that the state is engaged to such an extent in a manufacturing and commercial enterprise. Measures are soon to be taken to give practical instruction in farm dairying, which the farmers of the state will be pleased to note.

The secretary of the board of trustees is also professor of mathematics. The books of the secretary are well kept and constitute a check on the



books of the treasurer, and likewise a check upon the books of the financial agent, and upon transactions between the financial agent and the state treasurer. The proceedings of the board are fully set forth, and a complete record of the transactions of the board are kept by the secretary which enabled the committee to intelligently understand all of such proceedings. The committee is satisfied that the method adopted by the secretary in checking the books of the other officials, and the interest displayed by him in the protection and preservation of the endowment fund, have contributed largely to the satisfactory condition in which we found the college investments.

Reference to the statutes governing the agricultural college, discloses that a more certain and strict method is required for the government of this institution than other institutions in the state. We believe the advantages accruing from such statute will be apparent to any person who visits the college, and examines its books and records.

All bills are properly audited and passed on before they are paid, which can be said of but few other institutions in the state.

The board of trustees is composed of eleven members, one from each congressional district. An examination of the several members of the board present when the committee visited the college, satisfied the committee that such members show a greater familiarity with the institution, and its expenditures than the members of boards of many other institutions. We found that members of the families, or near relatives, of four members of the board were employed at the college. This was unusual, for inquiry at other institutions developed that a like condition did not exist. We are satisfied that the trustees secured their relatives the places on the pay roll, and it is probable that such parties render value for the compensation paid. This practice, however, can not be commended. It exposes the board to a distrust and criticism that works no good to the college. It can be readily seen how a member of the board who has a relative on the pay roll, will sustain such relations to the management as will prevent that just and ready criticism, that disinterestedness and impartial inquiry into the affairs of the college which the state has a right to expect from its board of trustees.

We further found that the board of trustees, with one or two exceptions have been in the habit for years of giving an improper construction to sections 2634 and 5104 of McClain's code.

Section 2634, referring to the compensation of trustees, provides "that no member shall receive compensation for more than thirty days in each year." Without doubt this statute intended to prevent an excessive charge for trustees' compensation, whether due for per diem service or for expenses. It was ascertained that no attention was paid to this by most of the board, in so far as it affected the expenses of such members. If a member attended a meeting of the board for three days, he would charge per diem compensation for one day, but expenses for three days. Another member, to supply a vacancy in a professorship, made a trip to eastern cities, spending fourteen days, and we found that he charged a per diem compensation for one day, with an expense bill for fourteen days of \$120. By charging a less number of days for per diem compensation than actually spent, such members kept within the thirty day limit, but no such limitation was put upon the compensation for expenses. There is no record or

voucher which gives evidence of these transactions, but the facts were elicited on examination of witnesses before the committee. It is needless to say that this is an evasion of the statute, and was doing by indirection what the law forbade. In justification, it is said that the services were rendered in good faith for the college, and the number of days of actual service was lessened for a proper purpose. We take it that the board should not determine this for itself, when the statute has fixed the maximum compensation. Much difficulty will be experienced in unraveling the excessive charge that is thus made the state, and we are content to state the fact as we found it.

We especially call attention to this excessive charge, because under section 2617 of the new code, it is provided that, "No regent or trustee of any state institution shall charge compensation for more than thirty days in one year." If it is thought the abuse is important enough, the statute may be amended to exclude other trustees from taking the same view of the statute which we have disapproved.

Chapter 107, of the acts of the Twenty-fifth General Assembly, established a school of mines for the state of Iowa which shall be a department of, and under the control of the State Agricultural college. It is quite probable were it not for this statute, the Agricultural college would not have such department. In the last year there were but two students in the senior class, one of whom graduated, and there were no students in the junior class. The truth is, the department does not cost very much, for no professor was employed especially for it, and there is an expenditure of but two or three hundred dollars annually for equipment and apparatus.

The legislature by this act created a mining department at this college, though there is a like course taught at the State university. Treated wholly from the standpoint of the taxpayer, it might well be said, that no money should be appropriated or expended for like special courses at the agricultural college and at the university, unless the legislature is satisfied that the needs of the state require, and the facilities for such courses of instruction at one institution are not adequate for the demands made upon it. This is especially true when, as is shown in the preceding part of this report, the legislature is now committed to the policy of appropriating money for the income of the Agricultural college, which income may be expended in the salaries of professors and assistants. There is, and should be no rivalry or friction between the State university and the Agricultural college. Each is fulfilling its work well, limited as each has been by the appropriations given it by the legislature. The time has come when an earnest effort should be made in the spirit of fairness to both institutions to determine the courses of instruction to be pursued by each, in order that both may work out their purposes in harmony, and that the taxes levied on the people shall not be spent unnecessarily in duplicating appropriations.

The suggestion has been frequently made, and we deem its repetition proper, that some board or committee should be created for the purpose, of arriving in an impartial manner, at a full understanding between the Agricultural college and the State university, so like chairs for like purposes shall not be maintained at both places, unless the instruction at one institution is inadequate for the demands upon it. This seems to be a practical suggestion made, we confess, from a pecuniary standpoint.

In 1892 there were thirty students in the veterinary department of this college. In 1897 there were but ten students; of this last number there was one graduate, four in the junior year, and five in the freshmen year. Two full professorships are maintained in this department, beside other lecturers. One of the reasons, it is said, why this department is maintained at this expense, for this number of students, is that the National Veterinary association of the United States provides for certain requirements in the college from which a graduate comes before he can be admitted in such national association. The marked decline in the value of horses is given as a reason why the number of students has decreased. Be this as it may, the committee believe that if the board of trustees reduced the expenditures of this department, and had but one regular professor, making a saving of sixteen to seventeen hundred dollars a year, that the public and those interested in the welfare of the college would approve such action. A revival of interest in this state in the veterinary science will not be secured or encouraged by maintaining the department at its present expense. When the revival comes, the department expenses may be increased, but under present conditions economy dictates a reduction in the cost of this department. We say this, fully recognizing the great agricultural and live stock interests of the state.

The board of trustees, during the summer of 1897, instituted an investigation into the salaries paid the professors and teachers, and as to the amount of service rendered by all the employes of the college. This committee, during its inquiry, read the evidence so taken, and we are convinced that the trustees will correct any abuses found to exist.

Before closing our report of this college, we say that the board has recently changed the beginning of the school year and the commencement date so it will be more in harmony with other colleges and schools. This will increase the attendance, which every friend of the college believes should be had. The officers stated to the committee that the college could afford instruction to nine hundred or a thousand students, as well as to the present number, and not cause very much increase in expenditure. If it were generally known that the Agricultural college is one of the great institutions and properties of the state, affording instruction along literary and scientific lines, free of tuition charges, and that this instruction compares very favorably with that given in any university or college in the western states, we believe that the number of students would be doubled in a short time.

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#### STATE UNIVERSITY AT IOWA CITY.

The State university is, by the constitution, located at Iowa City. It is governed by a board of regents composed of one member from each congressional district; the governor and the state superintendent are also members of the board.

There were 1,331 students enrolled in the year 1897. In 1887, there were 571. In 1897, there were 101 professors, instructors, lecturers and assistants. In 1887, there were 49.

The cost per student in 1897, was \$105; in 1887, the cost was \$139.

The total income of the university in 1897 was \$148,000. The salary list for the year closing June, 1898, is \$102,000.

The state has expended about \$300,000 in the construction of buildings.

The president of the university receives a salary of \$5,000, and in addition is allowed traveling expenses in the sum of \$250.

Under the statute, the board appoints an executive committee which shall audit all claims, and whose chairman shall draw all orders for such audited claims on the treasurer, which orders shall be countersigned by the secretary. This committee is required to keep a specific and complete record of all matters involving the expenditure of money, which record shall be submitted to the board of regents at each regular meeting. The executive committee is composed of members of the board.

The Agricultural college and the university are the only institutions that have such large boards. We presume the executive committee is provided for the university in order to avoid the expense and delay incident to summoning the whole board for the transaction of the university business. The executive committee is, therefore, charged with the direct management of the institution. When the committee visited the university, all the members of the executive committee were present and were examined as to the condition of the university. Some members of the board did not evince the possession of sufficient information as to the receipts and expenditures, and the course of transactions at the university, as would, in the judgment of this committee, enable them to properly and intelligently discharge their trust.

The fact that the board of regents is composed of such a large number results in a division of the labor of the trustees. This division prevents the acquiring by a member of information as to the other departments of the university, and of the business that necessarily comes before the board. Careful inquiry satisfied the committee that the board of regents has not drawn compensation for per diem or expense charges in excess of the amount allowed. For the biennial period ending June 30, 1889, the compensation of regents was \$3,913.99. For the biennial period ending June 30, 1895, it was \$5,718.23; and for the biennial period ending June 30, 1897, it was \$5,014.94. This increase can be explained in part by expenses for trips on university business to places outside of the state. The new code will prevent the making of such charges in the future.

The treasurer of the university is cashier of a local bank at Iowa City. He furnishes a bond of \$150,000 and is paid a compensation of \$800 per annum.

The endowment fund amounts to about \$233,000, is invested in first mortgages upon farm property, and has netted in recent years 7 per cent interest.

The loans mature on January 1st of each year, and only two loans of the entire investment were in default in July of the present year. Ninety per cent of the loans are made in Johnson county and the counties contiguous thereto.

The present treasurer has filled this office for seven years, during which time he has made about 75 per cent of the loans of the entire fund in his hands. About \$35,000 in loans are made or renewed each year. The treasurer makes the loans without any previous consultation or approval of any

officer or trustee of the university and files a report at the end of the year showing the number of loans and the character of the securities received. The board of trustees or the executive committee acquire no other information as to the investment of the college funds except as gathered from this annual report.

Section 2614 of McClain's code requires the secretary to keep books which "shall also show how the permanent fund of the university has been invested; the amount of each kind of stocks, if any, with the date thereof and when due, and the interest thereon and when and where payable; the amount of each loan, if any, and when made, and payable to whom and how secured, and at what rate of interest, and when and where payable. When any further sales of lands, or further instruments shall be made, the secretary shall enter the same upon his books as above set forth." From this it will be apparent that the secretary is required to keep books which shall constitute a check upon the treasurer, and when a loan is made it is the duty of the treasurer to apprise the board of trustees so the secretary may record said loan as the statute contemplates. This has not been done, and is not now the practice. The treasurer should report the loans, when made, and the secretary should record them. It is proper to observe that the records of the loans, which the statute provides to be kept, has not been kept by the secretary for the last two years, and the record of the permanent fund as provided by section 2614 of McClain's code, has not been kept on the books of the secretary since the year 1892, which neglect should be remedied.

The treasurer informed us that during the last six years only two examinations were made by the board of trustees of the notes and mortgages held by him, representing the investment of the endowment fund.

This committee examined these securities, which were found in a satisfactory condition in the vault of the bank of which the treasurer is cashier. The state treasurer, it will be recalled, is, under the law, the custodian of the mortgages and evidences of debt, representing the investment of the endowment fund of the Agricultural college.

The secretary of the board of trustees has been connected with the university since the year 1864. His information respecting the government of the university is full and accurate, and he renders very valuable services to the university in the work of supervision in the absence of the board. The secretary receives all tuition fees and other payments from students, and is required to pay such sums to the treasurer. An examination of the secretary's accounts at the bank discloses that for some months he has had as high as \$38,000 of the university funds deposited in his account. This neglect in turning the money over to the treasurer should be avoided as the treasurer is the proper custodian of all funds and gives adequate bonds.

It is the duty of the secretary to countersign and register all orders for money on the treasurer, and no order can be paid unless countersigned by the secretary. The secretary, under the method now pursued, is unable to check up his warrant register because of the failure of the treasurer to return the warrants until the end of the year. The warrants should be returned at least monthly, for purposes of verification, as then the object of the statute will be secured in making the treasurer's books a check on the secretary, and the secretary's books a check on the treasurer. To return.

at the end of the year, warrants to the amount of \$160,000 without any comparison during the year is not proper, nor is it a compliance with the statute.

The treasurer keeps no books which would indicate the different sources of college revenue which he receives from the secretary. Formerly it was the practice, when money was paid to the treasurer by the secretary to accompany such payment with a deposit slip indicating the source from which the money was received. It appears, the treasurer had no books in which such funds could be separately kept, and in late years it is the practice for the secretary to deposit the money without indicating from what source he receives it, and the treasurer regards himself merely as the custodian to account for all moneys received. Business prudence, as well as a compliance with the purpose of the statute, indicates that the treasurer should keep books showing the several sources of revenue. We say this should be done even if the salary of the treasurer be increased, for in no other way will a proper account of these funds be kept so the books of one office will be a check on the books of the other.

About \$6,000 was taken by the board of trustees from the income fund, which fund is composed of interest upon the permanent endowment fund and the appropriations made by the legislature for support, and paid for the completion of the homeopathic and dental buildings. It is doubtful whether the expenditure of the income fund for this purpose is permissible. The application of this money for this purpose obscures the amount required or expended for the support of the university.

All buildings and permanent improvements are constructed by letting contracts to the lowest responsible bidder, and having the work properly supervised. The hospital building now being built is constructed in this manner, and about twenty bids were filed in response to the published advertisement. The bids ranged from \$60,000 to \$43,000. It is expected that this building will be completed and finished with heating plant, sufficient for this and two other buildings, with the revenue received for one year from the one-tenth of a mill tax levy.

It is estimated that the tax levy authorized by the Twenty-sixth General Assembly will, during the five years for which it is levied, create a fund of \$275,000. At the June meeting, 1897, of the board, it was determined to build a collegiate building on the south end of the campus, at a cost of about \$165,000. Plans and specifications are now being prepared for this building. In authorizing this levy, it was provided "That for the purposes of providing for the erection, improvement, and equipment of such necessary buildings as shall be determined upon by the board of regents of the university, there shall be levied a special tax of one-tenth of a mill upon the dollar upon the assessed valuation of the property of the state, for the erection of buildings for the State university." The legislature has thus provided the revenue and left the determination of the number, kind, and character of the buildings to the board of regents. We have every confidence that the discretion and plenary powers given to the board in this instance will be properly executed, but the experience of the committee requires us to say that it is a precedent that should not be followed. The legislature should retain, as the state institutions are now managed, a more firm grasp upon the revenues in order to direct the manner of expenditure.

The secretary keeps very full minutes of the proceedings of the executive committee, of the board of regents, the records of all bids submitted,

and proofs of publication of notices, which afforded the committee an easy opportunity to observe the practices of the board, and the manner in which expenditures were authorized. At no state institution is there a more complete and systematic effort in recording the transactions of the board.

An examination of the accounts shows that there is a deficit of \$6,000 this year, indicating that the regents have appropriated this amount in excess of the income of the university.

The state is a large consumer of coal, and the management of each institution has a different opinion as to the kind of coal to be consumed. At some, lump coal is used; at others, nut; while still others believe the greatest economy is secured by the consumption of slack. The location of an institution, to a certain extent, determines the kind of coal to be consumed, but the committee knows that the greatest economy is not secured by permitting each institution to determine these matters for itself, without reference to the experience of other institutions, or the practice of individuals and corporations in the locality of the institution. The board of regents at Iowa City, some few years since, made some experiments as to the cheapest coal that could be used, and made a slight expenditure in altering the boiler plant. Figures were exhibited to the committee, showing that slack coal was the cheapest and a saving of \$1,500 per annum, since these changes were made. We cite this as an instance of the want of uniformity in the expenditure for probably the largest single item of purchase by the state.

A diligent effort is made by the board to purchase materials of construction from, and to furnish labor in the work of construction to, residents of the state.

The committee inquired into the salary list, and found that for next year, as heretofore indicated, the university would spend \$102,000 for this purpose. There has been an increase in recent years in the salaries paid many of the professors, and there has also been an increase in the number of teachers, tutors, and assistants. Comparison of the salaries, as required in the resolution creating the committee, is very difficult because the university must be guided in fixing the salaries for its professors, to a certain extent, by the compensation paid in universities of equal standing, and in the educational centers of the respective states. We compared the published reports of such colleges and universities, and gathered other data for the purpose of examining the salary list with other universities. The result is that the Iowa university has a salary list which cannot be subjected to much criticism. The cost of salaries per student, and the number of students to each professor, is lower in the Iowa university than in a dozen western states, except possibly the state of Minnesota. There is some uncertainty, however, in understanding the published report of the Minnesota university.

An examination by the committee of the pay roll shows that in some instances a professor is paid salaries out of two different funds, or speaking more exactly, the professor's name appears twice on the pay roll. Upon inquiry being made why this was so, we were informed that in some instances a professor divides his salary with an assistant whose name does not appear on the pay roll. This is done with the privity of the board of regents; the committee has no hesitancy in saying it is a practice that should not be encouraged, as it avoids that certainty and accuracy in accounts so much to be desired. It has the appearance of a professor subletting a part of his labors and dividing his salary. No money should be

paid except for services actually rendered, and then paid only to the party actually entitled thereto.

At the June, 1897, meeting of the board of regents, an inquiry was instituted by the board for the purpose of informing itself of the time actually spent by the professors in class or laboratory work, to the end that the board may be better acquainted with the management of the institution and the amount of work done by each professor. When the committee visited the university, the board had not completed its inquiry, and we believe that such investigation will result in good to the institution and will tend to such a proper adjustment of salaries as will remove any inequalities now existing.

The board, by the reduction of salary, and without impairing the efficiency of the department, made a saving of \$1,300 in the dental school. A proposed change in the law department for the school year of 1898 is expected to result in a saving of \$800. This department, however, has been for some years self-sustaining. Chancellor McClain, of this department, receives \$3,250 per annum. Next to the president, this is the highest compensation paid. Mr. McClain's eminent ability in his line of work renders his connection with the law school of great value to the state, and though he performs many outside labors, we are satisfied that his work as professor has not been neglected.

During the work of the committee at the university we were impressed with the apparent disposition of some of the members of the board to take a more active interest in the work of the university and to familiarize themselves with every detail of its government. Since the committee were at the university, we are informed that the executive committee has been reorganized (owing to the resignation of certain members) and many desired changes looking to a closer management of the university have been established.

The liberality of the state in providing for its public charities is not exhibited in the appropriations made for its educational institutions. The state educational institutions are entitled to a greater appreciation, and to a larger share of the public expenditure. The legislature should remember that it is only in state universities and schools that the faculty is entirely free from the domination of those who, by creating chairs and endowments, seek to impress their views of social, economic, and other questions on the student population of the country.

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#### IOWA SCHOOL FOR THE DEAF AT COUNCIL BLUFFS.

This school is governed by three trustees, one of whom is a resident of Council Bluffs, and was treasurer of the board until April, 1897.

In 1884, there were 260 pupils, and in 1897 there were about 300 pupils. This is the smallest increase during thirteen years in the attendance or number of inmates of any of the state institutions.

The superintendent, who does not teach, receives \$2,250 annually. In 1886, when first employed, he received \$1,600. The principal of the school is paid \$1,700 annually.

The superintendent is the managing officer and makes all purchases, without the employment of a steward.



The income of the school is derived from two sources. It receives \$35 per quarter per capita from what is known as the "Current Expense Fund." It also receives \$21,000 annually, which sum is termed the "Ordinary Fund."

Section 2776 of McClain's code provides "For the purpose of meeting current expenses, there is hereby appropriated the sum of \$35 per quarter for each pupil in said institution."

Section 2777 of McClain's code provides "To meet the ordinary expenses of the institution, including furniture, books, school apparatus, and compensation of officers and teachers, there is hereby appropriated the sum of \$21,000 per annum, or so much thereof as shall be necessary."

Since 1863 until the latter part of the year 1896, the current expense fund was drawn by requisition, which was based upon the number in the school on the day the requisition was dated. The requisition was dated to suit the convenience of the management, and if additional students were present during the succeeding part of the quarter, a supplemental requisition was drawn. The state auditor discovering the uncertainty that thus existed, refused to further honor such requisitions in 1896; the special session of the legislature in 1897 amended the statute, and provided that the per capita allowance should be based upon the average attendance during the preceding quarter.

The new code, section 2777, appropriated "the sum of \$21,000, or so much thereof as may be necessary for the payment of salaries of officers and teachers in said institution, the same to be estimated at the end of each quarter." Prior to the enactment of the present law very little heed was given in the management of this institution to the expenditure of the funds for the different purposes indicated by the statute. It is claimed by the trustees and superintendent that the change in the statute requiring the requisition to be drawn at the end of the quarter, and based on the average attendance, will reduce the revenues of the school from \$4,000 to \$7,000 annually. For the purpose of ascertaining whether the appropriation of \$21,000 under the new law, which is to be applied only to the payment of salaries of officers and teachers, was sufficient, the committee examined the pay-roll for the month of October, 1897, this being the first month in which the new law was operative. The pay-roll, as made by the bookkeeper, showed for this month a list of officers and teachers, and if the same compensation was paid during the year, the annual expenditure for officers and teachers would be \$18,749, or \$2,251 less than the annual appropriation under the new law. The superintendent, however, did not desire that the list as made by the bookkeeper should be considered as authoritative, for the board had not passed on the salary list, nor upon those who should properly be termed officers. The committee believe if a strict adherence is had by the management to the requirements of the statute, that the appropriation for officers and teachers is adequate, and no uncertainty should exist about who may be properly classed as an officer.

At the present time the school is in a bad financial condition. On June 30, 1896, the outstanding indebtedness was \$10,286.21. On June 30, 1897, this indebtedness had increased to \$18,058.69. This increase of about \$8,000 in one year is due in large part to the fact that the expenses for an additional quarter are added to the indebtedness of the school, by reason of the change in the law which requires the requisition to be drawn at the end of

the quarter. The indebtedness has existed for some years, and the school is unable to free itself of the burden. Most of the debt is constantly over six months past due, and the management has acquired the reputation with trades people and others who furnish supplies, of being greatly behind in the payment of claims; this strongly militates against any effort to economize, because purchases can not be made at cash prices, and the school for this reason pays more than it should for its supplies.

The resident trustee informed the committee that it is impossible for the management to discharge its debts unless the legislature makes an appropriation therefor. When the present superintendent took charge of the institution ten years ago, it was practically out of debt, and the committee believes that the deficit now existing results from a too liberal, if, not extravagant, policy in the expenditures of the school's funds.

The annual appropriation of \$21,000 has apparently not been sufficient to pay the compensation of officers and teachers—at least the officers' and teachers' salary has not been separated on the books so it can be definitely ascertained.

In 1893 the wages account of the school was \$30,574.91; in 1894 it was \$31,394.33; in 1895 it was \$31,311.52; in 1896 it was \$31,437.55; in 1897 it was about the same as in 1896.

This makes the annual wages account \$10,000 in excess of the amount appropriated by the legislature. It is probable that the compensation of employes other than teachers and officers is included in these figures, and the committee was unable, for this reason, to determine with that certainty that is desired the amount paid to officers and teachers. What has been so often repeated in this report is applicable here—that the officers of the state institutions do not regard it necessary to comply with the enactment making appropriations, and to separate their expenditures as the law contemplates.

The account of "petty cash" was examined, as well as the many warrants that appear payable to the superintendent. It appears that he makes sales of farm products, stock, hogs, etc., and that some remittances for clothing are made directly to him. During the year several thousand dollars pass through the hands of the superintendent, and the bookkeeper has, under the direction of the superintendent, authority to transact the business incident to the receipt of and expenditure of such sums of money. When the amount in the "petty cash" fund exceeds \$300 the surplus is turned over to the treasurer, though a balance of \$300 is constantly retained in this fund.

Other officers handling the moneys of the state are required to give bonds, and we think it but a prudent measure to require the superintendent and bookkeeper, while pursuing the course of business had at this school, to give bonds. The superintendent at the school for the feeble-minded is required by statute to give a bond.

The former treasurer received interest on the funds of the school deposited in the bank, and it is the opinion of the committee that such accumulation should be accounted for to the institution.

The treasurer's books do not show an account with each fund. This should be corrected, and the board should insist that the treasurer open and keep an account with each fund.

The committee examined into the expenditures of the appropriations made by the Twenty-fourth, Twenty-fifth, and Twenty-sixth General Assemblies. We found that such appropriations were all expended except one item of \$500 granted by the Twenty-fifth General Assembly for iron doors and shutters; only \$78 had been expended, although the full sum was drawn from the treasury. A compliance with the acts of the Twenty-third General Assembly would not have permitted the withdrawal of this sum unless it was expended within thirty days from the date of the requisition. There is no reason why the balance of this expenditure should remain in the treasurer's hands for three years. If it is not to be expended it should be returned to the state treasury.

The work of construction and the making of extensive repairs was in part done by contract, and in part by days' labor. The superintendent supervised the work, and during the year 1896 his salary was increased from \$2,250 to \$2,500 for extra compensation for work of supervision. In 1897 his salary was reduced to \$2,250.

The superintendent, like the superintendents of other institutions, exercises the powers which are supposed to be lodged with the board of trustees. The board acts in an advisory rather than an administrative capacity. In the purchase of supplies, the superintendent has never bought under a system of competitive bids, though he claims to purchase the supplies as well as he could buy them under such system. The fact is that the grocery supplies have been for years past bought of two firms in Council Bluffs; the drug supplies of two or three firms; the hardware supplies of two or three firms, and the committee is convinced that the purchasing of these supplies from the same parties during a course of years begets a looseness that does not secure to the state the results that would come from more competition. The certainty of sale destroys competition, and increases the cost to the state above what would be paid if the goods were purchased in the open market.

Supplies are not purchased for any definite period in advance, but are bought from day to day as the occasion arises. The meats are purchased under an annual contract which fixes the price to be paid; an examination of the bills shows that the meat is not bought in quarters and large amounts, but special parts and cuts are had at prices greatly in excess of the average price paid at other institutions. The liberal expenditures made at this school are justified by the superintendent, because it is his ambition to make the school a home rather than an asylum, and he believes the unfortunate wards of the state are entitled to all that he gives them.

There is practically no auditing or approval by the board of the bills of the school, though an attempt to audit is made. The superintendent sends the bills to a trustee at his home. This trustee, in the absence of the others and without conference or consultation, approves the bills and expresses the package to another trustee, who in turn approves and forwards the bills to the superintendent at Council Bluffs. We were unable to ascertain that any bill sent by the superintendent was returned without the approval of the trustees. The trustees admitted in their examination before the committee that in auditing the bills they have no personal knowledge of the receipt of the goods, or of the prices to be paid, but assume such purchases were made and were proper because the superintendent sent the bills. It is needless

to say that auditing of bills in this manner is useless, and does not secure the examination or exercise of judgment which the state has a right to expect.

Orders on the treasurer of the institution are required to be signed by the president and secretary. During the last ten years, the president of the board has signed these orders in blank, and left them with the secretary to be filled out and signed by him when the occasion requires. When the bills are audited at the homes of the trustees, as heretofore shown, without any personal knowledge of the expenditure, or without the advantage of consultation with other members, they are returned to the superintendent, who as secretary of the board, makes out the orders on the treasurer, which have been heretofore signed in blank by the president. We are constrained to believe that it is these lax methods that caused the indebtedness of this institution, and that such deficit does not come from a failure of the state to make adequate appropriations for its support or maintenance.

The compensation paid trustees is reduced because of the auditing of these bills at their homes. This small saving, we are sure, is offset a hundred fold by the lack of proper examination and supervision which the trustees have it in their power to exercise.

There is no system of requisitions upon the supply department whereby that accuracy in the quantity of consumption of each article is had, and which as we have heretofore observed, is so necessary.

There is a farm of 165 acres connected with the school, and three men are employed annually thereon. The dairy department is separate from the farm, and at the present time there are sixty cows in the dairy. During the vacation months, milk is sold.

The buildings are wired for electricity and are piped for gas. Electricity is used until about 9:30 P. M., and gas is thereafter used where lights are required.

Inquiry was made into the salary list of the school, and the committee think that its present unfortunate financial condition can not be traced to the excessive salaries of teachers.

Comparisons made by the committee when at the school, and from data subsequently acquired, show that the number of pupils for each teacher is greater than in most schools in the United States, and there is a less per cent of standing appropriations paid to teachers than there is in five or six of like schools in the western states. This indicates that there is a larger per cent of the expenditure of the total income of the school made for purposes other than for teachers' salaries than in a majority of the schools for the deaf in the western states.

The committee is of the opinion that the legislature should relieve the school of its present obligations, because the longer the present condition exists the greater will be the deficit. When these debts are paid the methods and practices which have involved and embarrassed the school must be radically changed, in order that this institution shall be supported within its income, which we have no hesitation in saying is now, and has been, adequate.

We can not close without stating that the pupils in the school seem greatly attached to the superintendent and his wife, who is the matron; that the superintendent and matron are interested in their work and have

undoubtedly striven to properly discharge their duties. During our visit some complaints were made as to the failure of the management to account for some of the property of the state. After inquiry and investigation the committee is satisfied these complaints were either trivial or devoid of merit.

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NORMAL SCHOOL, CEDAR FALLS.

The number of students enrolled when the committee visited the school was 1,312.

The school is governed by a board of trustees composed of six members, and meets four times a year. A committee of two members visit the school each term, spending about a week examining the several departments. The trustees have not received compensation in excess of statutory amount.

There are thirty-three teachers employed, who received salaries aggregating \$34,000 in the year 1897. In 1887 there were 435 students, taught by nine teachers, who received \$10,050. The chief item of expense is for teachers' salaries.

The legislature has provided a standing appropriation of \$17,500 for payment of teachers, and \$3,000 for a contingent fund. The standing appropriation has proved inadequate for payment of teachers, and the legislature makes additional appropriations. The Twenty-sixth General Assembly appropriated the additional sum of \$22,000 for the biennial period to pay the teachers' salaries.

Each student pays a tuition fee of \$2 and a contingent fee of \$3 for each term, or \$15 a year, which sum amounted to \$26,150.68 for the biennial period ending June 30, 1897. This fund is collected by the president and by him paid to the treasurer. The charges collected from the students pay about one-third of the current expenses of the institution. The management of the school also draws on the revenue received from the students, to supplement the legislative appropriations for teachers' salaries.

The president receives \$2,500 a year with a residence furnished with water, fuel and light. Twelve years ago he received a salary of \$1,500, at which time there were seven teachers, with a total attendance of 250.

The central building has been recently completed and furnished at a cost of \$38,686.97. This amount was made up of the following sums: \$30,000 legislative appropriation; \$2,361.97 from the students' and contingent fund; \$6,325 from the balance of unexpended appropriations of the Twenty-third and Twenty-fourth General Assemblies, as was provided in the appropriation act authorizing the construction of this building. Most of the work of construction was done by days' labor, although much of the material was purchased on contract. A foreman was employed to supervise the construction, and the resident trustee acted as building committee during the work. Even with this new building the school is now crowded to its full capacity.

A cottage for the president has been built by letting the contract to the lowest bidder, and the building was completed within the appropriation.

Many of the bills against the institution are paid upon the approval of the president and secretary, and are not audited by the board prior to payment. The secretary is not a member of the board.

The treasurer is cashier of a local bank. This bank has received accrued interest and premium upon warrants issued to the institution, which the committee believes should properly belong the state. The reason given for the bank retaining this interest and premium was that some of the warrants payable to the institution were cashed by the bank at their face value when the warrants were actually at a discount. The practice of granting the interest and premiums on the state warrants in return for favors is not proper, and we believe it the duty of the trustees to procure an accounting for such sums.

The committee is perfectly satisfied that the salaries paid to the teachers and officers of this institution are reasonable, and a comparison made with salaries paid in like institutions in other states shows that no fault should be found with the management in this regard.

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#### COLLEGE FOR THE BLIND, VINTON.

There are 167 pupils in actual attendance at this school. The number in 1897 was somewhat less than for preceding years. One-third of the number in attendance are totally blind.

The institution has been managed by a board of six members, but under the new code the board is reduced to five. No improper charges for services or expenses have been made by the trustees.

The legislature has provided two funds for the institution. Section 2762 of McClain's code, appropriates \$10,000, or so much as is necessary to pay the ordinary expenses of the institution, including furniture, books, maps, the compensation of principal, matron, teachers, employes, and to provide for contingencies.

Section 2763, McClain's code, appropriates \$40 per quarter for each pupil, or so much thereof as is necessary for the purpose of meeting current expenses.

Section 2756, McClain's code, provides that a board of trustees shall fix the compensation of all the officers and employes of said institution at such rate as shall by them be deemed just and equitable, provided that in no event shall the total expenses of the institution exceed the total appropriation for the same.

These three sections are substantially re-enacted in the new code.

The committee, upon examination of the institution, found that the appropriations made for the payment of compensation of principal, matron, teachers and employes did not limit the expenditure which the board made for such purposes. In 1897 the expenditure for the purposes indicated was \$16,025, which is \$6,000 in excess of the statutory appropriation. This has been practically the case for many years past. As often shown in this report, the appropriations made by the legislature for these different purposes at many of the institutions seem to be useless, because no attempt is made to bring the expenditures within the limits so fixed.

The quarterly allowance for support has been secured every quarter from the treasury in recent years except for one quarter in 1896. The annual cost per capita is about \$219. The annual cost per capita at the school for the deaf is \$210.

The principal of the school does not interfere in its financial management, which is in the hands of the board and a steward who acts as secretary, and receives a salary of \$1,200 per annum.

All supplies are purchased by the steward, and all bills are audited by the committee before payment is made. Bread, coal, and meat are bought on contract. This is the only state institution which does not bake its bread.

Grocery supplies are purchased, in small amounts as required, from seven or eight retail firms at Vinton. The special appropriations for construction purposes have been expended, the buildings being built by contract. A balance of \$59 appears in the treasurer's hands from an appropriation made by the Twenty-second General Assembly, which surplus should be covered into the state treasury.

The system of books at this institution is not very complete. The committee is persuaded that if a better system of purchasing supplies was had, whereby bids were solicited in the open market, a considerable saving could be made at this institution. It does not show the evidence of economy in this line as does the orphans' home at Davenport.

The secretary and steward collects from \$1,500 to \$1,800 of the funds of the institution annually, but is not required to give a bond.

#### I.

It will be observed that the report on some of the institutions is not as lengthy as that respecting others. This is due to the fact that our report is much longer than we anticipated, and we found the conditions practically the same at such places as in those in which the report is more complete. Many of our criticisms and words of commendation apply with equal force to such institutions.

To understand the magnitude or character of our labors, it is necessary to read the reports of each institution. It is impossible to discuss the management intelligently unless by a somewhat detailed review, and therein giving expression to the comments and opinions we thought proper. It will serve no useful purpose to summarize our findings in each institution.

If we thought the legislature competent to remedy the defects, abuses, and evils presented in our report, by enactments, applicable to each institution, there would be much merit in suggesting specific changes. Entertaining the opinion, however, that the major part of our criticisms refers to abuses inhering in the trustee system, a thorough measure of reform is the only remedy. We attempted with some care to prepare a list of proposed statutory amendments, but on reflection it was ascertained that the greater number of such amendments can properly form a part of a measure creating a central or supervisory board. Many other of such amendments will not be required if such board is established. The disease is organic and too deep seated for the use of palliatives.

A casual reading of the report indicates that there is no uniform method in the purchasing of supplies for subsistence or construction purposes. Different grades and qualities of supplies are consumed in hospitals treating the same kind of patients, and in many places the supplies are purchased at retail. Illustrating, it might be observed that fuel constitutes one of the largest items of expenditure; each management buys

different kinds of coal, with little reference to the experience of other institutions, or the usages of those who purchase coal in large quantities or steam heating purposes. Betterments, permanent improvements, and buildings are made without reference to the economy secured in the management of other institutions. These practices and others to which the report refers necessarily induce extravagance.

Different funds are intermingled in violation of law. Statutory limitations on expenditures for specific purposes are not observed, or is compliance therewith even attempted in many cases. This is no trivial informality, for in our scheme of government the taxpayer has the right to insist, and is as much interested in a separation of the revenue when expenditure thereof is made, as he is in the separation of the several levies for the creation of such revenue. This is such an important principle that it might properly be regarded as constitutional.

At many places there is no auditing of bills, and at others the auditing is had only after the bills are paid. Institutions of the same kind pay different salaries for like services. The salaries of many officials and employes are higher than those paid to officers and employes in similar institutions in the western and, in some instances, in the eastern states.

Appropriations are asked of and secured from the legislature on *ex parte* statements, and when the manner of their expenditure was not fully determined. The cost of the improvement or building is therefore unknown, and it is only by chance that a proper appropriation is made. There can be no more vicious practice in legislation than this. It will deplete a treasury without returning value received.

It is impossible in many cases, owing to the loose and general terms of the appropriation acts, and the failure to preserve in any form the evidence or statements of those who secured the appropriations, for a legislative committee to ascertain whether the appropriation is expended in a manner agreeable to the legislative intent. There is very little continuity of purpose to be found in the appropriations for many of the institutions, which fact is readily disclosed by an examination of the appropriations asked of and granted by the legislature. The fact that the membership in the legislature is subject to many changes deprives the people of the experience of those who granted one appropriation, and it frequently occurs that in making subsequent appropriations no heed is or can be paid to the representations made or purposes existing when the first appropriation was secured.

There is not, nor can there be, the proper mutuality of spirit or interest between the different institutions. The manner in which appropriations are procured engenders a reciprocal distrust between the people's representatives and the managements of the institutions. This creates a disposition in many instances to regard the legislature as a hostile body, from which no assistance can be expected except as a result of personal solicitations and by invoking the pressure of political influences and the disagreeable practices of the lobby. In one instance, at least, a management employed members of the board, at considerable expense to the state, to attend assembly sessions and prevent the state from enacting what was termed "hostile legislation." This was an expenditure for a purpose wholly inexcusable.



## II.

We submit that the legislature should consider the suggestion of amending the statute so the support fund shall not be drawn until it is required by the institution, and a failure to draw at the stated intervals shall not deprive the management of the annual per capita allowance, but it will remain a credit in the state treasury until needed. The benefits of such a provision are many and obvious.

The state treasurer should be authorized to dispose of all warrants issued to the institutions and which the state has not the ready funds to pay. Our report indicates the need of this amendment, and particular reference may be made to the managements of the institutions for feeble minded, the normal and industrial schools.

The recommendations as to reduction of the per capita support are entitled to consideration, for in no other way has the legislature the power to limit extravagant expenditures under a system of making maximum per capita appropriations. The temptation to draw and expend the maximum is ever present and at times irresistible.

Much of the discussion regarding the merits of state or county care of the insane will be unnecessary under a more economical management which will reduce the per capita allowance for support purposes. The failure of the state to show a reduction in the cost of support of the inmates, though it is evident that such reduction should be had in the last seven years, may be taken as one reason why many counties are building asylums to house their insane. Thoroughly convince the people and members of boards of supervisors that the per capita allowance for insane is not greater than is required and this question of county care will solve itself, for all must grant that the state hospital is the proper place to either cure or care for the insane. The state must not entirely surrender to the medical departments of the hospitals the duty of making the budgets for such institutions.

The statute should limit the number of day's service expected of the visiting committee for the insane hospitals. If a central or supervising board is created, such visiting committee will have outlived its usefulness.

The establishment of a system of uniform accounts, which is required of the executive council by the terms of the new code, is a great and much needed reform. All the institutions cannot have the same kind of books, but institutions of like kind should have similar books, and the committee believes this matter of instituting a thorough and uniform system of accounts is not fully appreciated. If a central or supervisory board is created, this duty may be well placed on it, for it is a matter of much labor and great detail.

The precedent of creating tax levies for state institutions should not be followed, as it gives, under present managements and conditions, a discretion in expenditure that detracts too much from legislative powers and functions.

The precedent of one legislature making appropriations for a period longer than two years, and which are to be expended after the succeeding legislature convenes, cannot meet the sanction of him who is cognizant of the uncertainties, dangers and abuses of thus anticipating the needs and

revenues of the future by indirectly effecting the legislation of another general assembly. The reflection, that all extraordinary appropriations should remain in the state treasury until expended, merits in the judgment of the committee more than passing notice.

The executive council, or other proper body, should be granted the right to make appropriations from a providential fund when the legislature is not in session. This power has never been abused and prudence requires the restoration of the privilege to the executive council.

### III.

The resolution creating the committee, directed that we recommend any change we thought should be adopted in the government of the state institutions. In our inquiry, due regard was paid to this direction, and information was gathered and comparisons made, to enable us to render an opinion worthy of the subject and interests involved. The opinions of the officers and members of governing boards were solicited in their examinations, all of which appear in the evidence taken.

A perusal of our report might indicate that we paid attention only to the financial management of the institutions. This is not the case; due regard was given in gathering our information to the wish and desire of every citizen that the state properly maintain and care for the unfortunate and afflicted, and to the purposes of the state in providing penal and reformatory institutions and furnishing greater educational facilities in its colleges and university.

From every standpoint the committee is of the opinion that a change in the government of such institutions is not only advisable but is imperatively demanded by every prompting of business prudence. We are convinced that whatever success has attended the public institutions of the state does not come from the methods and practices now existing. An economical management can not be secured by methods that are obnoxious to every commercial instinct and usage.

There are sixteen institutions, including Cherokee Insane hospital. There are thirteen separate boards, making about seventy-five trustees in all, receiving \$33,000 in salaries and expenses for the biennial period ending June 30, 1897.

During the biennial period closing June 30, 1897, the state expended for these institutions \$2,259,964.44 for purposes of support and maintenance, and the sum of \$934,240.41 for betterments and new buildings, making a total expenditure during the last biennial period of \$3,214,204.85, which is about 70 per cent of the total expenditures of the state. The Twenty-sixth General Assembly at both sessions granted \$378,599.15 more in extraordinary appropriations to these institutions than did the Twenty-fifth General Assembly. Such appropriations were not within the income of the state.

As our report indicates, the trustees of one institution have no official communication with the trustees of another. They are in law, and in fact as much strangers to each other as if they were residents of different states, and engaged in rival enterprises.

Unless there is a full, accurate, and comprehensive knowledge on the part of the trustees, of the institution under his charge, the first requisite for the proper performance of his trust is wanting.

As a general proposition, it must be said that a great number of these trustees do not display the familiarity with the institution, or knowledge of the manner in which its business is conducted, to enable them to intelligently participate in a careful or economical management thereof. As our report indicates, many of the trustees betrayed in their examination before the committee a want of that information respecting the institution which might be supposed would be known to any citizen. There are some exceptions to this rule. The committee met two-thirds of all the trustees. Less than one-third of this number gave the required time and attention, or evinced the possession of information sufficient, to give valuable counsel, to say nothing of actively participating in, or directing a business involving annually the expenditure of hundred of thousands of dollars. As a body, the trustees and regents are men of intelligence and integrity, who have been successful in their several lines of business. A man may be a success in his own business, yet this very fact and the multiplicity of his private affairs prevents him as trustee from giving the necessary time to the performance of the state's business. Through negligence and an indisposition to study, or to familiarize themselves with the government of the institution, they have ceased, in many cases, to be factors in the management. The superintendents or subordinates do the business that the law expects and requires to be done by the trustees. Iowa is undoubtedly receiving the judgment and experience of superintendents and other employes in the management of its affairs rather than the judgment and experience of the trustees, who are charged with the execution of the trust. The selection of a citizen living on the eastern border of the state as a trustee of an institution located on the western border is often had. Such selection does not tend to promote the public service.

A change from the trustee system was inaugurated quite generally in the several states, beginning in the year 1867, and the committee state upon information acquired for the purpose, that no state but Iowa governs its public institutions by separate boards of trustees, without a supervising authority lodged in some board of control, or board of charities and corrections.

Wisconsin, Rhode Island, Kansas, Nebraska, and South Dakota govern their institutions by boards of control, the powers of each board differing in each state. In some of the states named, these boards are vested with full administrative and executive powers. So far as the committee knows, no state but one that has once provided for such board has changed the system. The officials of the states retaining the boards claim that such boards have proved very satisfactory.

The majority of the other states have supervising boards, differing, however, in the character of their powers. The board of charities in the state of Illinois is a supervising board with administrative powers to a limited extent. The state of New York has a board of charities, with limited administrative powers. There is a strong tendency in this last named state, as shown by recent legislation, to give more executive powers to such board. This appears not only in the legislative enactments, but also in the reports of legislative committees, and of the secretary of the state board of charities.

The Iowa trustees as a matter of fact now exercise but advisory powers, and the establishment of a central board with administrative powers would

not interfere greatly with the labors now performed by the trustees. Such board will, however, circumscribe the powers of the superintendents and other employes. Such board will also supervise the prisons now subject to but little supervision as shown in this report.

The committee is further convinced that if an innovation in the government of the institutions is to be had, it must come from influences other than those which immediately surround the several institutions. The examination of the officers and trustees indicates that only in a few instances did we find a sentiment favoring a law which might lessen the powers of the managing officers. Too often did we find a disposition to regard the general assembly as harboring a hostile disposition towards the institutions. Again it was urged that to change the law would tend "to cripple" the charitable agencies of the state. In some instances this belief was honestly entertained, because of the disagreeable experiences such officers meet in securing appropriations. We are constrained to say that the phrase "crippling the institution" is used by others, as a meaningless repetition, in order to secure the continuance of present conditions. A change in the government is opposed by the officers of some institutions where a change would be most salutary, and must be had.

In our examination we frequently sought information from, or inquired of alleged abuses, of present or former members of the legislature representing the districts where such institutions are located. We believe many persons do not care to interfere with, or make inquiries into the different managements, because it might be deemed impertinent, or expose them to the charge of favoring some influence as against another. We cite this to show not only the want of proper knowledge on the part of the great majority of the trustees, but likewise the failure of others, for prudential reasons, to acquire that intimate knowledge of the conduct of the institutions which might be desirable for purposes of legislation.

If a change is thought proper by the legislature, the board should be given administrative and executive powers. The board must not only have the power to advise, but the power to administer the governments of the institutions. The attempt to place the state institutions in a better light before the state, and to conduct them on a business basis, will be abortive unless the law clothes the proper body with such administrative powers. To correct the lax and loose methods existing will require many changes in the practices of the managements, which will not come from mere suggestions or advice.

The character of the board, as to the number and manner of selection, is largely a matter of legislative discretion. The board will necessarily be vested with great powers, but this should not weigh against the suggestion, for greater powers are vested in and exercised by the executive and judicial officers of the state. The proposed law should be so framed as to prevent the entering of partisan politics into the management, or selection of the officers of the institutions, for no greater evil can mar the just and happy administration of a public charity.

The three great educational institutions might be omitted, for their boards of trustees, as shown in the report, are exercising to a greater degree the powers vested in them by law, and there is force in the suggestion that the development of a university, as a seat of learning and culture, involves considerations that have no application to the charitable and penal

agencies of the state. The number of the governing bodies of the university and agricultural college should be reduced to five members and better results attained. To retain a member from each congressional district on the board, is to give expression to a fiction which is no longer, if it ever was, useful.

As to whether or not a small advisory board, selected from a territory of reasonable extent surrounding the institution, should be maintained at each institution, is a matter about which there may be a difference of opinion. Such boards might prove advantageous for visitation and advisory purposes.

We are unable to discern, after a most careful review, a substantial or forceful reason why the administration of all the institutions, with the possible exception of the normal school, agricultural college, and university, could not be placed in one central board, thereby conserving the purposes for which each institution was created, and insuring a marked reduction in the expenditures of the state.

From what the committee observed in its investigation, the many times and places where we know a saving could and should be made, the want of method or system in purchasing supplies and in the construction of improvements, and in the haphazard way in which appropriations are sought and secured, we are satisfied that it is within the ready reach of this legislature by proper enactment, to save ten cents on every dollar expended by the state. This saving will be made in lessened appropriations, and in the economical expenditure of those made. This estimate is made after mature reflection, the gathering of data, and giving the subject the deliberation its importance demands. It is proper to note in this connection that the state of New York passed a law in 1893, called "The Estimate Law," which related in part to the purchase of supplies for the insane hospitals. The law required the submission to a central board of estimates of all proposed purchases, which board audited the expenditure when made. During the first year that such law was operative, a saving of \$300,000 was made on a total expenditure of \$2,000,000. The records of the institutions and the reports of legislative investigating committees of that state disclose this to be true. This committee is not, therefore, without precedent in saying that it is reasonable to expect that a saving of \$300,000 can, in a biennial period, be made by this state on its expenditure of \$3,000,000, when the state of New York saved the same amount on an expenditure of \$2,000,000. We will not presume that the system in vogue in New York prior to 1893 needed reform any more imperatively than the methods now existing in Iowa.

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Mr. Merriam does not assent to the views of Mr. Healy and Mr. Porter in all particulars as set forth in the foregoing part of section 3. He believes in the creation of a central board with extensive supervisory powers, similar to that under which New York has made the great saving heretofore mentioned. He also contends that whatever central board the legislature may see fit to establish, clothed with whatever powers is deemed prudent, should be a board suitable to exercise its functions over all the institutions of the state. While permitting an individuality peculiar to each, there should be a harmony existing between all, which can only be secured when one board supervises or directs the affairs of all. The proposed change, as outlined above, does not contemplate administering to the needs of any

institution or its inmates better than is now done, but more economically. It is urged solely on the grounds of saving money to the taxpayer without diminishing the advantages and care already afforded those who are benefited by the state's generosity. The educational institutions—the university, the normal school, the school for the deaf, the college for the blind, and the agricultural college—should all be subject to the same economy and supervision in the expenditure of the state's moneys as are other institutions. The same criticisms as to business methods are to be found in some of them, and in as aggravated a form, as at any of the other institutions visited by the committee.

If a central board, by its supervision and direction, can economize in the use of supplies at one institution, why not afford them the opportunity at all institutions? If ten cents on the dollar can be saved on the funds expended at one place, why not attempt a like saving, through the same agencies, on the money expended at other places?

The trustees for the educational institutions are selected from the same citizenship and by the same methods as are other trustees. As a general proposition they possess no greater information and exercise no more economy than do other boards. In fact, the trustees of the five educational institutions possess no qualifications superior to the other trustees. The same lack of "official communication" between the various boards, the same lack of uniformity in the books kept, the same lack of harmony in the salaries paid for like services, and the same lack of "familiarity with the institution, or knowledge of the manner in which its business is conducted," exists to as great a degree among the trustees of the educational institutions as among other trustees.

Whatever change is made should be applicable to all institutions, for the evils incident to the trustee system exist at all. The lack of some body to supervise or review the actions of the various boards' accounts, in a great degree, for the methods which are criticised. The superintendents and boards generally, invited and welcomed the visit of the committee, expressing a desire to accept all suggestions and adopt all practicable means for better and more economical methods in the administration of the state's affairs.

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Before concluding the report the committee say that the trustees, regents, superintendents, and other officers of the institutions afforded us every opportunity to inquire and investigate, and gave evidence of a disposition to lighten the labors of the committee, and to furnish the legislature with the information desired.

The work of the committee was facilitated by Mr. L. A. Wilkinson, the accountant, who readily acquired familiarity with the methods in vogue at each institution, thereby rendering the committee valuable service.

The public charities of Iowa constitute a broad field of philanthropic work. It is quite impossible for any citizen, enjoying the experience of the members of the committee, to avoid expressing a sense of pride at the magnificent structures erected by the state to care for the unfortunate who suffer in impairment of mind or person. The worthy and earnest superintendents of these institutions are devoting their energies in their chosen work, and enjoy the confidence of the several boards as well as the esteem of the general public.

Many honored citizens now bereft of reason, are properly cared for in the insane hospitals of the state. Paralytic veterans of many battles are found at the Soldiers' home, receiving every attention from trained nurses employed by the state. Infants and children, at other institutions, without the powers of locomotion or speech, are affectionately nursed and reared by employes of the state.

Iowa has been generous, and in the years to come further demands will be made upon her treasury and generosity. There is no occasion to feel that such demands will not properly be met, or that our public charities and agencies will suffer in efficiency because of a failure of public interest or support.

THOS. D. HEALY.

FRANK F. MERRIAM.

CLAUDE R. PORTER.

*Committee.*

Ordered passed on file and printed in the Journal.

Senator Gilbertson moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, IOWA, Wednesday, January, 19, 1898. }

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

Prayer was offered by Rev. J. W. Ellison of Des Moines, Iowa.

JOINT RESOLUTION.

Senator Titus offered joint resolution No. 1, as follows:

JOINT RESOLUTION PROPOSING TO AMEND THE CONSTITUTION SO AS TO PROVIDE FOR BI-ENNIAL ELECTIONS.

*Be it resolved by the General Assembly of the State of Iowa, That the following amendment to the constitution of the state of Iowa be, and the same is hereby proposed :*

To add as section 16 to article 12 of said constitution the following:  
" Section 16. The first election after the adoption of this amendment shall be held on the Tuesday next after the first Monday in November, in the year one thousand nine hundred and two, and biennially thereafter. At such election, in the year one thousand nine hundred and two, the electors of the state shall elect a governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney-general, two judges of the supreme court, the successors of such senators as would otherwise have been chosen at the general election, had the same been held in the year one thousand nine hundred and one, and the members of the House of Representatives, who would have been chosen in the year one thousand nine hundred and one.

" The terms of all officers mentioned in this amendment, whose successors would otherwise have been chosen at the general election in the year one thousand nine hundred and one, are hereby extended one year and until their successors are duly elected and qualified, as herein provided.

" The terms of such senators whose successors would otherwise be chosen in the year one thousand nine hundred and three, are hereby extended one year and until their successors are duly elected and qualified.

" The terms of such judges of the supreme court as shall expire in odd-numbered years, are hereby extended one year and until their successors are duly elected and qualified, as herein provided.

" At its regular session in the year one thousand nine hundred and two, the general assembly shall make such changes in the laws governing



the election of all state officers not herein mentioned, as well as all elective, appointive, state, county (including the office of county attorney), and township officers, as shall be necessary to conform to this amendment.

"The general assembly shall meet in regular session in the year one thousand nine hundred and three, and biennially thereafter."

*Resolved further*, That the foregoing proposed amendment to the constitution of the state of Iowa be, and the same is hereby referred to the legislature, to be chosen at the next general election for members of the general assembly, and that the secretary of state cause the same to be published for three months previous to the day of such election in one weekly newspaper in every county in the state, when a weekly newspaper is there published.

Senator Lyons was excused until Monday on account of sickness in his family.

On request of Senator Ellison, Senator Trewin was excused for absence.

#### PETITIONS AND MEMORIALS.

Senator Bell presented memorial of George Strong Post No. 19, G. A. R., of Fairfield, Iowa, relating to the soldiers' orphans' home of Davenport, Iowa.

Referred to Committee on Charitable Institutions.

Senator Young of Lee, presented memorial of the Lee county agricultural society, relating to the law governing such societies.

Referred to Committee on Agriculture.

Senator McArthur presented memorial of C. L. Matthias, Post No. 5, G. A. R., of Burlington, Iowa, relative to soldiers' orphans' home at Davenport, Iowa.

Referred to Committee on Charitable Institutions.

#### INTRODUCTION OF BILLS.

By Senator Malloy, Senate file No. 37, a bill for an act to amend section 2308 of the code, relating to the rate of tax levy for county insane fund.

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

By Senator Penrose, Senate file No. 38, a bill for an act to amend section 891, chapter 11, title 5, of the code, pertaining to labor on highways.

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

By Senator Hobart, Senate file No. 39, a bill for an act to amend section 5488 of the code, relating to evidence.

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

By Senator Carney, Senate file No. 40, a bill for an act to amend section 2692 of the code, in relation to soldiers' orphan children.

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

By Senator Young of Delaware, Senate file No. 41, a bill for an act to amend section 1528 and section 1,530, chapter 2, title 8, of the code, relative to roads, bridges and ferries and the destruction of thistles.

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

By Senator Ericson, Senate file No. 42, a bill for an act to appropriate money to pay the claims of counties in Iowa for making the exhibit of Iowa at the World's Exposition in New Orleans.

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

By Senator Perrin, Senate file No. 43, a bill for an act to amend section 2959 of the code.

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

By Senator McArthur, Senate file No. 44, a bill for an act to amend sections 850 and 859 of the code, relating to election of park commissioners in certain cities.

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

By Senator Mitchell, Senate file No. 45, a bill for an act to amend section 2630 of the code, in reference to the powers of the board of educational examiners.

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

By Senator Emmert, Senate file No. 46, a bill for an act to amend section 2583, chapter 17, title 12 of the code, relating to the practice of medicine.

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

By Senator Cheshire, Senate file No. 47, a bill for an act to amend section 298 of the code, relating to the maximum amount to be allowed by the board of supervisors to deputies and clerks in the office of the clerk of the district court in counties having a population exceeding 40,000.

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

REPORTS OF COMMITTEES.

Senator N. M. Pusey, 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 repeal a part of section 2992, referring to landlord's 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 referred to the Committee on Judiciary.

N. M. PUSEY,

*Chairman.*

Ordered passed on file.

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

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 5, a bill for an act to amend section 3948 of the code, relating to garnishments, beg leave to report 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 of the title the figures "3948" and insert in lieu thereof the words, "three thousand, nine hundred and forty-eight."

Strike out of line 1, of section 1, the figures "3948" and insert the words, "three thousand, nine hundred and forty-eight" in lieu thereof.

Insert after the word "by" in section 1 of the bill, the words, "striking out the period at the end of said section, and by."

Substitute a small "a" in lieu of the capital "A" in the word "As" in the first section of the bill.

Add as section 2 of the bill, the following:

Sec. 2. 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.

That when so amended, the bill do pass. THOS. A. CHESHIRE,

*Chairman.*

Ordered passed on file.

Senator Hotchkiss, from the Committee on Printing, submits the following report:

**MR. PRESIDENT**—Your Committee on Printing to whom was referred House concurrent resolution relative to printing extra copies of the report of the special committee appointed to investigate 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 a substitute for the same be adopted.

A. C. HOTCHKISS,

*Chairman.*

Adopted.

Senator Carroll offered the following resolution relative to the contest from the eighteenth senatorial district:

In the matter of the contest for the state senatorship from the Eighteenth senatorial district in which Thos. H. Smith is contestant and J. M. Emmert incumbent

*Resolved*, That, if the incumbent desires to plead, he be requested to do so by noon, Wednesday, January 19, 1898.

Adopted.

Senator Ranck, by request, offered the answer of the contestee in the senatorial contest from the eighteenth district and asked that it be filed and printed in the Journal.

It was so ordered.

IN THE MATTER OF THE CONTEST FOR THE OFFICE OF STATE SENATOR FROM THE EIGHTEENTH SENATORIAL DISTRICT OF IOWA, BEFORE THE SENATE OF THE TWENTY-SEVENTH GENERAL ASSEMBLY.

Thos. H. Smith, Contestant,

v.  
J. M. Emmert, Incumbent,  
Contestee.

} Answer of Incumbent, Contestee.

*To the Honorable Lieutenant-Governor and Senate of the Twenty-seventh General Assembly of Iowa:*

Comes now J. M. Emmert, incumbent and contestee, and at all times hereinafter saving to himself all and all manner of benefit or advantage of exceptions that can or may be had or taken to the many errors, uncertainties and imperfections in the said declaration of contest contained, for answer thereto, or so much thereof as this contestee is advised it is material or necessary for him to make answer to, answering to the Senate, states:

*First.*—That he admits that the said Thos. H. Smith and this incumbent contestee, are citizens of the eighteenth senatorial district of Iowa and that they are both qualified electors of said state and senatorial district; that the contestant was a candidate for the office of state senator on the republican ticket and this contestee was a candidate for said office on the democratic ticket; that the eighteenth senatorial district of Iowa is composed of the counties of Cass and Shelby in said state; that on the 27th day of November, 1897, the board of state canvassers found and declared that this contestee was duly and legally elected to the office of state senator from the said eighteenth senatorial district; that he had a majority, as declared by said state canvassers, of twenty-two votes over the said contestant Thos. H. Smith.

*Second.*—He denies that the board of canvassers in the several precincts designated and set forth in the declaration of contestant, made errors against contestant and in favor of contestee which did materially change the result of said election, in that contestant would have been elected instead of and in the place of the contestee.

He denies that the contestant on a proper and correct canvass and counting of the votes so cast at said election in said district, received more votes than did the contestee, and he avers that on a proper and correct canvass of the votes lawfully cast in said senatorial district for contestant

and contestee for the office of senator, he received more votes than did contestant.

*Third.*—He denies each and every allegation contained in sub-division "first" of contestant's declaration.

He denies that the judges of the said election and the board of canvassers in each precinct known and designated as first ward, second ward, third ward and fourth ward in the city of Atlantic, and Grant township, Benton township, Pymosa township, Washington township, Brighton township, Grove township, Massena township, Cass township, Pleasant township and Bear Grove township, in Cass county, Iowa, or any of them, counted a greater number of votes or any number of votes for the contestee, J. M. Emmert, which were voted in said precincts, or any of them, at said election marked with a (X) in the circle at the head of the Republican ticket and with a (X) placed in the square opposite the name of the contestee, J. M. Emmert, which appeared in the line and under the appellation or title "Democratic" on the ballots prepared and used in said election.

He denies that the number of said ballots erroneously counted for the incumbent in said townships, wards and precincts where greater in number than the majority the contestee has over the contestant for said office of senator as declared by the state canvassing board.

He denies that any votes voted at said election in said precincts marked with an (X) in the circle at the head of the republican ticket, and with an (X) placed in the square opposite the name of the contestee, J. M. Emmert, which appeared in the line under the appellation or title "Democratic," was counted in said townships or any of them or in said wards or precincts or any of them, for the contestee, J. M. Emmert.

*Fourth.*—As to the truth of the allegations or any of them contained in sub-division "Second" of contestants declaration, contestee has neither knowledge nor information sufficient to form a belief; he therefore denies each and every allegation therein contained, except he admits that said election board of said precinct canvassed and returned 155 votes as having been cast for senator, of which the contestant received 64 and contestee 84, and that the canvass of said board and returns, the board of county canvassers and state canvassing board ratified, accepted and acted upon in declaring the incumbent elected; but he denies that the action and conduct of said judges of election and board of canvassers of said precinct, was in any manner illegal or in violation of law, and further answering, contestee says that the ballots canvassed and returned from said precinct as having been cast for contestant and contestee were the ballots so voted at said election.

Further answering, contestee says that if it is true, as alleged by contestant, that the judges of election and board of canvassers in said precinct adjourned and closed the polls on election day for an hour and a half, from 12 o'clock noon, until 1:30 p. m. of said day, during which time the poll books and ballots were not in possession of or under the control of said judges of election and board of canvassers; nor kept at the place where said election was being held; nor guarded or protected by any one; then contestee says that such irregularity on the part of the board, worked no prejudice or injury to any one, and did not vitiate the election in said precinct for that no voter in said precinct was prevented from voting by reason

of said adjournment; that the ballot box and the ballots voted were in no manner changed, altered or tampered with and that the ballots canvassed and returned by said board were all the ballots voted at said election and were canvassed and returned as voted.

*Fifth.*—He denies each and every allegation contained in sub-division "third" of contestant's declaration.

*Sixth.*—He denies each and every allegation contained in sub-division "fourth" of contestant's declaration.

He denies that the judges of the election and canvassing boards of the several precincts mentioned in sub-division "fourth" of contestant's declaration committed errors in the counting and canvass of the ballots in said precincts, or any of them, by counting and returning ballots as having been cast for contestee, which were not in fact voted for him or on which were identifying marks.

He denies that said boards in said precincts, or any of them, failed to count and return ballots as having been cast for contestant, which were in fact voted, marked and cast for him according to law.

He denies that if said ballots are correctly counted, the votes cast for contestant in said precincts together with those cast for him in other voting precincts in said district would give to contestant a greater number of votes than were cast for contestee, or as great a number of votes as were cast for contestee.

He denies that the canvass and returns made by the several judges of election and the board of canvassers in the several precincts mentioned in sub-division "fourth" of contestant's declaration were illegally and erroneously made; denies any illegal conduct on the part of said judges of election and canvassing boards.

*Seventh.*—As to the truth of the allegations or any of them contained in sub-division "fifth" of contestants declaration, contestee has neither knowledge nor information sufficient to form a belief; he therefore denies the same, except he admits that said election board of said precinct canvassed and returned 190 ballots as having been cast for senator, of which the contestant received 65, and the incumbent, contestee received 125 votes, and that said canvass and return of said board, the board of county canvassers and board of state canvassers, ratified, accepted and acted upon in declaring the incumbent elected; but he denies that the action and conduct of said judges of election and board of canvassers of said precinct was in any manner illegal or in violation of law, and further answering, contestee says that the ballots canvassed and returned from said precinct as having been cast for contestant and contestee, were the ballots and all the ballots so voted at said election.

Further answering contestee says that if it is true as alleged by contestant, that the judges of election and board of canvassers in said precinct closed the polls from 12 o'clock noon, until 1 o'clock P. M., on election day and again for 30 minutes between 6 o'clock P. M. and 7 o'clock P. M. of said day, during which time the poll books and ballots were not in the possession nor under the control of the said judges of election or board of canvassers or any of them; but were left unguarded and in charge of no one and to which others had access,—then, contestee says that such irregularity on the part of the board worked no prejudice or injury to any one, for that no

voter in said precinct was prevented from voting by reason of said adjournment; that the ballot box and ballots voted were in no manner changed, altered or tampered with and that the ballots canvassed and returned by said board were the votes and all the votes that were voted at said election and were canvassed and returned as voted.

*Eighth.*—As to the truth of the allegations, or any of them contained in sub-division "sixth" of contestant's declaration, contestee has neither knowledge nor information sufficient to form a belief; he therefore denies each and every allegation therein contained, except he admits that the election board of said precinct canvassed and returned 231 votes as having been cast for senator, of which the contestant received 87 and the incumbent contestee received 140 votes, and that the canvass and return of said board, the board of county canvassers and state canvassing board ratified, accepted and acted upon in declaring the incumbent elected; but he denies that the action and conduct of said judges of election and board of canvassers of said precinct was in any manner illegal or in violation of law; and further answering contestee says that the ballots canvassed and returned from said precinct as having been cast for contestant and contestee were the ballots and all the ballots so voted at said election, and were canvassed and returned as voted.

Further answering, contestee says that if it is true, as alleged by contestant, that said judges of election and board of canvassers on the day of election closed the polls and adjourned from 12 o'clock noon until 1 o'clock P. M., and then again for one hour from 6 o'clock P. M. until 7 o'clock P. M.—then, contestee says, that such irregularity on the part of the board worked no prejudice or injury to any one and did not vitiate the election in said precinct; that no voter in said precinct was deprived of voting by reason of said adjournment; that the ballot box and the ballots voted were in no manner changed, altered or tampered with, and that the ballots canvassed by said board were the ballots voted, and all the ballots voted in said precinct at said election, and were canvassed and returned as voted.

*Ninth.*—As to the truth of the allegations contained in sub-division "seventh" of contestant's declaration, contestee has neither knowledge or information sufficient to form a belief; he therefore denies the same, except he admits that said election board of said precinct canvassed and returned 261 ballots as having been cast for senator, of which the contestant received 92 and the incumbent, contestee, received 168 votes, and that the canvass of said board and returns, the board of county canvassers and state canvassing board, ratified, accepted and acted upon in declaring incumbent, contestee, elected; but he denies that the action and conduct of said judges of election and board of canvassers of said precinct was in any manner illegal or in violation of law, and further answering contestee says that the ballots canvassed and returned from said precinct as having been cast for contestant and contestee, were the ballots so voted at said election.

Further answering, contestee says that if it is true as alleged by contestant that the judges of election and board of canvassers in said precinct closed the polls from 12 o'clock noon to 1 o'clock P. M. on election day, and again for one hour from 6 o'clock P. M. until 7 o'clock P. M. of said day, then, contestee says that such irregularity on the part of the board worked no prejudice or injury to any one and did not vitiate the election in said

precinct; that no voter was prevented from voting by reason of said adjournment; that the ballot box and ballots voted were in no manner changed, altered or tampered with, and that the ballots canvassed and returned by said board were the ballots voted and all the ballots voted at said election and were canvassed and returned as voted.

*Tenth.*—He denies each and every allegation contained in sub-division “eighth” of contestant’s declaration.

*Eleventh.*—He denies each and every allegation contained in sub-division “ninth” of contestant’s declaration.

*Twelfth.*—He denies each and every allegation contained in the “tenth” sub-division of contestant’s declaration.

*Thirteenth.*—He admits that the canvass and returns from the several voting precincts mentioned in contestant’s declaration were each and all of them affirmed, accepted and acted upon by the board of county canvassers and board of state canvassers in declaring the incumbent elected; but he denies that there were any errors or mistakes against contestant therein, which if corrected and said ballots correctly canvassed would give to said contestant a greater number of votes for senator than were canvassed and returned for him, or to contestee a less number of votes than were canvassed and returned for him.

*Fourteenth.*—Contestee, further answering, says that he denies each and every allegation contained in said declaration of contestant not herein admitted or otherwise answered.

*Fifteenth.*—Contestee, further answering, says that all the matters and things charged by the contestant in the second, fifth, sixth and seventh sub-divisions of his declaration, above referred to, are insufficient in law to warrant this honorable Senate in rejecting the votes or returns from any of said precincts; that all the things done by said judges of election and board of canvassers was by them done in the most perfect good faith; and the conduct of the election, canvass of the votes, and the making of and certifying to the returns from each of said precincts by the judges of election and boards of canvassers thereof, were just and true and a substantial compliance with the law governing our elections.

That the charges made by contestant in his statement of contest against the judges of election and boards of canvassers are clearly insufficient in law, and clearly manifest a disposition on the part of the said contestant to gain possession of the honorable office of state senator by the fimsiest and most unwarrantable technicalities, and in defiance of the plainly expressed will of the people.

*Sixteenth.*—Contestee denies that there were errors made by the board of canvassers against the contestant in the canvass of the votes of the several precincts referred to in contestant’s declaration of contest; denies that any votes were counted for this incumbent which ought not to have been so counted in any of the several precincts referred to by the contestant in his declaration of contest; denies that any of the votes counted for this incumbent contain distinguishing or identifying marks; denies that any of the votes cast for the contestant were rejected by the boards of canvassers in any of the several precincts referred to in contestant’s declaration of contest that should have been received and counted for him; denies each and every other matter and thing in said declaration of contest alleged.



*Seventeenth.*—Further answering contestant's declaration of contest, contestee avers that upon a true, careful and complete canvass of all the votes cast in each and every precinct of the said eighteenth senatorial district of Iowa, this incumbent will have a majority of more than 200 votes over said contestant, for that the board of canvassers of the several precincts of the said district, in their canvass of the vote in the respective precincts, refused and failed to count for contestee votes to the number of not less than 200, which were legally and lawfully cast for contestee, wherein the plain and manifest intention of the voter was to cast his ballot for this contestee, which ballots were by the said canvassers rejected because of some unimportant defect in the marking and depositing of each of said ballots; that, though the rejection of said votes was not because of any desire on the part of the boards of canvassers to reject any lawful vote cast for this incumbent, the law governing the counting and canvassing of the ballots at said election had not been in force for a time sufficient to enable the said canvassers to acquaint themselves with their duties in respect thereto; that contestee is unable to state how many of such votes were rejected in each of the several precincts in said district, but avers that the total number is not less than as above stated, and that each of said 200 votes should have been counted for this contestee, because they were legal in form, properly deposited and clearly manifested an intent on the part of the voters of said district to reject the contestant for the office of state senator, and confer the same upon this contestee.

*Eighteenth.*—Further answering, contestee says that the judges of election and board of canvassers in the precinct known and designated as Franklin township, in Cass county, Iowa, contrary to and in violation of law, after the polls were closed on election day and before commencing to canvass the vote, adjourned for one-half hour, and the said judges of election and the members of said canvassing board separated, leaving the ballot box containing the votes that had been voted that day unsealed and unguarded by anyone authorized by law to take charge thereof.

That during all of this time said ballot box and the votes therein contained were exposed to all persons who might be inclined to meddle with, change, alter or tamper with the ballots contained in said box, and persons other than the judges of election and canvassing board had access to said ballot box and said ballots.

That by reason of said facts it cannot be known that said ballots canvassed and returned from said precinct as having been cast for the contestant and incumbent were the ballots so voted at said election, and contestee avers that the election in said precinct was vitiated thereby and became and is void, and the returns therefrom are of no validity or effect and ought not to have been counted, canvassed and returned.

That said election board of said precinct canvassed and returned 235 votes as having been cast for senator, of which the contestant received 128 and the contestee 99 votes, which illegal conduct and canvass of said board and returns the board of county canvassers and state canvassing board ratified, accepted and acted upon in declaring that the contestant received 4,068 votes and the contestee received 4,090 votes.

*Nineteenth.*—Further answering, contestee says: That the judges of election and board of canvassers in the precinct known and designated as Bear Grove township, in Cass county, Iowa, contrary to and in violation

of law, after the polls were closed on the day of election and before commencing to canvass the vote adjourned for one hour, during which time the members of the board separated and went away, leaving the ballot box unlocked and unsealed and unguarded by any person authorized by law to take charge thereof and to protect the same, and thereby exposed said box and the ballots therein contained to all persons who might be inclined to tamper with the same and to change or alter the ballots.

Wherefore contestee says that by reason of said facts it cannot be known that the ballots so canvassed and returned from said precinct as having been cast for the contestant and incumbent were the ballots so voted at said election.

That said election board of said precinct canvassed and returned 178 votes as having been cast for senator, of which contestant received 86 and contestee 75, which illegal conduct and canvass of said board and returns the board of county canvassers and state canvassing board ratified, accepted and acted upon in declaring that contestant received 4,068 votes and the contestee 4,090 votes.

That by reason of the aforesaid illegal and unlawful conduct of the judges of election and canvassing board of said precinct, said ballot box was exposed to all persons who felt inclined to tamper with, alter or change the votes therein contained.

Wherefore said contestee says that said ballots ought not to be canvassed and counted.

*Twentieth.*—That the judges of election and board of canvassers in the precinct known and designated as Noble township in Cass county, Iowa, contrary to, and in violation of law, after closing the polls and before commencing to canvass the vote, adjourned and separated during which time the ballot box containing the votes voted at said precinct was left unguarded by any one authorized by law to take charge thereof and protect the same, and during which time said ballot box containing said ballots as aforesaid, together with the poll books, were not in the possession of or under the control of said judges of election or board of canvassers. That by reason of said facts it cannot be known that the ballots so canvassed and returned from said precinct as having been cast for contestant and contestee were the ballots so voted at said election, and contestee avers that the election in said precinct was vitiated, thereby became, and is void and the returns therefrom are of no validity or effect and ought not to have been counted, canvassed and returned.

That said election board of said precinct canvassed and returned 173 votes as having been cast for senator, of which contestant received ninety-four votes and contestee sixty-four, which illegal conduct and canvass of said board and returns the board of county canvassers and state canvassing board ratified, accepted and acted upon in declaring that contestant received 4,068 votes and contestee received 4,090.

*Twenty-first.*—Further answering contestee says that the judges of election and board of canvassers in the precinct known and designated as Lincoln township, in Cass county, Iowa, failed and neglected to open the polls until 9 o'clock A. M. on the day of election. That after 9 o'clock A. M., the time when under the law said polls should have been opened, and before 9 o'clock A. M. of said day when said polls were opened, two legally qualified voters of said precinct came to the place where said election was held

and offered to vote, but were unable to cast their votes because of the fact that the polls were not open, and not being able so remain went away and did not return and did not vote at said election.

That said voters, as this contestee is informed and believes, would have cast their votes for him if said polls had been open at the time they should have been open under the law.

Therefore contestee avers that by reason of the unlawful and illegal neglect on the part of said judges of election and board of canvassers in failing to open the polls before 9 o'clock A. M. on the day of election, the voters of said precinct were not all permitted to cast their ballots at said election, and for this reason the election in said precinct is invalid and void and the votes therein cast ought not to be canvassed and counted, for it is not the result of an election at which all the voters in said precinct were permitted to cast their votes.

*Twenty-second.*—Contestee further answering says: That a large number of precincts in said senatorial district wherein the canvass and returns of the several judges of election and boards of canvassers show a majority of votes cast for contestant over contestee, irregularities similar to those set out in sub-division, second, fifth, sixth and seventh of contestants declaration were committed by the judges of election and canvassing boards, and while contestee does not admit or aver that such action and conduct on the part of said judges of election and board of canvassers were such as to invalidate the elections held in such precincts, he says that if it is found by the honorable Senate that such action and conduct on the part of the board does invalidate the elections held in such precincts, then he asks that an inquiry be made by the honorable Senate as to the action and conduct of the judges of election and board of canvassers in each and every township and voting precinct where a majority was returned for contestant over contestee.

WHEREFORE, and by reason of the premises contestee asks the honorable Senate to make a thorough and complete canvass of all the votes cast in each of the several precincts of said senatorial district of Iowa, that contestant's statement of contest be dismissed and that contestee have such other and further relief herein as to this honorable Senate seems most equitable and just.

J. M. EMMERT,  
*Incumbent.*

STATE OF IOWA, } ss.  
POLK COUNTY, }

I, J. M. Emmert, being first duly sworn according to law, depose and say that I am the incumbent contestee named in the above and foregoing answer; that I have heard the same read and to the best of my knowledge and information the allegations and statements therein contained are true as I verily believe.

[SEAL.]

J. M. EMMERT.

Subscribed in my presence and sworn to before me this eighteenth day of January, 1898.

L. F. ANDREWS,  
*Notary Public in and for Polk county, Iowa.*

Senator Carroll offered the following resolution:

*Resolved*, That all papers or documents now or hereafter presented in the matter of contest for the senatorship from the Eighteenth senatorial district be referred to a special committee of five, of which the party offering this resolution is not to be a member; that said committee shall have power to send for persons and papers and that it be requested to report within one week from this date.

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 concurrent resolution in which the concurrence of the senate is asked:

Resolution relative to printing extra copies of the report of investigating committee of state institutions.

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:

Relating to the annexation of the Hawaiian Islands.

JAS. D. ROWEN.  
*Chief Clerk.*

Senator Carney moved that the report of the committee to investigate state institutions be referred to the Committee on Ways and Means.

Carried.

Senator Carney offered the following resolution:

MR. PRESIDENT—The joint committee appointed to determine in regard to the additional help needed to facilitate the business of the Twenty-seventh General Assembly make this additional report:

That F. C. Flint of Delaware county, has found it impossible to accept the appointment as elevator tender. We therefore recommend for elevator tender in place of F. C. Flint, the name of Howard Comerford of Delaware county, to receive the same pay as the said Flint as elevator tender, and to be employed under the same conditions as fixed in the original resolution.

Respectfully submitted,

J. L. CARNEY,  
THOS. A. CHESHIRE,  
*Committee for the Senate.*  
M. K. WHELAN,  
C. F. JOHNSTON,  
HENRY H. BRIGHTON,  
*Committee for the House.*

Senator Kilburn moved that House concurrent resolution relative to the Hawaiian Islands be referred to the Committee on Federal Relations.

Carried.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the governor and ordered printed in the Journal.

*To the Senate and House of Representatives:*

It becomes my duty to inform the general assembly that I have received the resignation of Frank W. Mahin, as regent of the State university, the same taking effect on the 15th day of January, instant.

My predecessor caused notice to be published, as required by section 5626 of the code, of the intention of sundry persons, or their friends for them, to apply to the general assembly for their release from the penitentiaries of the state, in one or other of which they are now confined for the term of their natural lives. The proof of such publication not having been completed before his retirement from office, notice thereof was not communicated to the general assembly by him. Such proof now being complete, I take occasion to inform the general assembly that the papers in the cases of Theodore Bushick, John W. Elkins, James Johnson, Thomas Kelly, Jasper Mason, Otto Otten, George Stanley and Thomas Watson, are now ready for delivery to such officer or committee of the general assembly, or either house thereof, as may be authorized to receive them. The papers in the case of Bernard Kennedy are withheld for delivery at a later date, request having been made for an opportunity to make a further showing in his behalf.

Section 120 of the code of 1873, as amended by the acts of 1876 and 1880, authorized the executive council to audit and allow all bills for expenditures the incurring of which was authorized by law, and for meeting which expenses no other provision was made. The bills for publishing the notices in these pardon cases are claims of this character, and I ask that provision be made for paying the same.

While upon this subject, permit me to urge early action upon the recommendation of my predecessor, regarding an appropriation for meeting the expenses incurred under authority given by chapter 7, of title 2 of the code. This is especially advisable because of the fact that bills for several thousand dollars' worth of supplies purchased by the state last fall remain unpaid, although at the time of their purchase it was expected and intended that they should be paid at once. This, as you have been advised, was not done because of the taking effect of the new code, which repealed the former laws providing for the payment of such bills, while no action was taken by the general assembly towards supplying the place for the time being of the disappearing provisions.

L. M. SHAW.

Senator Pusey moved that so much of the governor's message as relates to pardons be referred to Committee on Penitentiaries and Pardons, and so much as relates to appropriations be referred to Committee on Appropriations.

Carried.

Senator Carney moved to take up House messages.

Carried.

## HOUSE MESSAGES

Concurrent resolution in relation to printing extra copies of the report of the investigating committee on state institutions was taken up, read and considered.

The question being on the adoption of the resolution, it was not concurred in.

Senator Garst moved that the vote by which the concurrent resolution was lost be reconsidered.

Carried.

Senator Garst moved that the concurrent resolution be referred to the Committee on Printing.

Carried and so ordered.

## BILLS ON THIRD READING.

Senate file No. 5, a bill for an act to amend section 3948 of the code, relating to garnishment, was called up, and on motion by Senator Finch, report of the committee was adopted.

The bill was read section by section for amendments.

Senator Cheshire moved to strike out of the title the figures "3948," and insert in lieu thereof the words "three thousand nine hundred and forty-eight."

Adopted.

Senator Cheshire moved to strike out of line 1, section 1, the figures "3948," and insert the words "three thousand nine hundred and forty-eight."

Adopted.

Senator Cheshire moved to amend section 1 of the bill by inserting after the word "by," the words "striking out the period at the end of said section, and by." Also substitute a small "a" in lieu of the capital "A" in the word "As" in the first section of the bill.

Adopted.

Senator Cheshire moved that section 2 of the bill be added as follows: "Sec. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication and passage in the Iowa State Register and Des Moines Leader, newspapers published in Des Moines, Iowa.

Adopted

Senator Cheshire 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, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Eric-

son, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—45.

The nays were:

None.

Absent or not voting:

Senators Byers, Eaton, Hayward, Lyons, Trewin—5.

So the bill was declared to have passed the Senate and its title agreed to.

Senator Ranck moved that Senate file No. 11, a bill for an act to amend section No. 511 of the code of Iowa, relating to fees and compensation of sheriffs, be taken up.

Carried.

Senator Blanchard withdrew the amendment offered by him yesterday.

Senator Ranck moved that the rules be suspended, the bill be considered engrossed and read the third time now, and put upon its final passage, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—44.

The nays were:

None.

Absent or not voting:

Senators Bell, Eaton, Harriman, Hayward, Lyons, Trewin—6.

So the bill passed and the title was agreed to.

The President announced the following committee on the contest in the eighteenth senatorial district, Senators Eaton, Mullan, Druet, Hurst and Ranck.

Journal of yesterday was taken up, read, corrected and approved.

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

R. R. Robinson, Committee on Congressional and Judicial Districts.

Lois M. Rigby, Committee on Federal Relations.

Senator Malloy moved that the Senate do now adjourn.

Carried.

Senate adjourned.



SENATE CHAMBER,  
DES MOINES, Iowa, Thursday, January 20, 1898. }

Senate convened at 10 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. J. W. Hackley of Muscatine, Iowa.

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

J. T. Lanigan, Public Libraries; Emma Stanley, Building and Loan.

#### INTRODUCTION OF BILLS.

By Senator Carney, Senate file No. 48, a bill for an act making appropriation for the support of the Iowa Soldiers' home at Marshalltown, Iowa, for the construction of certain buildings and making certain improvements.

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

By Senator Carney, Senate file No. 49, a bill for an act to establish and maintain a fire department in cities of the second class.

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

By Senator Carney, Senate file No. 50, a bill for an act providing for compensation of members of the joint committee appointed at the extra session of the Twenty-sixth General Assembly for the purpose of investigating the state institutions.

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

By Senator Gorrell, Senate file No. 51, a bill for an act to amend section 1312, chapter 1, title 2 of the code, relating to the assessment and listing of property for taxation and to provide for listing and taxing mortgages on real estate.

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

By Senator Palmer, Senate file No. 52, a bill for an act to amend title 10, chapter 10 of the code, in respect to the regulation of automatic couplers required to be used by railways in this state.

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

By Senator Hobart, Senate file No. 53, a bill for an act to amend section 2071 of the code, relating to liability for injuries to employes.

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

By Senator Allyn, Senate file No. 54, a bill for an act to amend section 2943 of the code, in regard to the taking and certifying of acknowledgments of written instruments.

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

By Senator Cheshire, Senate file No. 55, a bill for an act making appropriation for Benedict home at Des Moines, Iowa.

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

Senator Carney introduced the following resolution, and asked that it lay over under the rules.

*Resolved*, That two hundred additional copies of Senate file No. 23 be printed.

Withdrawn.

Senator Harriman offered the following resolution and moved its adoption.

*Resolved*, That the Secretary of the Senate be authorized and he is hereby instructed to procure appropriate badges for the sergeant-at-arms, chief doorkeeper, assistant doorkeepers and messengers of the Senate.

Adopted.

Senator Carney offered the following concurrent resolution:

*Resolved by the Senate, the House concurring*, That a joint convention be held in the House of Representatives on Friday, January 21st at 11:30 A. M., for the purpose of electing a state printer, state binder, and wardens of the state penitentiaries at Ft. Madison and Anamosa.

Laid over.

#### REPORT OF JOINT COMMITTEE.

Senator Berry, from joint committee appointed to select a mail carrier, reported as follows:

MR. PRESIDENT—Your committee, appointed by the Senate and House to select a mail carrier, report that they have had the matter of the election of a mail carrier under consideration; and have selected T. C. Gregg of Calhoun county for the position of mail carrier of the Twenty-seventh General Assembly from this time until, and including the 23d day of February, 1898; and have selected C. S. Litsenberg of Warren county for said position from and after the 23d day of February.

W. H. BERRY,

*Chairman Senate Committee.*

J. F. LAVENDER,

*Chairman House Committee.*

Adopted.

#### REPORT OF STANDING COMMITTEE.

Senator Hobart from the Committee on Compensation of Public Officers, submits the following report:

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred Senate file No. 26, a bill for an act to provide fees for certain services for justices of the peace, beg leave to report 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.

A. C. HOBART,

*Chairman.*

Report of the committee adopted.

Journal of yesterday 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 concurrent resolution in which the concurrence of the Senate is asked, relative to state institutions visiting committees.

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 House was asked: Senate substitute for House concurrent resolution, relative to printing extra copies of the special report of the committee appointed to investigate state institutions.

JAS. D. ROWEN,

*Chief Clerk.*

Passed on file.

Senator Hotchkiss moved to take up House messages.  
Carried.

## HOUSE MESSAGES.

Concurrent resolution relative to state institution visiting committees, was taken up, read and referred to Committee on Charitable Institutions.

Senator Ericson moved that the Senate do now adjourn.  
Carried.

Senate adjourned.

The following list shows the committee assignments of the various members of the Senate:

ALEXANDER.....	{	Banks—Chairman. Appropriations. Cities and Towns. Schools. Penitentiaries and Pardons. Elections.
ALLYN.....	{	Commerce—Chairman. Appropriations. Suppression of Intemperance. Insurance. Banks. Pharmacy.
BELL.....	{	Military—Chairman. Railroads. Agriculture. Mines and Mining. Manufactures.
BERRY.....	{	Charitable Institutions—Chairman. Ways and Means. Appropriations. Suppression of Intemperance. Senatorial and Representative Districts. Educational Institutions. Enrolled Bills.
BLANCHARD.....	{	Constitutional Amendments and Suffrage—Chairman. Judiciary. Railroads. Mines and Mining. Public Health. Military. Corporations.
BOLTER.....	{	Judiciary. Constitutional Amendments and Suffrage. Banks. Senatorial and Representative Districts. Penitentiaries and Pardons. Federal Relations.
BYERS.....	{	Labor—Chairman. Railroads. Congressional and Judicial Districts. Insurance. Schools. Pharmacy. Claims.

CARNEY .....	{ Pharmacy—Chairman. Ways and Means. Cities and Towns. Constitutional Amendments and Suffrage. Building and Loan Associations. Highways. Commerce.
CARBOLL .....	{ Mines and Mining—Chairman. Ways and Means. Agriculture. Schools. Penitentiaries and Pardons. Printing. Elections.
CHESHIRE .....	{ Judiciary—Chairman. Cities and Towns. Building and Loan Associations. Mines and Mining. Public Health. Educational Institutions. Charitable Institutions.
CRAIG .....	{ Insurance—Chairman. Railroads. Labor. Compensation of Public Officers. Military. Claims.
DRUET .....	{ Public Health—Chairman. Railroads. Suppression of Intemperance. Schools. Mines and Mining. Pharmacy.
EATON .....	{ Elections—Chairman. Judiciary. Constitutional Amendments and Suffrage. Schools. Senatorial and Representative Districts. Public Health. Penitentiaries and Pardons.
ELLISON .....	{ Educational Institutions—Chairman. Judiciary. Congressional and Judicial Districts. Agriculture. Constitutional Amendments and Suffrage. Charitable Institutions.
EMMERT .....	{ Railroads. Insurance. Mines and Mining. Public Health. Pharmacy. Commerce.
ERICSON .....	{ Claims—Chairman. Ways and Means. Cities and Towns. Labor. Building and Loan Associations. Banks. Educational Institutions.

EVERALL -----	{	Ways and Means. Appropriations. Agriculture. Banks. Compensation of Public Officers. Military. Claims.
FINCH -----	{	Engrossed Bills—Chairman. Judiciary. Cities and Towns. Suppression of Intemperance. Schools. Senatorial and Representative Districts. Pharmacy. Rules.
FUNK -----	{	Ways and Means—Chairman. Appropriations. Labor. Senatorial and Representative Districts. Printing. Public Buildings.
GARST -----	{	Appropriations—Chairman. Congressional and Judicial Districts. Labor. Highways. Penitentiaries and Pardons. Commerce.
GILBERTSON -----	{	Public Lands—Chairman. Ways and Means. Suppression of Intemperance. Labor. Banks. Senatorial and Representative Districts. Public Buildings.
GORRELL -----	{	Appropriations. Congressional and Senatorial Districts. Mines and Mining. Public Health. Pharmacy. Public Buildings.
HARRIMAN -----	{	Agriculture—Chairman. Appropriations. Suppression of Intemperance. Senatorial and Representative Districts. Highways. Pharmacy. Claims. Public Lands.
HEALY -----	{	Corporations—Chairman. Ways and Means. Judiciary. Constitutional Amendments and Suffrage. Public Health. Printing. Commerce.

HAYWARD -----	{	Federal Relations—Chairman. Ways and Means. Railroads. Cities and Towns. Highways. Pharmacy. Fish and Game.
HOBART -----	{	Compensation of Public Officers—Chairman. Judiciary. Railroads. Insurance. Building and Loan Associations. Senatorial and Representative Districts. Federal Relations. Charitable Institutions. Corporations.
HOSPERS -----	{	Rules—Chairman. Appropriations. Suppression of Intemperance. Congressional and Judicial Districts. Insurance. Banks. Public Buildings.
HOTCHKISS -----	{	Printing—Chairman. Appropriations. Congressional and Judicial Districts. Constitutional Amendments and Suffrage. Compensation of Public Officers. Military.
HURST -----	{	Railroads. Congressional and Judicial Districts. Agriculture. Public Health. Military. Charitable Institutions.
JUNKIN -----	{	Building and Loan Associations—Chairman. Ways and Means. Judiciary. Congressional and Judicial Districts. Compensation of Public Officers. Printing. Charitable Institutions. Fish and Game.
KILBURN -----	{	Highways—Chairman. Appropriations. Agriculture. Educational Institutions. Military. Claims.
LEWIS -----	{	Public Buildings—Chairman. Appropriations. Suppression of Intemperance. Insurance. Schools. Mines and Mining. Educational Institutions. Manufactures.

LOTHROP.....	{ Senatorial and Representative Districts—Chairman. Judiciary. Cities and Towns. Constitutional Amendments and Suffrage. Military. Horticulture and Forestry.
LYONS.....	{ Appropriations. Suppression of Intemperance. Labor. Highways. Penitentiaries and Pardons. Horticulture and Forestry.
MCARTHUR.....	{ Fish and Game—Chairman. Ways and Means. Railroads. Congressional and Judicial Districts. Public Health. Federal Relations. Manufactures. Corporations.
MCINTIRE.....	{ Appropriations. Cities and Towns. Schools. Senatorial and Representative Districts. Printing. Manufactures. Engrossed Bills.
MALLOY.....	{ Judiciary. Cities and Towns. Compensation of Public Officers. Printing. Federal Relations. Rules. Enrolled Bills.
MITCHELL.....	{ Penitentiaries and Pardons—Chairman. Judiciary. Cities and Towns. Agriculture. Compensation of Public Officers. Military.
MULLAN.....	{ Manufactures—Chairman. Judiciary. Congressional and Judicial Districts. Constitutional Amendments and Suffrage. Insurance. Federal Relations. Claims.
PALMER.....	{ Railroads—Chairman. Agriculture. Insurance. Mines and Mining. Highways. Horticulture and Forestry.



PENROSE .....	{	Ways and Means. Railroads. Cities and Towns. Constitutional Amendments and Suffrage. Building and Loan Associations. Banks. Senatorial and Representative Districts. Educational Institutions.
PERRIN .....	{	Suppression of Intemperance—Chairman. Ways and Means. Insurance. Highways. Federal Relations. Rules.
PUSEY .....	{	Cities and Towns—Chairman. Judiciary. Banks. Public Health. Charitable Institutions. Public Libraries.
RANCK .....	{	Public Libraries—Chairman. Judiciary. Railroads. Cities and Towns. Schools. Building and Loan Associations. Educational Institutions. Elections.
TITUS .....	{	Enrolled Bills—Chairman. Appropriations. Cities and Towns. Schools. Public Health. Elections. Commerce.
TREWIN .....	{	Schools—Chairman. Judiciary. Appropriations. Cities and Towns. Building and Loan Associations. Rules. Public Libraries.
WALLACE .....	{	Horticulture and Forestry—Chairman. Ways and Means Suppression of Intemperance. Agriculture. Labor. Charitable Institutions.
WILSON .....	{	Ways and Means. Railroads Suppression of Intemperance. Insurance Building and Loan Associations. Highways. Elections. Commerce. Corporations.

YOUNG of Lee.....	{	Ways and Means. Constitutional Amendments and Suffrage. Labor. Educational Institutions. Charitable Institutions. Public Lands.
YOUNG of Del'w're	{	Congressional and Judicial Districts—Chairman. Railroads. Suppression of Intemperance. Agriculture. Elections. Horticulture and Forestry. Engrossed Bills.

SENATE CHAMBER,  
DES MOINES, Iowa, Friday, January 21, 1898. }

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

Prayer was offered by Rev. Evert G. Beyer of Hazelton, Iowa.

PETITIONS AND MEMORIALS.

Senator Junkin presented petition of Frank Campbell *et al.*, relating to railway mileage.

Referrrd to Committee on Railways.

Senator McArthur presented memorial of the board of park commissioners of Burlington, relating to the management of public parks.

Referred to Committee on Cities and Towns.

INTRODUCTION OF SENATE BILLS.

By Senator Junkin, Senate file No. 56, a bill for an act to amend section 1898 of the code, relating to building and loan associations.

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

By Senator Titus, Senate file No. 57, a bill for an act to amend section 1371 of the code, relating to the duty of township, city and town assessors.

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

By Senator Hayward, Senate file No. 58, a bill for an act to amend section 2582 of the code, and relating to the admission to practice of students of the medical department of the State university.

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

By Senator Malloy, Senate file No. 59, a bill for an act to amend section 2297 of the code, relating to the liability of estates of insane or idiotic persons, and estates of persons

legally bound for their support, to the county for any sums paid by it for treatment or confinement of such insane or idiotic persons.

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

By Senator Finch, Senate file No. 60, a bill for an act to amend section 2979 of the code, relating to the platting of homestead.

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

By Senator Emmert, Senate file No. 61, a bill for an act to amend section 2568 and section 2570, chapter 16, title 12, page 890 of the code, in relation to the state board of health.

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

By Senator McArthur, Senate file No. 62, a bill for an act to abolish poll tax in cities and towns and to repeal sections 891, 892 and 893 of the code.

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

By Senator McIntire, Senate file No. 64, a bill for an act to legalize a conveyance by the independent school district of Ottumwa, Iowa, to John F. Rugg.

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

By Senator McArthur, Senate file No. 63, a bill for an act to prevent the adulteration of and deception in the sale of linseed or flaxseed oil, and to regulate the sale thereof.

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

By Senator Junkin, Senate file No. 65, a bill for an act to amend section 2700 of the code, providing for the support of the institution for feeble minded children.

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

By Senator Junkin, Senate file No. 66, a bill for an act making appropriations for the institution for feeble minded children at Glenwood, Iowa.

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

By Senator Hobart, Senate file No. 67, a bill for an act making an appropriation to complete the hospital for the insane at Cherokee.

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

By Senator Pusey, Senate file No. 68, a bill for an act to amend section 859, title 5, chapter 9 of the code relating to the terms of park commissioners and providing for the extension of the terms of such commissioners as have been elected in odd numbered years.

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

By Senator Pusey, Senate file No. 69, a bill for an act to amend 668, sub-division 16, title 5, chapter 2 of the code relating to appropriations by cities of the first class.

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

By Senator Ericson, Senate file No. 70, a bill for an act making an appropriation to the State College of Agriculture and Mechanic Arts.

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

By Senator Bell, Senate file No. 71, a bill for an act to amend section 3089 of the code relating to liens.

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

#### REPORT OF SPECIAL COMMITTEE.

Senator Carroll, from the joint committee on chaplains, submits the following report:

MR. PRESIDENT—Your joint committee appointed to co-operate with the clergymen of the state in securing chaplains for the Senate and House, beg leave to report as follows:

*First.*—We recommend that the committee on the part of each house act independently in arranging for chaplain service.

*Second.*—We recommend that the per diem for serving as chaplain for either house be fixed at \$5.

B. F. CARROLL,  
*Chairman Senate Committee.*  
L. F. POTTER,  
*Chairman House Committee.*

Adopted.

Senator Carney moved to take up concurrent resolution relative to joint convention to elect wardens of penitentiaries and state printer and state binder.

Senator Ranck moved that the consideration of same be postponed until the 18th day of February.

Senator Carney moved that the motion be laid on the table.

On this the yeas and nays were demanded.

On the question, "Shall the motion be laid on the table?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Carney, Carroll, Craig, Druet, Ellison, Ericson, Finch, Funk, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Lewis, Lothrop, McArthur, Mullan, Palmer, Penrose, Pusey, Titus, Wallace—27.

The nays were:

Senators Bolter, Emmert, Everall, Gorrell, Hurst, Kilburn, Malloy, McIntire, Mitchell, Perrin, Ranck, Wilson, Young of Lee—18.

Absent or not voting:

Senators Blanchard, Byers, Cheshire, Eaton, Garst, Healy, Junkin, Lyons, Trewin, Young of Delaware—10.

So the motion was laid on the table.

The question being on the original motion the yeas and nays were demanded.

On the question, "Shall the original motion prevail?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Carney, Carroll, Craig, Druet, Ellison, Ericson, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Lewis, Lothrop, McArthur, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Wallace—30.

The nays were:

Senators Bolter, Emmert, Everall, Gorrell, Hurst, Kilburn, Malloy, McIntire, Ranck, Wilson, Young of Lee—11.

Absent or not voting:

Senators Blanchard, Byers, Cheshire, Eaton, Healy, Junkin, Lyons, Trewin, Young of Delaware—9.

So the original motion prevailed.

#### HOUSE MESSAGES.

Senate substitute for House concurrent resolution, relative to printing extra copies of the special report of the committee

appointed to investigate state institutions, was taken up, read and passed on file.

Journal of yesterday was taken up, read, corrected and approved.

Robert A. Moore, clerk of the Committee on Banks and Banking, appeared at the bar of the Senate and took the oath of office.

Senator Carney moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Saturday, January 22, 1898. }

Senate convened in regular session at 10 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. Timothy Reeves, of Des Moines, Iowa.

V. C. Miller appeared at the bar of the Senate, and was sworn in as clerk of the Committee on Educational Institutions.

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

On request of Senator Bell, leave of absence was granted Senator Hobart until Monday.

On request of Senator Druet, leave of absence was granted Senators Emmert and Hayward until Monday.

On request of Senator Harriman, leave of absence was granted Senators Young of Delaware, Gilbertson and Carney until Monday.

On request of Senator Lewis, leave of absence was granted Senator Blanchard until Monday.

#### PETITIONS AND MEMORIALS.

Senator Bell presented petition of the county officers of Jefferson county, for the appointing of a board of examiners to examine the books of county officers.

Referred to Committee on Compensation of Public Officers.

Senator Young of Lee, presented petition of Andrew Philip, *et al.*, advocating a bill to reduce railroad passenger fare in the state of Iowa to 2 cents per mile.

Referred to Committee on Railways.

Senator Wallace presented petition of citizens of Hardin county, advocating a bill to restore the name of the Iowa soldiers' orphans' home and to restore the original law relative to admission of soldiers' children.

Referred to Committee on Charitable Institutions.



## INTRODUCTION OF BILLS.

By Senator Kilburn, Senate file No. 72, a bill for an act to amend section 1659 of the code, in relation to the publication of awards by county agricultural societies.

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

By Senator Garst, Senate file No. 73, a bill for an act to make appropriation for the payment of supplies contracted for by the executive council and for supplies and other expenses.

Read first and second time and placed on the calendar.

By Senator Penrose, Senate file No. 74, a bill for an act making an appropriation for the college for the blind at Vinton, Iowa.

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

By Senator Ericson, Senate file No. 75, a bill for an act empowering and directing the state auditor to issue warrants on the state treasurer for the undrawn balance of the annual appropriations to the credit of the state college of agriculture and mechanic arts, on September 30, 1897.

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

By Senator Ericson, Senate file No. 76, a bill for an act authorizing the board of trustees of the state college of agriculture and mechanic arts, to purchase land for purposes of agricultural experimentation.

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

By Senator Byers, Senate file No. 77, a bill for an act to repeal section 2031 of the code, relating to establishing railways to lands having coal, stone or other minerals thereon, and to enact a substitute therefor.

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

By Senator Perrin, Senate file No. 78, a bill for an act to authorize the school board of the school district of Scott township, Floyd county, Iowa, to transfer certain money illegally voted, levied and raised for the purpose of building a school house to the teachers' fund of said school district.

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

By Senator Lewis, Senate file No. 79, a bill for an act to amend the road laws, and sections 1482, 1483, 1493, 1496, 1504, 1512, 1528, 1529 and 1532 of the code, and require the board of supervisors to fix the grades of all highways.

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

By Senator Mullan, Senate file No. 80, a bill for an act to amend section 407 of the code relating to the redemption of county bonds.

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

By Senator Harriman, Senate file No. 81, a bill for an act to amend section 1759 of the code relating to mutual assessment insurance associations.

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

Senator Eaton offered the following resolution:

*Resolved*, That the special committee appointed under the Carroll resolution of date January 19th, relating to the election contest in the eighteenth senatorial district, be authorized to employ a shorthand reporter to take testimony before said committee.

Adopted.

Senator Mullan offered the following resolution:

*Resolved*, That the committee on contested elections, by its chairman, be and is hereby empowered to issue subpoenas and to compel the attendance of witnesses and the production of books and papers by compulsory process in the contested case of Thos. H. Smith, contestant, v. J. M. Emmert, incumbent and contestee.

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 and concurred in the following concurrent resolution in which the concurrence of the House was asked, relating to the holding of a joint session to elect wardens of the state penitentiaries, state printer, and state binder, amended by changing the date to Tuesday, January 25, at 11:30 A. M.

JAS. D. ROWEN,  
*Chief Clerk.*

Senator Bell moved to take up House messages.

Carried.

## HOUSE MESSAGES.

Senate concurrent resolution relative to joint convention to elect wardens of state penitentiaries, state printer, and state binder.

Senator Penrose moved that the House amendment changing the date of the joint convention to Tuesday, January 25, at 11:30, be concurred in.

Senator Malloy demanded the yeas and nays on this motion.

On the question, "Shall the House amendment be concurred in," the yeas were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carroll, Cheshire, Druet, Eaton, Ellison, Ericson, Finch, Garst, Harriman, Hospers, Hotchkiss, Lewis, Lothrop, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Wallace—26.

The nays were:

Senators Bolter, Everall, Hurst, Malloy, McIntire, Ranck, Young of Lee—7.

Absent or not voting:

Senators Blanchard, Carney, Craig, Emmert, Funk, Gilbertson, Gorrell, Hayward, Healy, Hobart, Junkin, Kilburn, Lyons, McArthur, Trewin, Wilson, Young of Delaware—17.

Journal of yesterday was taken up, read, corrected and approved.

Senator Harriman moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Monday, January 24, 1898. }

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

Prayer was offered by Rev. W. M. Grafton of Des Moines, Iowa.

#### PETITIONS AND MEMORIALS.

Senator Hospers presented memorial of the Grain Shippers' association of northwest Iowa, representing 8,000 farmers and business men of northwest Iowa against railroad companies discriminating in freight rates.

Referred to Committee on Commerce.

Senator McIntire presented petitions of citizens of Wapello county in favor of amending section 2798 of the code of 1897, relating to change of boundaries of independent school district.

Referred to Committee on Schools.

Senator Young of Lee presented petition of citizens of Donnellson, Iowa, in favor of a 2-cent passenger rate.

Read and referred to Committee on Railways.

Senator Hayward presented petition of August Wentz Post No. 1, G. A. R., at Davenport, praying for the restoration of the name "Iowa Soldiers' Orphans' home," and the former laws governing the institution at Davenport.

Referred to Committee on Charitable Institutions.

Senator Alexander presented petition of Robert Mitchell Post No. 206, G. A. R., at Marion, Iowa, on the same subject.

Referred to Committee on Charitable Institutions.

#### INTRODUCTION OF BILLS.

By Senator Pusey, Senate file No. 82, a bill for an act making appropriations for the Iowa school for the deaf at Council Bluffs.

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

By Senator Hayward, Senate file No. 83, a bill for an act to repeal sections 3050, 3051 and 3052 of the code, relating to days of grace.

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

By Senator Hayward, Senate file No. 84, a bill for act to make appropriations for the orphans' home and home for destitute children.

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

By Senator McIntire, Senate file No. 85, a bill for an act to prohibit agents for school books and supplies from securing signatures from individual members of boards of directors to contracts for such books and supplies.

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

By Senator Harriman, Senate file No. 86, a bill for an act to amend sections Nos. 11 and 12 to state agricultural society.

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

By Senator Gilbertson, Senate file No. 87, a bill for an act to amend section 4538 of the code in relation to the filing of transcripts in the clerk's office.

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

By Senator Ericson, Senate file No. 88, a bill for an act to amend section 2650 of the code so as to make the fiscal year of the state college of agriculture and mechanic arts agree with the fiscal year of the state.

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

By Senator Ericson, Senate file No. 89, a bill for an act to amend section 2646 of the code, making the governor and superintendent of public instruction members ex-officio of the board of trustees of the state college of agriculture and mechanic arts.

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

#### 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:

Relating to the keeping of the capitol postoffice open on Sundays.

JAMES 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, Senate file No. 11, in which the concurrence of the senate is asked:

A bill for an act to amend section 511 of the code of Iowa, relating to fees and compensation of sheriffs.

JAS. D. ROWEN,  
*Chief Clerk.*

#### BILLS ON THIRD READING.

Senator Garst moved that Senate file No. 73 be taken up for consideration, and read for information of members.

Carried.

Senator Garst moved that the rules be suspended; that the reading just had be considered the third reading, and that the bill be considered engrossed and put upon its final passage.

Carried.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hospers, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Young of Lee—38.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Carney, Emmert, Healy, Hobart, Hotchkiss, Junkin, Mullan, Trewin, Wilson, Young of Delaware—12.

The bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

#### HOUSE MESSAGES.

Senate file No. 11, a bill for an act to amend section 511 of the code of Iowa, relating to fees and compensation of sheriffs, was taken up and House amendment read.

Senator Ranck moved that the Senate concur in the House amendment.

On the question, "Shall the Senate concur in the House amendment?" the yeas were:

Senators Alexander, Allyn, Bell, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Ever-

all, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Palmer, Penrose, Perrin, Ranck, Titus, Wallace, Young of Lee—39.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Emmert, Healy, Hobart, Mullan, Pusey, Junkin, Trewin, Wilson, Young of Delaware—11.

The House amendment was concurred in.

Concurrent resolution regarding Sunday opening of post-office was, on request of Senator Everall, laid over under the rule.

#### REPORT OF STANDING COMMITTEE.

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

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 37, a bill for an act to amend section 2308 of the code, relating to the rate of tax levy for county insane 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 the same be referred to the Committee on Ways and Means.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary to whom was referred Senate file No. 18, a bill for an act repealing section 2942 of chapter 6, title 14, of the code, relating to the conveyance of real estate and enacting a substitute 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 indefinitely postponed.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 17, a bill for an act repealing section 393, of chapter 15, title 3, of the code of Iowa, relating to the administration of oaths and enacting a substitute 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 it be amended as follows:

Amend the title by inserting the word "and" after the word "hundred," and by striking out the words "of Iowa," after the word "code."

Amend section 1, by inserting after the word "hundred," in the first line thereof, the word "and," and by striking out the words "of Iowa," after the word "code."

Amend section 2, by striking out the words "for general purposes, and to take and certify acknowledgments of written instruments," and insert a colon after the word "oaths."

Also, amend section 2, by striking out the word "and," between the words "peace" and "notaries," and place a semi-colon after the word "peace."

Also, amend section 2, by striking out the words "elsewhere as provided by law," at the end of the section, and inserting in lieu thereof, the words "in adjoining counties, in which they have filed with the clerk of the district court a certified copy of their certificate of appointment."

Amend section 3, by striking out of lines four and five of the original bill, and lines two and three of the printed bill, the words "to business they may be required by law to perform," and insert in lieu thereof the words, "in relation to any duty imposed upon them or either of them by law where the administration of an oath may be required."

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 23, a bill for an act authorizing certain officers to take and certify acknowledgments, beg leave to report 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 substituted therefor and that the substitute do pass:

A BILL for an act to amend section 2942 of chapter 6, title 14 of the code, relating to the conveyance of real estate, and providing for the acknowledgment of deeds and other instruments in writing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section 2942 of chapter 6, title 14 of the code, relating to the conveyance of real estate, be, and the same is hereby amended by adding thereto after the word "appointment" in the last line thereof, the following: "And each of the officers above named is authorized to take and certify acknowledgments of all written instruments, authorized or required by law to be acknowledged."

SEC. 2. 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 at Des Moines, Iowa.

THOS. A. CHESHIRE,  
*Chairman.*

Senator Cheshire asked that substitute for Senate file No 23 be read. There being no objection, same was read first and second time by title, and placed on file.

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

Senator Carney moved that the Senate do now adjourn.

Carried.

Senate adjourned.



SENATE CHAMBER,  
DES MOINES, Iowa, Tuesday, January 25, 1898. }

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

Prayer was offered by Rev. W. Cummings of St. Ansgar, Iowa.

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

On request of Senator Druet leave of absence was granted Senator Emmert indefinitely.

On request of Senator Everall leave of absence was granted Senator Ranck until to-morrow.

#### PETITIONS AND MEMORIALS.

Senator Titus presented petition of A. M. Taylor, Post No. 158, G. A. R., at Wapello, Iowa, praying the restoration of the name, Iowa Soldiers' Orphans' home, and the original laws governing the institution at Davenport.

Referred to Committee on Charitable Institutions.

#### INTRODUCTION OF BILLS.

By Senator Mullan, Senate file No. 90, a bill for an act amending section 2682 of the code, relating to annual appropriations for the normal school at Cedar, Falls, Iowa.

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

By Senator Mullan, Senate file No. 91, a bill for an act making appropriations for the normal school at Cedar Falls, Iowa.

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

Senator Cheshire offered the following resolution:

*Resolved*, That the President of the Senate appoint a committee to draft resolutions of condolence on the death of Hon. C. H. Gatch, late of Des Moines, Iowa, and a former member of this body, who died July 1, 1897.

Senator Cheshire moved the adoption of the resolution.

Adopted.

Chair appointed as such committee, Senators Cheshire, Funk, Everall, Berry, and Bolter.

REPORT OF COMMITTEE.

Senator Kilburn, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your Committee on Highways to whom was referred Senate file No. 34, a bill for an act requiring grass and weeds to be cut in public roads, beg leave to report 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 enclosed bill be substituted therefor, and when so substituted the bill do pass.

L. M. KILBURN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Highways to whom was referred Senate file No. 38, a bill for an act to amend section 891, chapter 11, title 5, of the code, pertaining to labor on the highways, beg leave to report 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. M. KILBURN,  
*Chairman.*

Ordered passed on file.

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. 7, a bill for an act to repeal section 1326 of the code of Iowa, in relation to stock of building and loan associations, and to enact a substitute 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 indefinitely postponed.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

HOUSE MESSAGES.

Senator Everall called up concurrent resolution, relative to the keeping open of the postoffice on Sundays.

Senator Everall moved to amend by inserting "10:30 A. M. to 9:30 A. M. and" before the words "2 to 4 P. M."

Adopted.

The concurrent resolution as amended was concurred in.

Senator Funk moved that portions of the report of investigating committee referring to support funds of state institutions be withdrawn from the Ways and Means Committee and referred to the Committee on Appropriations.

Carried.

Senator Harriman moved that Benny Hitz be made an additional page.

Carried.

Benny Hitz was duly elected and appeared at the bar of the Senate and was sworn in.

#### MESSAGE 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. 1, a bill for an act to amend section 2808 of the code of Iowa (annotated) and to provide for the manner of distributing funds in hands of county treasurers belonging in common to all schools of the county.

JAS. D. ROWEN,  
*Chief Clerk.*

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

President Milliman announced that there was an error in the arrangement of committees and stated that Senator Bell should appear on Committee on Fish and Game in lieu of Senator Junkin.

Change was made.

#### MESSAGES FROM THE HOUSE.

**MR. PRESIDENT**—I am directed to inform your honorable body that the House has passed the following bill, Senate file No. 5, in which the concurrence of the House was asked:

A bill for an act to amend section 3948 of the code, relating to garnishments.

JAS. D. ROWEN,  
*Chief Clerk.*

Also:

**MR. PRESIDENT**—I am directed to inform your honorable body that the House has passed the following bill, House file No. 45, in which the concurrence of the Senate is asked:

A bill for an act to amend section 2583, chapter 17, page 896, title 12, of the code, relating to practice of medicine.

JAS. D. ROWEN,  
*Chief Clerk.*

Senator Harriman moved that the Senate take a recess of twenty-five minutes.

Carried.

Senate reconvened at 11:25 o'clock A. M., President Milliman presiding.

A committee from the House appeared in the Senate Chamber and informed the Senate that the House was ready to receive them in joint session for the purpose of electing state printer, state binder, and wardens of the penitentiaries, whereupon the Senate adjourned to meet the House in joint session.

#### JOINT CONVENTION.

The sergeant-at-arms announced the Senate in a body, who took seats on the west side, which were vacated for their use.

Lieutenant-Governor Milliman took the chair and called the convention to order, and stated that the purpose of the meeting was the election of state printer, state binder, and wardens of the penitentiaries.

The roll was then called.

Those present were:

Messrs. Alberson, Alexander, Allyn, Anderson of Lyon, Anderson of Palo Alto, Bailey, Baker, Barrett, Beal, Bell, Berry, Bird, Blake, Blume, Bowen, Boyd, Bolter, Brighton, Bull, Byers, Carr, Carroll, Cheshire, Christie, Clark of Adams, Clark of Hamilton, Classen, Conley, Cook, Craig, Davis, Dempster, Dickens, Downing, Dows, Druet, Eaton of Mitchell, Edwards, Emmert, Emmett, Ellison, Ericson, Everall, Farley, Finch, Frink, Funk of Hardin, Garst, Gibson of Plymouth, Gibson of Union, Giesler, Gilbertson, Good, Gorrell, Hansmann, Hanson, Harbert, Harriman, Hathaway, Hauger, Hayward, Hazen, Hinkle, Hinkson, Hospers, Hotchkiss, Hughes, Hunt, Hurst, Jackson, Jaeger, Jay, Johnston, Jones, Junkin, Klemme, Kilburn, Krieger, Ladd, Lambert, Lavender, Letts, Lewis, Lyons, Madden, Malloy, McArthur, McCully, McCurdy, McGinn, McIntire, Merriam, Miller of Buena Vista, Miller of Cedar, Miller of Fayette, Miller of Warren, Mitchell, Mullan, Nabstedt, Nolan, Overfield, Palmer, Parker, Penick, Penrose, Perrin, Perrott, Potter of Bremer, Potter of Pottawattamie, Powers of Jasper, Power of Lee, Prentis, Pusey, Putnam, Ray, Reynolds, Santee, Sauer, Shambaugh, Sheean, Smith of Greene, Smith of Harrison, Stallcop, Stewart, Titus, Trewin, Van Houten, Veneman, Wallace, Wemple, Whelan, Wilson of Clinton, Wilson of Keokuk, Young of Lee—184.

Absent or not answering:

Messrs. Arnold, Blanchard, Carney, DeWolf, Eaton of Fremont, Funk of Dickinson, Healy, Hobart, Kelly, Lothrop, Nietert, Nowers, Porter, Ranck, Towner, Young of Delaware—16

Senator Young of Delaware was excused.

There being a quorum present, President Milliman announced as teller on behalf of the Senate, Senator Penrose, and the Speaker announced Mr. Anderson of Palo Alto, on behalf of the House.

Mr. Lambert moved that the election of state printer and binder be postponed until March 1st.

Mr. Van Houten moved as a substitute the following resolution and moved its adoption:

*Be it resolved by the Senate and House of Representatives of the state of Iowa, in joint convention assembled, That the following named persons are hereby declared to be duly elected to the following named positions, to-wit:*

Lafayette Young of Polk county, for state binder, for the term commencing January 1, 1899.

F. B. Conaway of Poweshiek county, for state printer, for the term commencing January 1, 1899.

N. N. Jones of Cass county, to be warden of the penitentiary at Fort Madison, Iowa, for the ensuing term.

W. A. Hunter of Benton county, to be warden of the penitentiary at Anamosa, Iowa, for the ensuing term.

Senator Malloy moved to amend by inserting Henry C. Williams in place of N. N. Jones as warden at Fort Madison, and W. H. Duggan in place of W. A. Hunter for warden at Anamosa.

Mr. Van Houten raised the point of order, stating that the amendment was not in order, it being an amendment to a substitute.

Senator Trewin raised the point of order, stating that the resolution was not germane.

The chair overruled the point of order raised by Senator Trewin.

Senator Cheshire raised the point of order, stating that the resolution was not in order on constitutional grounds.

The point of order was sustained.

Mr. Lambert and Mr. Jackson demanded the roll call on the original motion.

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

Messrs. Alberson, Allyn, Anderson of Lyon, Anderson of Palo Alto, Blume, Boyd, Bolter, Bull, Christie, Conley, Davis, Dickens, Downing, Emmert, Emmett, Everall, Farley, Garst, Gorrell, Hansmann, Hathaway, Hazen, Hinkson, Hunt, Hurst, Jackson, Jay, Kelly, Kilburn, Krieger, Lambert, Lyons, Madden, Malloy, McCully, McGinn, McIntire, Nolan, Penick, Porter, Potter of Bremer, Powers of Jasper, Power of Lee, Reynolds, Sauer, Sheean, Smith of Greene, Smith of Harrison, Wilson of Clinton, Wilson of Keokuk, Young of Lee—50.

The yeas were:

Messrs. Alexander, Bailey, Baker, Barrett, Beal, Bell, Berry, Bird, Blake, Bowen, Brighton, Byers, Carr, Carroll, Cheshire, Clark of Adams, Clark of Hamilton, Classen, Cook, Craig, Dempster, Dows, Druet, Eaton of Fremont, Eaton of Mitchell, Edwards, Ellison, Ericson, Finch, Frink, Funk of Hardin, Gibson of Plymouth, Gibson of Union, Giesler, Gilbertson, Good, Hanson, Harbert, Harriman, Hauger, Hayward, Hinkle, Hoppers, Hotchkiss, Hughes, Johnston, Jones, Junkin, Klemme, Ladd, Lavender, Letts, Lewis, McArthur, McCurdy, Merriam, Miller of Buena Vista, Miller of Cedar, Miller of Fayette, Miller of Warren, Mitchell, Mullan, Nabstedt, Overfield, Palmer, Parker, Penrose, Perron, Perrott, Potter of Pottawattamie, Prentis, Pusey, Putnam, Ray, Santee, Shambaugh, Stallcop, Stewart, Titus, Trewin, Van Houten, Veneman, Wallace, Wemple, Whelan—85.

Absent or not voting:

Messrs. Arnold, Blanchard, Carney, DeWolf, Funk of Dickinson, Healy, Hobart, Jaeger, Kelly, Lothrop, Nietert, Nowers, Ranck, Towner, Young of Delaware—15.

So the motion was lost.

Senator McArthur moved that we proceed to elect state binder.

The vote for Lafayette Young for state binder resulted as follows:

The yeas were:

Messrs. Alexander, Allyn, Bailey, Baker, Barrett, Beal, Bell, Berry, Bird, Blake, Bowen, Brighton, Byers, Carr, Carroll, Cheshire, Clark of Adams, Clark of Hamilton, Classen, Cook, Craig, Dempster, Dickens, Dows, Druet, Eaton of Fremont, Eaton of Mitchell, Edwards, Ellison, Ericson, Finch, Frink, Funk of Hardin, Garst, Gibson of Plymouth, Gibson of Union, Giesler, Gilbertson, Good, Hanson, Harbert, Harriman,

Hauger, Hayward, Hinkle, Hospers, Hotchkiss, Hughes, Johnston, Jones, Junkin, Klemme, Kilburn, Ladd, Lavender, Letts, Lewis, McArthur, McCurdy, Merriam, Miller of Buena Vista, Miller of Cedar, Miller of Fayette, Miller of Warren, Mitchell, Mullan, Nabstedt, Overfield, Palmer, Parker, Penrose, Perrin, Perrott, Potter of Pottawattamie, Prentis, Pusey, Putnam, Ray, Santee, Shambaugh, Smith of Greene, Stallcop, Stewart, Titus, Trewin, Van Houten, Veneman, Wallace, Wemple, Whelan, Wilson of Keokuk—91.

Absent and not voting:

Messrs. Alberson, Anderson of Lyon, Anderson of Palo Alto, Arnold, Blanchard, Blume, Boyd, Bolter, Bull, Carney, Christie, Conley, Davis, DeWolf, Downing, Emmert, Emmett, Everall, Farley, Funk of Dickinson, Gorrell, Hansmann, Hathaway, Hazen, Healy, Hinkson, Hobart, Hunt, Hurst, Jackson, Jaeger, Jay, Kelly, Krieger, Lambert, Lothrop, Lyons, Madden, Malloy, McCully, McGinn, McIntire, Nietert, Nolan, Nowers, Penick, Porter, Potter of Bremer, Powers of Jasper, Power of Lee, Ranck, Reynolds, Sauer, Sheean, Smith of Harrison, Towner, Wilson of Clinton, Young of Delaware and Young of Lee—59.

Vote duly verified.

Mr. Young having received a majority of the votes cast was declared elected to the office of state binder for the ensuing term.

Senator Lewis nominated F. R. Conaway for state printer  
Seconded by Mr. Ladd.

On the roll call for state printer, the members voting for F. R. Conaway were:

Messrs. Alexander, Allyn, Bailey, Baker, Barrett, Beal, Bell, Berry, Bird, Blake, Bowen, Brighton, Byers, Carr, Carroll, Cheshire, Clark of Adams, Clark of Hamilton, Classen, Cook, Craig, Dempster, Dickens, Dows, Druet, Eaton of Fremont, Eaton of Mitchell, Edwards, Ellison, Ericson, Finch, Frink, Funk of Hardin, Garst, Gibson of Plymouth, Gibson of Union, Giesler, Gilbertson, Good, Hanson, Harbert, Harriman, Hathaway, Hauger, Hayward, Hinkle, Hospers, Hotchkiss, Hughes, Jaeger, Johnston, Jones, Junkin, Klemme, Kilburn, Ladd, Lavender, Letts, Lewis, McArthur, McCurdy, Merriam, Miller of Buena Vista, Miller of Cedar, Miller of Fayette, Miller of Warren, Mitchell, Mullan, Nabstedt, Overfield, Palmer, Parker, Penrose, Perrin, Perrott, Potter of Pottawat-

tamie, Prentis, Pusey, Putnam, Ray, Santee, Shambaugh Smith of Greene, Stallcop, Stewart, Titus, Trewin, Van Houten, Veneman, Wallace, Wemple, Whelan, Wilson of Keokuk—92.

Absent or not voting:

Messrs. Alberson, Anderson of Lyon, Anderson of Palo Alto, Arnold, Blanchard, Blume, Boyd, Bolter, Bull, Carney, Christie, Conley, Davis, DeWolf, Downing, Emmert, Emmett, Everall, Farley, Funk of Dickinson, Gorrell, Hansmann, Hathaway, Hazen, Healy, Hinkson, Hobart, Hunt, Hurst, Jackson, Jay, Kelly, Krieger, Lambert, Lothrop, Lyons, Madden, Malloy, McCully, McGinn, McIntire, Nietert, Nolan, Nowers, Penick, Porter, Potter of Bremer, Powers of Jasper, Power of Lee, Ranck, Reynolds, Sauer, Sheean, Smith of Harrison, Towner, Wilson of Clinton, Young of Delaware, Young of Lee—58.

Vote duly verified.

Mr. Conaway having received a majority of the votes cast was declared elected to the office of state printer for the ensuing term.

The following explanations of votes were given:

**MR. PRESIDENT**—I decline to vote for any candidate for either state printer or state binder because I believe that said offices should be abolished and the state printing and binding be let under the contract system.

THOS. A. LAMBERT.

**MR. CHAIRMAN OF THE JOINT CONVENTION**—I decline to vote upon the question of the election of state printer and binder, believing, as I do, that said offices should be abolished and the contract system adopted.

J. A. PENICK.

**MR. PRESIDENT**—I decline to vote or take any part in the joint convention looking to the election of state printer and binder, as I am thoroughly convinced that said offices should be abolished and the contract system adopted.

F. O. HINKSON.

**MR. SPEAKER**—In explaining my vote I wish to go on record with the thousands of laboring men of the state who are opposed to contract labor. Iowa's fair name has not been so far stained with contract labor by her state officials and I hope it never will be. I am opposed in politics to the present state printer, but in the absence of a candidate of my own political faith, I vote for F. R. Conaway, desiring thus to put the seal of condemnation upon contract labor and repudiation.

I believe the state should be honest in carrying out its promises to its officials as it expects them to be with their fellow men.

LOUIS M. JAEGER.

Mr. Merriam nominated Mr. Jones for warden of Ft. Madison penitentiary.



Senator McIntire nominated H. C. Williams.

On the roll being called, the members voting for N. N. Jones were:

Messrs. Alexander, Allyn, Bailey, Baker, Barrett, Beal, Bell, Berry, Bird, Blake, Bowen, Brighton, Byers, Carr, Carroll, Cheshire, Clark of Adams, Clark of Hamilton, Classen, Cook, Craig, Dempster, Dickens, Dows, Druet, Eaton of Fremont, Eaton of Mitchell, Edwards, Ellison, Ericson, Farley, Finch, Frink, Funk of Hardin, Garst, Gibson of Plymouth, Gibson of Union, Geisler, Gilbertson, Good, Hanson, Harbert, Harriman, Hauger, Hayward, Hinkle, Hotchkiss, Hughes, Johnston, Jones, Junkin, Klemme, Kilburn, Ladd, Lavender, Letts, Lewis, McArthur, McCurdy, Merriam, Miller of Buena Vista, Miller of Cedar, Miller of Fayette, Miller of Warren, Mitchell, Mullan, Nabstedt, Overfield, Palmer, Parker, Penrose, Perrin, Perrott, Potter of Pottawattamie, Prentis, Pusey, Putnam, Ray, Santee, Shambaugh, Smith of Greene, Stallcop, Stewart, Titus, Trewin, Van Houten, Veneman, Wallace, Wemple, Whelan, Wilson of Keokuk—91.

Those voting for Mr. Williams were:

Messrs. Alberson, Anderson of Lyon, Blume, Boyd, Bolter, Bull, Christie, Conley, Davis, Emmert, Emmett, Everall, Gorrell, Hansmann, Hathaway, Hunt, Hurst, Jaeger, Jay, Krieger, Lambert, Lyons, Madden, Malloy, McCully, McGinn, McIntire, Nolan, Penick, Porter, Potter of Bremer, Powers of Jasper, Power of Lee, Reynolds, Sauer, Sheean, Smith of Harrison, Wilson of Clinton, Young of Lee—39.

Absent or not voting:

Messrs. Anderson of Palo Alto, Arnold, Blanchard, Carney, De Wolf, Downing, Funk of Dickinson, Hazen, Healy, Hinkson, Hobart, Hospers, Jackson, Kelly, Lothrop, Nietert, Nowers, Ranck, Towner, Young of Delaware—20.

Roll call verified.

N. N. Jones, having received a majority of the votes cast, was declared duly elected as warden of the penitentiary at Fort Madison.

Senator Penrose nominated W. A. Hunter as warden of the Anamosa penitentiary.

Senator Malloy nominated W. H. Duggan of Dubuque county. The roll was called, with the following results.

Those voting for Mr. Hunter were:

Messrs. Alexander, Allyn, Bailey, Baker, Barrett, Beal, Bell, Berry, Bird, Blake, Bowen, Brighton, Byers, Carr, Carroll, Cheshire, Clark of Adams, Clark of Hamilton, Classen, Cook, Craig, Dempster, Dickens, Dows, Druet, Eaton of Fremont, Eaton of Mitchell, Edwards, Ellison, Ericson, Finch, Frink, Funk of Hardin, Garst, Gibson of Plymouth, Gibson of Union, Giesler, Gilbertson, Good, Gorrell, Hanson, Harbert, Harriman, Hauger, Hayward, Hinkle, Hotchkiss, Hughes, Johnston, Jones, Junkin, Klemme, Kilburn, Ladd, Lavender, Letts, Lewis, McArthur, McCurdy, McGinn, Merriam, Miller of Buena Vista, Miller of Cedar, Miller of Fayette, Miller of Warren, Mitchell, Mullan, Nabstedt, Overfield, Palmer, Parker, Penrose, Perrin, Perrott, Potter of Pottawattamie, Powers of Jasper, Prentis, Pusey, Putnam, Ray, Reynolds, Santee, Shambaugh, Sheean, Smith of Greene, Stallcop, Stewart, Titus, Trewin, Van Houten, Veneman, Wallace, Wemple, Whelan, Wilson of Keokuk—95.

Those voting for Mr. Duggan were:

Messrs. Alberson, Anderson of Lyons, Anderson of Palo Alto, Blume, Boyd, Bolter, Bull, Christie, Conley, Davis, Emmett, Everall, Farley, Hansmann, Hathaway, Hunt, Hurst, Jaeger, Krieger, Lambert, Lyons, Madden, Malloy, McCully, McIntire, Nolan, Penick, Porter, Potter of Bremer, Power of Lee, Reynolds, Sauer, Smith of Harrison, Wilson of Clinton, Young of Lee—34.

Absent or not voting:

Messrs. Arnold, Blanchard, Carney, Downing, Emmert, Funk of Dickinson, Hazen, Healy, Hinkson, Hobart, Hospers, Jay, Kelly, Lothrop, Nietert, Nowers, Ranck, Towner, Young of Delaware—19.

Roll call verified.

W. A. Hunter having received a majority of all the votes cast was declared duly elected warden of the penitentiary at Anamosa.

The following certificates were signed in the presence of the joint convention:

HALL OF THE HOUSE OF REPRESENTATIVES, }  
DES MOINES, IOWA, Jan. 25, 1898. }

This is to certify that at an election by the two houses of the Twenty seventh General Assembly of the state of Iowa, in joint convention, on Tuesday, the 25th day of January, A. D. 1898, for the purpose of electing state printer, state binder and wardens of the penitentiaries, Lafayette

Young having received a majority of all the votes cast for said office, was declared duly elected state binder, for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention this 25th day of January, A. D. 1898.

J. C. MILLIMAN,  
*President of the Senate.*  
J. H. FUNK,

*Speaker of the House of Representatives.*

**ATTEST:**

E. G. PENROSE,  
*Teller of the Senate.*

G. M. ANDERSON,  
*Teller of the House of Representatives.*

HALL OF THE HOUSE OF REPRESENTATIVES, {  
DES MOINES, Iowa, January 25, 1898. }

This is to certify that at an election by the two houses of the Twenty-seventh General Assembly of the state of Iowa, in joint convention, on Tuesday, the 25th day of January, A. D. 1898, for the purpose of electing state printer, state binder and wardens of the penitentiaries, Freeman R. Conaway having received a majority of all the votes cast for said office, was declared duly elected state printer for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 25th day of January, A. D. 1898.

J. C. MILLIMAN,  
*President of the Senate*  
J. H. FUNK,

*Speaker of the House of Representatives.*

**ATTEST:**

E. G. PENROSE,  
*Teller of the Senate.*

G. M. ANDERSON,  
*Teller of the House of Representatives.*

HALL OF THE HOUSE OF REPRESENTATIVES, {  
DES MOINES, Iowa, January, 25, 1898. }

This is to certify that at an election by the two houses of the Twenty-seventh General Assembly of the state of Iowa, in joint convention, on Tuesday, the 25th day of January, A. D. 1898, for the purpose of electing state printer, state binder and wardens of the penitentiaries, W. A. Hunter, having received a majority of all the votes cast for said office, was declared duly elected warden of the Anamosa penitentiary for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 25th day of January, A. D. 1898.

J. C. MILLIMAN,  
*President of the Senate.*

J. H. FUNK,  
*Speaker of the House of Representatives.*

ATTEST:

E. G. PENROSE,  
*Teller of the Senate.*

G. M. ANDERSON,  
*Teller of the House of Representatives.*

HALL OF THE HOUSE OF REPRESENTATIVES, }  
DES MOINES, Iowa, January 25, 1898. }

This is to certify that at an election by the two houses of the Twenty-seventh General Assembly of the state of Iowa, in joint convention, on Tuesday, the 25th day of January, A. D. 1898, for the purpose of electing state printer, state binder and wardens of the penitentiaries, N. N. Jones having received a majority of all the votes cast for said office, was declared duly elected warden of the Fort Madison penitentiary for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 25th day of January, A. D. 1898.

J. C. MILLIMAN,  
*President of the Senate.*

J. H. FUNK,  
*Speaker of the House of Representatives.*

ATTEST:

E. G. PENROSE,  
*Teller of the Senate.*

G. M. ANDERSON,  
*Teller of the House of Representatives.*

Senator Palmer offered the following resolution:

*Resolved,* That the clerk of this joint convention be instructed to wait upon the governor and present the credentials of the newly elected wardens of the penitentiaries, the state printer and state binder.

Adopted.

The Journal of the joint convention was then read, and on motion the same was approved.

On motion of Mr. Giesler the joint convention was dissolved.

Senate reconvened.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Wednesday, Jan. 26, 1898. }

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

Prayer was offered by Rev. E. L. Ely of Rockford, Iowa.

PETITIONS AND MEMORIALS.

Senator Allyn presented memorial of T. J. Potter Post, No. 440, G. A. R., of Creston, in relation to the soldiers' orphans' home.

Referred to Committee on Charitable Institutions.

Senator Young of Lee presented petition of citizens of Montrose, Iowa, asking for two-cent fare on all railroads.

Referred to Committee on Railroads.

Senator Eaton presented memorial of Burnside Post, No. 56, G. A. R., of Shenandoah, Iowa, relative to Soldiers' orphans' home.

Referred to Committee on Charitable Institutions.

INTRODUCTION OF BILLS.

By Senator Palmer, Senate file No. 92, a bill for an act making appropriations for the Iowa hospital for insane at Mt. Pleasant.

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

By Senator Mullan, Senate file No. 93, a bill for an act to legalize acknowledgments taken and certified according to the form and provisions of the code of 1873.

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

By Senator Wallace, Senate file No. 94, a bill for an act entitled, an act making appropriation for the Iowa industrial school, boys' department, at Eldora.

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

By Senator Ranck, Senate file No. 95, a bill for an act making appropriation for the better support of the state university, etc.

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

By Senator Ranck, Senate file No. 96, a bill for an act making appropriation for the state university to cover the loss by fire and in aid of the general library.

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

By Senator Titus, Senate file No. 97, a bill for an act to amend section 1003 of chapter 14 of the code, relating to the levy of taxes in cities under special charter.

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

By Senator Pusey, Senate file No. 98, a bill for an act to amend section 490, subdivision 5, title 4, chapter 4 of the code relating to the compensation of county treasurers.

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

By Senator McArthur, Senate file No. 99, a bill for an act to amend section 654 of the code relating to the appointment of police matrons in cities having a population of 25,000 or over.

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

By Senator Carroll, by request, Senate file No. 100, a bill for an act to amend chapter 9, title 12 of the code in relation to the use of oil in coal mines.

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

By Senator Gorrell, Senate file No. 101, a bill for an act to amend section 227 of the code and reduce the number of judges in the sixth judicial district.

Read first and second time and referred to Committee on Congressional and Judicial Districts.

Senator Penrose offered the following resolution:

*Resolved*, That the president of the Senate appoint a committee to draft resolutions of condolence on the death of Hon. A. N. Poynser, whose death occurred at his home in Montour, Iowa. He was a member of the Senate of the Nineteenth, Twentieth, Twenty-first and Twenty-second General Assemblies and president of the Senate of the Twenty-third General Assembly.

Adopted.

## REPORTS OF STANDING COMMITTEES.

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

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 2, a bill for an act to repeal a part of section 2992 of the code, referring to landlords' 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 51, a bill for an act to amend section 1312, title 2 of the code, relating to the assessment of and listing of property for taxation and to provide for listing and taxing mortgages on real estate, beg leave to report 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 referred to the Committee on Ways and Means.

THOS. A. CHESHIRE,  
*Chairman.*

So referred.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 30, a bill for an act to compensate A. T. Birchard as acting commandant of the Iowa 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 same be referred to the Committee on Claims.

THOS. A. CHESHIRE,  
*Chairman.*

So referred.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 10, a bill for an act to amend section 1457 of the code, and to permit counties to receive interest on moneys deposited in banks, beg leave to report 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:

Amend title so as to read as follows; "A bill for an act to amend section fourteen hundred and fifty-seven (1457) of the code, relating to the security of the revenue, and to permit counties to receive interest on moneys deposited in banks."

Amend section one by inserting the words, "fourteen hundred and fifty-seven," after the word "section" in the first line thereof and inclosing the figures "1457" in parenthesis.

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 8, a bill for an act to regulate the practice of barbering, the licensing of persons to carry on such practice and to insure the better education of such practitioners in the state of Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be referred to the Committee on Public Health.

THOS. A. CHESHIRE,  
*Chairman.*

So referred.

Senator Palmer, from the Committee on Railroads, submitted the following report:

**MR. PRESIDENT**—Your Committee on Railroads, to whom was referred Senate file No. 52, a bill for an act to amend title 10, chapter 5 of the code, in respect to the regulation of automatic couplers required to be used by railroads in this state, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass after the following amendments have been adopted:

Spell out all figures in the title and in line one, and insert the words thus spelled out before the figures.

Place all figures in the title and in line one in parenthesis. Insert section two thousand and eighty (2080) in the title after the word "amend" in the first line of the title.

In line five of the printed bill, change "except that" to "but."

D. J. PALMER,  
*Chairman.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 11, a bill for an act to amend section number five hundred and eleven (511) of the code, relating to fees and compensation of sheriffs.

G. M. TITUS,  
*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 bill, in which the concurrence of the Senate is asked:



House file No. 11, a bill for an act to amend section 3675 of the code, concerning the use of the original shorthand notes in an action or a transcript thereof, as a deposition.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

BILLS ON THIRD READING.

On motion of Senator Penrose Senate, file No. 88, a bill for an act to amend section 891, chapter 11, title 5, of the code, pertaining to labor on highways, with report of committee recommending its passage, was taken up, considered, and the report of the committee 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, Bell, Blanchard, Bolter, Byers, Carroll, Cheshire, Craig, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Gorrell, Harriman, Hayward, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Lee—39.

The nays were:

None.

Absent or not voting:

Senators Berry, Carney, Druet, Eaton, Emmert, Garst, Healy, Hobart, Lothrop, Trewin, Young of Delaware—11.

The bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Harriman moved that the secretary of the Senate be instructed to prepare calendars for Mondays and Thursdays of each week until further instructions.

Carried.

Senator Eaton, chairman of the committee on the Smith-Emmert contested election case, moved that the committee be allowed further time in which to prepare its report thereon.

Carried.

The president announced as Senate members of the joint committee on enrolled bills Senators Titus and Berry.

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 concurrent resolution, in which the concurrence of the House was asked:

Concurrent resolution in relation to the supplementary report of the committee on additional help.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

Senator Cheshire moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

House file No. 11, a bill for an act to amend section 3675 of the code, concerning the use of the original shorthand notes in an action or a transcript thereof as a deposition, was read first and second time and referred to Committee on Judiciary.

House file No. 1, a bill for an act to amend section 2808 of the code of Iowa (annotated) and to provide for the manner of distributing funds in the hands of the county treasurer belonging in common to all schools of the county, was read first and second time and passed on file.

House file No. 45, a bill for an act to amend section 2583, chapter 17, page 896, title 12, of the code, relating to practice of medicine, was read first and second time and referred to Committee on Public Health.

Senate file No. 5, a bill for an act to amend section 3948 of the code, relating to garnishment, was passed on file.

Concurrent resolution in relation to report of joint committee on additional help, was taken up, read and passed on file.

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

Senator Allyn moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Thursday, January 27, 1898. }

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

Prayer was offered by Dr. H. O. Breeden, of Des Moines, Iowa.

#### PETITIONS AND MEMORIALS.

Senator Gorrell presented petition of the agricultural society of Jasper county, relative to recent ruling of the attorney-general on section 1661, of the code.

Referred to Committee on Agriculture.

Senator Hobart presented petition of 3,000 citizens of north-western Iowa, relative to freight rates on grain.

Referred to Committee on Federal Relations.

#### INTRODUCTION OF BILLS.

By Senator Hospers, Senate file No. 102, a bill for an act to legalize conveyance of real property by executors under foreign wills.

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

By Senator Finch, Senate file No. 103, a bill for an act to amend section 2392 of the code, relating to change of place of conducting a pharmacy.

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

By Senator Blanchard, Senate file No. 104, a bill for an act to repeal section 1617 of the code, relating to the dissolution of corporations and to enact a substitute therefor.

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

By Senator Blanchard, Senate file No. 105, a bill for an act to repeal a portion of section 673 of the code relating to the fees of marshals.

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

By Senator Lewis, Senate file No. 106, a bill for an act to amend section 1459 of the code, in relation to the time and manner of payments by county treasurers to the state treasurer.

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

By Senator Lyon, Senate file No. 107, a bill for an act to indemnify owners of sheep for injuries to or destruction of such sheep by dogs.

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

By Senator Mullan, Senate file No. 108, a bill for an act to amend the code in relation to public health districts.

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

#### JOINT RESOLUTION NO. 2.

Senator Hotchkiss, by request, introduced the following joint resolution, No. 2, proposing amendment to the constitution of Iowa, relative to suffrage, and to provide for its reference and publication:

*Be it resolved by the General Assembly of the State of Iowa, That the following amendment to the constitution of the state of Iowa be, and the same is, hereby proposed:*

*Strike out the word "male" in section 1, article 3, of said constitution.*

*And be it further resolved, That the foregoing proposed amendment to the constitution, and the same is, hereby referred to the legislature to be chosen at the next general election or members of the general assembly, and that the secretary of state cause the same to be published for three months previous to the day of said election, as provided by law.*

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

#### 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. 4, a bill for an act to amend section 2071 of the code of 1897 relating to liability for injuries to employes by negligence or willful wrongs of employer or co-employes.

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. 19, a bill for an act to amend and revise the code of Iowa 1897, in relation to the distribution of public documents.

JAS. D. ROWEN,  
*Chief Clerk.*

Also:

**MR. PRESIDENT**—I am directed to inform your honorable body that the House has passed the following bill, substitute for House file No. 12, in which the concurrence of the Senate is asked:

A bill for an act to amend sections 2943 and 2946 of the code, relating to the taking and certifying of acknowledgments of written instruments by notaries public.

JAS. D. ROWEN,  
*Chief Clerk.*

Also:

**MR. PRESIDENT**—I am directed to inform your honorable body that the House has adopted the report of joint committee on rules.

JAS. D. ROWEN,  
*Chief Clerk.*

#### HOUSE MESSAGES.

House file No. 12, a bill for an act to amend section 2943, concerning the taking and certifying of acknowledgments of written instruments by notaries public, was read first and second time and referred to Committee on Judiciary.

House file No. 19, a bill for an act to amend and revise code of Iowa, 1897, in relation to distribution of public documents, was read first and second time and referred to Committee on Judiciary.

House file No. 4, a bill for an act to amend section 2071 of the code of 1897, relating to liability for injuries to employes or by negligence or wilful wrongs of employes as co-employes, was read first and second time and referred to Committee on Railways.

#### REPORTS OF STANDING COMMITTEES.

Senator Hobart, from the Committee on Compensation of Public Officers, submits the following report:

**MR. PRESIDENT**—Your Committee on Compensation of Public Officers, to whom was referred Senate file No. 47, a bill for an act to amend section 298 of the code, relating to the maximum amount to be allowed by the board of supervisors to deputies and clerks in the office of the clerk of the district court in counties having a population exceeding 40,000, beg leave to report 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.

A. C. HOBART,  
*Chairman.*

Ordered passed on file.

Senator Cheshire, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 87, a bill for an act to amend section four thousand five hundred and thirty-eight of the code, in relation to the filing of transcripts in the clerk's 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 following be substituted therefor:

A BILL for an act to amend section four thousand five hundred and thirty-eight (4538), chapter one, title twenty-two of the code, relating to the filing of transcripts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section four thousand, five hundred and thirty-eight of the code, be and the same is hereby amended by striking out the word "date," in the second line, and inserting the word "time," in lieu thereof.

And that the substitute do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 43, a bill for an act to amend section 2959 of the code, relating to forms of acknowledgment, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 57, a bill for an act to amend section 1371 of the code, in relation to the duty of township, city and town assessors, beg leave to report 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 referred to the Committee on Ways and Means.

THOS. A. CHESHIRE,  
*Chairman.*

So referred.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 78, a bill for an act to authorize the school board of the

school district of Scott township, Floyd county, Iowa, to transfer certain money, illegally voted, levied and raised for the purpose of building a schoolhouse, to the teachers' fund of said school district, beg leave to report 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:

That the title be amended by inserting after the word "to" in the first line thereof the words "legalize the levy and collection of a school house tax and to."

That the enacting clause inserted before the preamble be stricken out.

That section 1 be amended by inserting before the word "The" in the first line, the words "That the levy and collection of a schoolhouse tax in the school district of Scott township, Floyd county, Iowa, be and the same is hereby legalized, and;" also by changing the capital "T" in the word "the" to a small or lower case "t."

That section 2 be amended by striking out the words "and Des Moines Leader, newspapers" and inserting the words "a newspaper;" also by inserting between the words "Iowa" and "without" in the same section the words "Marble Rock Weekly, a newspaper published at Marble Rock, Iowa."

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Mr. Ericson, from the Committee on Claims, submitted the following report:

**MR. PRESIDENT**—Your Committee on Claims, to whom was referred Senate file No. 30, a bill for an act to compensate A. T. Birchard as acting commandant of the Iowa 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 same be indefinitely postponed, for the reason that the trustees of said institution have jurisdiction of the claim.

C. J. A. ERICSON,  
*Chairman.*

Ordered passed on file.

Mr. Hospers, from the Committee on Rules, submitted the following report:

**MR. PRESIDENT**—Your Committee on Rules beg leave to recommend that rule three (3) of the Twenty-sixth General Assembly be amended by striking out the words "paper folders and" in line five (5) and the words "paper folders" in line seven (7), and when so amended that the same be adopted as the rules of the Twenty-seventh General Assembly.

HENRY HOSPERS,  
*Chairman.*

On motion of Senator Hospers, the report was adopted.

Senator Pusey, from the Committee on Cities and Towns, submits the following report:

**MR. PRESIDENT**—Your Committee on Cities and Towns, to whom was referred Senate file No. 44, a bill for an act to amend sections 850 and 859 of the code, relating to the election of park commissioners in certain cities, beg leave to report 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:

That the title be amended by inserting after the word "sections" the words "eight hundred and fifty," and that the figures "850" be enclosed in parenthesis. And by inserting after the word "and" the words "eight hundred and fifty-nine," and that the figures "859" be enclosed in parenthesis.

That said bill be further amended by striking out section 1, and inserting in lieu thereof the following:

Section 1. That section eight hundred and fifty of the code be, and the same is hereby amended by inserting after the word "over" in the second line thereof, the following: "and cities having a population of twenty-five thousand and under forty thousand may by ordinance provide for the election of,"

And that Senate file No. 44, when so amended, do pass.

N. M. PUSEY,  
*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. 1, a bill for an act to amend section 2808 of the code and to provide for the manner of distributing the funds in the hands of the county treasurer belonging in common to all schools in the county, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be amended as follows:

Section 1, line 1, insert after the word "section" the words "twenty-eight hundred and eight" and place parentheses around the figures "2808." Strike out the words "of Iowa annotated."

Line 3 strike out "9th" and insert the word "ninth." Also insert after the word "thereof" the words "the following," and when so amended that the same do pass.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, from the Committee on Enrolled Bills, submits the following report:

**MR. PRESIDENT**—Your Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled Senate file No. 5, a



bill for an act to amend section 3948 of the code, relating to garnishment.  
G. M. TITUS,

*Chairman.*

Ordered passed on file.

REPORT OF JOINT COMMITTEE.

Senator Hospers, from the joint committee on rules, submitted the following report:

MR. PRESIDENT AND MR. SPEAKER—Your joint committee on rules, beg leave to report that they recommend that the joint rules adopted by the Twenty-sixth General Assembly be adopted as the joint rules for the Twenty-seventh General Assembly with the following amendment inserted after the word "same," joint rule one, line four: "But when a measure originating in one house is amended in the other, the house in which it originated may amend such amendment, and a motion therefor shall take precedence of a motion to recede and a motion to recede of a motion to insist."

HENRY HOSPERS,

*Chairman Senate Committee.*

C. R. PORTER.

*Chairman House Committee.*

On motion of Senator Hospers, the report was adopted.

BILLS ON THIRD READING.

On motion of Senator Carroll, Senate file No. 1, a bill for an act to amend section 2551 of the code, relating to the killing of quail, with report of committee recommending that the same do pass, was taken up, considered, and the report of the committee adopted.

Senator Carroll 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, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Wallace, Wilson, Young of Lee—41.

The nays were:

Senators Blanchard and Trewin—2.

Absent or not voting:

Senators Berry, Carney, Emmert, Garst, Healy, Ranck, Young of Delaware—7.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Palmer, Senate file No 52, a bill for an act to amend title 10, chapter 5, of the code, in regard to automatic couplers, with report of committee recommending that the bill do pass as amended, was taken up, considered and the report of the committee adopted.

Senator Palmer moved the following amendment:

Spell out all figures in the title and in line one, and insert the words thus spelled out before the figures.

Adopted.

Senator Palmer moved the following amendment:

Place all figures in the title and in line one in parentheses. Insert section two thousand and eighty (2080) in the title after the word "amend" in the first line of the title.

Adopted.

Senator Palmer moved the following amendment:

In line five of the printed bill, change "except that" to "but."

Adopted.

Senator Palmer 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, Bolter, Byers Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Everall, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Lyons, Malloy, McArthur, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Lee—41.

Senator Blanchard voted in the negative.

Absent or not voting:

Senators Barney, Emmert, Ericson, Gorrell, Healy, Kilburn, McIntire, Young of Delaware—8.

The bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Lothrop Senate file No. 17, a bill for an act repealing section 393 of the code, relating to the administration of oaths, with report of committee recommending amendments, was taken up and considered.

Senator Cheshire moved to amend the title by inserting the word "and" after the word "hundred," and by striking out the words "of Iowa" after the word "code."

Adopted.

Senator Cheshire moved to amend section 1 by inserting after the word "hundred" in the first line thereof the word "and," and by striking out the words "of Iowa" after the word "code."

Adopted.

Senator Cheshire moved to amend section 2 by striking out the words "for general purposes, and to take and certify acknowledgments of written instruments," and insert a colon after the word "oaths."

Adopted.

Also, amend section 2 by striking out the word "and" between the words "peace" and "notaries," and place a semi-colon after the word "peace."

Adopted.

Also, amend section 2 by striking out the words "elsewhere as provided by law," at the end of the section, and inserting in lieu thereof the words "in adjoining counties in which they have filed with the clerk of the district court a certified copy of their certificate of appointment."

Adopted.

Senator Cheshire moved to amend section 3 by striking out of lines four and five of the original bill, and lines two and three of the printed bill, the words "to business they may be required by law to perform," and insert in lieu thereof the words "in relation to any duty imposed upon them or either of them by law where the administration of an oath may be required."

Adopted.

Senator Berry moved to amend section 3, by striking out the word "the" in the fourth line.

Adopted.

Senator Berry moved to amend section 3, fifth line, by striking out the word "county."

Senator Blanchard moved to recommit the bill to the Committee on Judiciary.

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:

Relating to the purchase of suitable chairs for the Speaker of the House and President of the Senate.

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:

In regard to commending the president and other officers of the general government.

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. 73, a bill for an act to make appropriation for the payment of supplies contracted for by the executive council and for supplies and other expenses.

JAS. D. ROWEN,  
*Chief Clerk.*

Senator Trewin introduced joint resolution No. 3, relating to payment of extra employes of the legislature as follows:

## JOINT RESOLUTION NO. 3.

Relating to payment of extra employes in the capitol:

**WHEREAS**, the following named persons were by joint action of the two Houses appointed to the positions named, at the salaries named, as extra employes of the Twenty-seventh General Assembly:

**Policemen**—John A. Cook, Franklin county; Henry Matter, Marshall county; and John H. Serene, Allamakee county.

**Supply department**—Geo. W. Van Dyke, Polk county.

**Document room**—A. H. Jordan, Jefferson county; and Harry G. Norton, Pottawattamie county.

**Janitors**—C. H. Smith, Lyon county; O. K. Olson, Polk county; Leonard Manning, Lucas county; B. D. Beach, Webster county; A. M. McKay, Winneshiek county; J. E. Winder, Taylor county; and M. M. Robertson, Boone county.

**Elevator tenders**—John B. Frost, Polk county; and Howard Comerford, Delaware county.

All at a salary of \$60 per month, and

**WHEREAS**, the custodian was directed to assign the janitors, elevator tenders and policemen to duty, therefore be it

*Resolved by the General Assembly of the State of Iowa*, That the custodian be requested to report the time of said janitors, elevator tenders and

police-men, and that the secretary of the executive council report the time of those employed in the supply department and document rooms to the Secretary of the Senate and Clerk of the House respectively.

That the Secretary of the Senate and Clerk of the House are hereby directed to prepare a pay roll of said employes, the same to be countersigned by the President and Speaker, and that the auditor of state is hereby authorized to draw warrants in favor of such persons as may be named upon said pay rolls for the amounts stated therein, and the treasurer of state is authorized to pay the same.

Read first and second time.

On motion of Senator Trewin the rule was suspended and joint resolution No. 3 was taken up and considered.

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, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Palmer, Penrose, Perrin, Pu-ey, Trewin, Wallace, Wilson, Young of Lee—39.

The nays were:

None.

Absent or not voting:

Senators Bolter, Byers, Carney, Emmert, Garst, Healy, Mitchell, Mullan, Ranck, Titus, Young of Delaware—11.

The joint resolution having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

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

The president appointed the following as committee to draft resolutions of respect on the death of ex-Lieutenant Governor Poyneer:

Senators Penrose, Mullan, Perrin, Bolter and Ranck.

Senator Malloy moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Friday, January, 28, 1898. }

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

Prayer was offered by Rev. J. A. Boatman, of Fairfield, Iowa.

On request of Senator Junkin, leave of absence was granted Senators Ericson and Cheshire.

On request of Senator Allyn leave of absence was granted Senator Alexander.

#### PETITIONS AND MEMORIALS.

Senator Berry presented petition of citizens of Clarke county in reference to the soldiers' orphans' home.

Referred to Committee on Charitable Institutions.

#### INTRODUCTION OF BILLS.

By Senator Finch, Senate file No. 109, a bill for an act to repeal section 3912 of the code and to enact a substitute therefor, relating to the sale of perishable property when seized under a writ of attachment.

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

By Senator Carroll, Senate file No. 110, a bill for an act to legalize the acts of the board of supervisors of Appanoose county, Iowa, in authorizing the transfer of money from the swamp land fund to the county fund.

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

By Senator Ellison, Senate file No. 111, a bill for an act relating to the punishment of criminals who have been convicted three or more times.

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

By Senator Young of Lee, Senate file No. 112, a bill for an act making appropriation for the penitentiary at Fort Madison.

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

By Senator Perrin, Senate file No. 113, a bill for an act to amend chapter 11, title 12, of the code, in relation to the inspection of petroleum products.

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

#### 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. 29, in which the concurrence of the Senate is asked:

A bill for an act to provide for the printing of the deaf and dumb alphabet in readers and spellers.

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 bill, House file No. 35, in which the concurrence of the Senate is asked:

A bill for an act to legalize the acts of the board of directors of the independent school district of Stuart in the levying of taxes for school purposes.

JAMES D. ROWEN,  
*Chief Clerk.*

Passed on file.

Senator Trewin offered the following concurrent resolution:

#### CONCURRENT RESOLUTION.

WHEREAS, Sessions of the United States court in the northern district of Iowa are held at Cedar Rapids, Fort Dodge, Sioux City and Dubuque, and in the southern district at Keokuk and Council Bluffs and Des Moines; and

WHEREAS, A copy of the code delivered to each of the judges of said courts is needed by him at his office; therefore, be it

*Resolved by the Senate, the House concurring,* That the secretary of state is hereby directed to furnish for the use of the federal courts a copy of the code for each of the following named places: Cedar Rapids, Fort Dodge, Sioux City, Council Bluffs and Keokuk, for the common use of the bench and bar.

Laid over under the rules.

## HOUSE MESSAGES.

Senate file No. 73, a bill for an act making appropriation for the payment of supplies contracted for by the executive council and for supplies and other expenses, was passed on file.

House file No. 35, a bill for an act to legalize the acts of the board of directors of the independent school district of Stuart in the legalizing of taxes for school purposes, was read first and second time and referred to Committee on Judiciary.

House file No. 29, a bill for an act to provide for the printing of the deaf and dumb alphabet in readers and spellers, was read first and second time and referred to Committee on Schools.

House concurrent resolution, relative to the purchase of a suitable chair for the Speaker of the House and President of the Senate.

Senator Penrose moved that the resolution be concurred in. Carried.

House concurrent resolution in regard to commending the president and other officers of the general government.

Senator Trewin moved that concurrent resolution be referred to the Committee on Federal Relations.

Carried, and so referred.

## REPORTS OF STANDING COMMITTEES.

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

**MR. PRESIDENT**—Your Committee on Agriculture, to whom was referred Senate file No. 32, a bill for an act for the better suppression of the thistle pest in our state, beg leave to report that they have had the same under consideration and have instructed me to report the substitute hereto attached back to the Senate with the recommendation that the said substitute do pass.

W. F. HARRIMAN,  
*Chairman.*

Ordered passed on file.

Senator Druet, from the Committee on Public Health, submitted the following report:

**MR. PRESIDENT**—Your Committee on Public Health, to whom was referred Senate file No. 3, a bill for an act to protect the public health and the health of 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 same be amended as follows: Strike out section three and that the remaining sections be renumbered; that when so amended the bill do pass.

S DRUET,  
*Chairman.*

Ordered passed on file.



Senator Berry, from the Committee on Charitable Institutions, submits the following report:

**MR. PRESIDENT**—Your Committee on Charitable Institutions, to whom was referred concurrent resolution, passed by the House, relative to the appointment of visiting committees to 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 the House resolution.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

Senator Blanchard, from the Committee on Constitutional Amendments and Suffrage, submitted the following report:

**MR. PRESIDENT**—Your Committee on Constitutional Amendments and Suffrage, to whom was referred joint resolution No. 1, proposing to amend the constitution so as to provide biennial elections, beg leave to report 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 joint resolution be substituted therefor and that such substitute be adopted:

SUBSTITUTE FOR JOINT RESOLUTION NUMBER 1.

Joint resolution proposing to amend the constitution so as to provide for biennial elections:

*Be it resolved by the general assembly of the state of Iowa, That the following amendment to the constitution of the state of Iowa be and the same is hereby proposed:*

Add as section 16, to article 12 of said constitution, the following: "Section 16. The first general election after the adoption of this amendment shall be held on the Tuesday next after the first Monday in November in the year one thousand nine hundred and two, and elections shall be held biennially thereafter. At such election in the year one thousand nine hundred and two, the electors of the state shall elect a governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney-general, two judges of the supreme court, the successors of such senators as would otherwise have been chosen at the general election had the same been held in the year one thousand nine hundred and one, and the members of the House of Representatives.

"The terms of all officers mentioned in this amendment and members of the general assembly whose successors would otherwise have been chosen at the general election in the year one thousand nine hundred and one, are hereby extended one year, and until their successors are duly elected and qualified.

"The terms of senators, whose successors would otherwise be chosen in the year one thousand nine hundred and three, are hereby extended one year, and until their successors are duly elected and qualified.

"The terms of such judges of the supreme court as would otherwise expire in odd-numbered years, are hereby extended one year, and until their successors are duly elected and qualified.

"The general assembly shall make such changes in the laws governing the election and terms of office of all state officers not herein mentioned,

and county and township officers, including county attorney, as shall be necessary to conform to this amendment.

"The general assembly shall meet in regular session in the year one thousand nine hundred and three, and biennially thereafter."

*Resolved further*, that the foregoing proposed amendment to the constitution of the state of Iowa be, and the same is hereby referred to the legislature, to be chosen at the next general election for members of the general assembly, and that the secretary of state cause the same to be published for three months previous to the day of such election in one weekly newspaper in every county in the state in which a weekly newspaper is published.

L. C. BLANCHARD,  
*Chairman.*

Read first and second time and passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 5, a bill for an act to amend section 3948 of the code, relating to garnishment.

Also:

Senate file No. 11, a bill for an act to amend section number five hundred and eleven (511) of the code, relating to fees and compensation of sheriffs.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

Senator Lothrop filed motion to reconsider the vote by which Senate file No. 17 was recommitted to the Committee on Judiciary.

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 House was asked, relating to payment of extra employes in the capitol.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

Senator Trewin moved to take up house messages.

Carried.

HOUSE MESSAGES.

Joint resolution No. 3, relating to payment of extra employes in the capitol, was read and passed on file.

BILLS ON THIRD READING.

On motion of Senator Trewin, House file No. 1, a bill for an act to amend section 2808 of the code, and to provide for the manner of distributing the funds in the hands of the county

treasurer belonging in common to all schools in the county, with report of committee recommending amendments, was taken up and considered.

Senator Trewin moved to amend section 1, line 1, by inserting after the word "section" the words "twenty-eight hundred and eight," and place parentheses around the figures "2808." Strike out the words "of Iowa annotated."

Adopted.

Senator Trewin moved to amend line 3 by striking out "9th" and inserting the word "ninth." Also insert after the word "thereof" the words "the following," and when so amended that the same do pass.

Adopted.

Senator Trewin moved that the words "of Iowa annotated" be stricken from the title.

Adopted.

Senator Trewin moved that the rules be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading and the bill put upon its passage, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Blanchard, Bolter, Byers, Carroll, Craig, Druet, Eaton, Ellison, Finch, Garst, Gilbertson Gorrell, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Wilson, Young of Lee—89.

The nays were:

None

Absent or not voting:

Senators Alexander, Berry, Carney, Cheshire, Emmert, Ericson, Everall, Funk, Healy, Pusey, Young of Delaware—11.

So the bill having received a constitutional majority, the title as amended was agreed to.

Senator Lothrop called up resolution to reconsider the vote by which Senate file No. 17 was recommitted to Committee on Judiciary.

On the question, "Shall the bill be recommitted to Committee on Judiciary," a division was called for.

Motion to recommit 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:

Senate file No. 52, a bill for an act to amend title 10, chapter 10 of the code, in respect to the regulation of automatic couplers required to be used by railways in this state.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

Senator Palmer moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

Senate file No. 52, a bill for an act to amend title 10, chapter 10 of the code in respect to the regulation of automatic couplers required to be used by railways in this state, was read and passed on file.

#### BILLS ON THIRD READING.

On motion of Senator Lothrop, Senate file No. 18, a bill for an act to repeal section 2942 of the code, relating to the conveyance of real estate, with report of committee recommending indefinite postponement was taken up, considered, and the report of the committee adopted.

On motion of Senator Mitchell, Senate file No. 10, a bill for an act to amend section 1457 of the code, to permit counties to receive interest on moneys deposited in banks, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

Senator Mitchell moved to amend title so to read as follows: "A bill for an act to amend section fourteen hundred and fifty-seven (1457) of the code, relating to the security of the revenue, and to permit counties to receive interest on money deposited in banks."

Adopted.

Senator Mitchell moved to amend section 1 by inserting the words, "fourteen hundred and fifty-seven," after the word "section" in the first line thereof and enclosing the figures "1457" in parentheses.

Adopted.

Senator Mitchell moved that the rule be suspended, and that the bill be considered engrossed and be 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 Allyn, Bell, Blanchard, Bolter, Byers, Carroll, Craig, Druet, Ellison, Funk, Gorrell, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Perrin, Titus, Trewin, Wallace, Wilson, Young of Lee—34.

The nays were:

Senators Eaton, Finch, Gilbertson, Ranck—4.

Absent or not voting:

Senators Alexander, Berry, Carney, Cheshire, Emmert, Ericson, Everall, Garst, Healy, Penrose, Pusey, Young of Delaware—12.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Perrin, Senate file No. 78, a bill for an act to authorize the school board of the school district of Scott township, Floyd county, Iowa, to transfer certain money, illegally voted, levied and raised for the purpose of building a schoolhouse, to the teachers' fund of said school district, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

Senator Perrin moved that the title be amended by inserting after the word "to" in the first line thereof the words "legalize the levy and collection of a schoolhouse tax and to."

Adopted.

Senator Perrin moved that the enacting clause inserted before the preamble be stricken out.

Adopted.

Senator Perrin moved that section 1 be amended by inserting before the word "The" in the first line, the words "That the levy and collection of a schoolhouse tax in the school district of Scott township, Floyd county, Iowa, be and the same is hereby legalized, and;" also by changing the capital "T" in the word "The" to a small or lower case "t."

Adopted.

Senator Perrin moved that section 2 be amended by striking out the words "and Des Moines Leader, newspapers" and inserting the words "a newspaper;" also by inserting between the words "Iowa" and "without" in the same section the words "Marble Rock Weekly, a newspaper published at Marble Rock, Iowa."

Adopted.

Senator Perrin 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 Bell, Berry, Blanchard, Bolter, Carroll, Craig, Ellison, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hariman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Wallace, Wilson, Young of Lee—35.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Byers, Carney, Cheshire, Druet, Eaton, Emmert, Ericson, Healy, Pusey, Ranck, Titus, Trewin, Young of Delaware—15.

The bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

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

Senator Penrose moved that when the Senate adjourn it be until 2 o'clock P. M., Monday.

Carried.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 52, a bill for an act to amend title 10, chapter 5 of the code, in respect to the regulation of automatic couplers required to be used by railways in this state.

G. M. TITUS,  
*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 bill, in which the concurrence of the Senate is asked:

House file No. 102, a bill for an act to legalize the ordinances passed by the incorporated town of Arion, Crawford 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 House joint resolution, in which the concurrence of the Senate is asked:

House joint resolution No. 1, for amendment to the constitution of the state of Iowa, proposing the repeal of sections 34, 35 and 36 of article 3 of the constitution, and the substitute hereinafter proposed be adopted in lieu thereof.

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. 73, a bill for an act to amend section 510 of the code, relating to the appointment of deputy sheriffs by sheriffs.

JAS. D. ROWEN,  
*Chief Clerk.*

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

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 52, a bill for an act to amend title ten (10), chapter five (5), of the code, in respect to the regulation of automatic couplers, required to be used by railways in this state.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

J. A. Boyer appeared at the bar of the Senate and was sworn in as clerk of Committee on Horticulture.

The president *pro tem.* of the Senate announced that he had signed Senate files Nos. 11, 5 and 52.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Monday, January 31, 1898. }

Senate met pursuant to adjournment at 2 o'clock P. M.

Prayer was offered by Rev. C. B. Taylor of Mitchellville.

J. A. Rominger, clerk of Committee on Mines and Mining, appeared at the bar of the Senate and was sworn in.

On request of Senator McIntire, leave of absence was granted Senator Wilson indefinitely owing to illness.

On request of Senator Malloy, leave of absence was granted Senator Hurst until Tuesday.

On request of Senator Lothrop, leave of absence was granted Senator Hobart until Tuesday.

On request of Senator McArthur leave of absence was granted Senator Mullan till Tuesday noon.

#### PETITIONS AND MEMORIALS.

Senator Hospers presented petition of twenty-two citizens of Lyon county, praying passage of a bill raising "the age of consent" to 18 years. Also another from forty-nine citizens of Larchwood, Lyon county, on same subject.

Referred to Committee on Judiciary.

Senator Everall presented petition of sixty-two citizens of Clayton and Delaware counties, on the same subject.

Referred to Committee on Judiciary.

Senator Palmer presented petition of thirty-seven citizens of Henry county, on the same subject.

Referred to Committee on Judiciary.

Senator Lyons presented petition of the Friends' church and the W. C. T. U., of Hesper, Iowa, on the same subject.

Referred to Committee on Judiciary.

Senator Hospers presented petition of twenty-four citizens of Sheldon, Iowa, on the same subject.

Referred to Committee on Judiciary.

Senator Garst presented petition of six barbers of Jefferson, Iowa, asking for passage of a bill to provide a board for the



regulation and control of the practice of the barber trade in Iowa.

Referred to Committee on Public Health.

Senator McIntire presented petition of 302 citizens of Eldon, Wapello county, praying passage of House file No. 4, a bill for an act to amend section 2071 of the code, relating to liability for injuries to employes.

Referred to Committee on Railroads.

Senator, Cheshire presented petition of Z. C. Clone and 120 other citizens of Des Moines, relating to barbers' license bill.

Referred to Committee on Public Health.

#### INTRODUCION OF BILLS.

By Senator Cheshire, Senate file No. 114, a bill for an act making appropriation for the state industrial school, girls' department, at Mitchellville, Iowa.

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

By Senator Cheshire, Senate file No. 115, a bill for an act to further provide for the erection of a historical, memorial and art building.

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

By Senator McArthur, Senate file No. 116, a bill for an act amending sections 2539, 2540 and 2559 of the code, relating to the care and propagation of fish and the protection of birds and game.

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

By Senator Eaton, Senate file No. 117, a bill for an act making an appropriation for the Iowa hospital for the insane at Clarinda, Iowa.

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

By Senator McIntire, for Senator Wilson, Senate file No. 118, a bill for an act to amend chapter 2, title 13 of the code, relating to school text-books, to select the same, and to provide that they shall be printed within the state of Iowa.

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

By Senator Hospers, Senate file No. 119, a bill for an act to amend section 1321 of the code of 1897, relating to private bankers.

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

#### HOUSE MESSAGES.

House file No. 73, a bill for an act to amend section 510 of the code, relating to the appointment of deputy sheriffs by the sheriffs of the county, was read first and second time and referred to Committee on Judiciary.

House file No. 102, a bill for an act to legalize the ordinances passed by the incorporated town of Arion, Crawford county, Iowa, was read first and second time and referred to Committee on Judiciary.

Joint resolution No. 1, relating to the constitution of the state of Iowa, proposing the repeal of sections 34, 35 and 36 of article 3 of the constitution, and the substitute hereinafter proposed be adopted in lieu thereof, was read first and second time and referred to Committee on Constitutional Amendments.

#### REPORT OF COMMITTEE.

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

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 13, a bill for an act relating to the use of the notes of shorthand reporters as 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 same be amended by substituting the following as section 1 of the bill:

Section 1. That the original shorthand notes of the evidence, or any part thereof, heretofore or hereafter taken upon the trial of any cause or proceeding, in any court of record of this state, by the shorthand reporter of such court, or any transcript thereof, duly certified by such reporter, shall be admissible in evidence in any case or proceeding in which the same are material and competent to the issues therein, with the same force and effect as depositions, and subject to the same objections so far as applicable.

It shall be the duty of any such reporter, upon demand by any party to any cause or proceeding, or by the attorney of such party, when such shorthand notes are offered in evidence, to read the same before the court, judge, referee, or jury, or to furnish to any person when demanded, a certified transcript of the shorthand notes of the evidence, of any one or more witnesses, upon payment of his fees therefor. When the reporter taking such notes in any case or proceeding in court has ceased to be the reporter of such court, any transcript by him made therefrom, and sworn to by him before any person authorized to administer an oath, as a full, true and complete transcript of the notes of the testimony of the witness, a transcript of whose testimony is demanded, shall have the same force and effect as though duly certified by the reporter of said court.

When any exhibit, record or document is referred to in such shorthand notes or transcript thereof, the identity of such exhibit, record or document, as the one referred to by the witness, may be proven either by the reporter, or any other person who heard the evidence of the witness given on the stand. No portion of the transcript of the shorthand notes of the evidence of any witness, shall be admissible as such deposition, unless it shall appear from the certificate or verification thereof, that the whole of the shorthand notes of the evidence of such witness, upon the trial or hearing in which the same was given, is contained in such transcript, but the party offering the same shall not be compelled to offer the whole of such transcript.

And that when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

#### MESSAGE 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. 2, a bill for an act to amend section 3095 of the code of 1897, in relation to priority of mechanics' liens.

JAS. D. ROWEN,  
*Chief Clerk.*

#### BILLS ON THIRD READING.

On motion of Senator Emmert, Senate file No. 3, by Emmert, a bill for an act to protect the public health and health of domestic animals, with report of committee recommending certain amendments and that the bill do pass, was taken up, considered and the report of the committee adopted.

Senator Emmert moved the adoption of the following amendment:

Strike out section three and that the remaining sections be renumbered; that when so amended the bill do pass.

Adopted.

Senator Druet moved to amend by inserting a comma in section 5 after the word "this" and before "act," and by inserting the word "the" before "and" and after "regulations."

Adopted.

Senator Harriman moved that further consideration of the bill be postponed until Wednesday.

Carried.

On motion of Senator McArthur, Senate file No. 44, by McArthur, a bill for an act to amend sections 850 and 859 of the code, relating to election of park commissioners in certain cities,

with report of committee recommending certain amendments, and that when the bill is so amended it do pass, was taken up, considered, and the report of the committee adopted.

Senator McArthur moved the adoption of the following amendment:

That the title be amended by inserting after the word "sections" the words "eight hundred and fifty," and that the figures "850" be enclosed in parentheses. And by inserting after the word "and" the words "eight hundred and fifty-nine," and that the figures "859" be enclosed in parentheses.

Adopted.

Senator McArthur moved the adoption of the following amendment:

Section 1. That section eight hundred and fifty of the code be, and the same is hereby amended by inserting after the word "over" in the second line thereof, the following: "and cities having a population of twenty-five thousand and under forty thousand may by ordinance provide for the election of."

Adopted.

Senator McArthur, 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 Bell, Berry, Blanchard, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hoppers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Palmer, Penrose, Perrin, Ranck, Trewin, Wallace, Young of Delaware, Young of Lee—38.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bolter, Gorrell, Healy, Hobart, Hurst, Mitchell, Mullau, Pusey, Titus, Wilson—12.

So the bill passed and the title was agreed to.

On motion of Senator Trewin, Senate concurrent resolution, relating to furnishing copies of the code to certain United States courts, was taken up and considered.

Senator Trewin moved the adoption of the resolution.

Carried.

## MESSAGE 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. 55, a bill for an act to amend section 2754 of the code of 1897, relative to election in independent school districts providing for the increasing of the board from three to five members in certain cases.

JAS. D. ROWEN,  
*Secretary.*

On motion of Senator Perrin, Senate file No. 34, a bill for an act requiring grass and weeds to be cut in public roads, with report of committee recommending a substitute, and that same do pass, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Berry moved to recommit the bill to Committee on Agriculture.

Lost.

Senator Bell moved to amend by substituting "shall" for "may" in the first line of the printed bill.

The yeas and nays being demanded on the question, "Shall the amendment be adopted?" the yeas were:

Senators Bell, Berry, Blanchard, Cheshire, Craig, Emmert, Hotchkiss, Malloy, McArthur, Trewin, Wallace—11.

The nays were:

Senators Byers, Carney, Carroll, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hospers, Junkin, Kilburn, Lewis, Lothrop, Lyons, McIntire, Palmer, Penrose, Perrin, Ranck, Young of Delaware, Young of Lee—27.

Absent or not voting:

Senators Alexander, Allyn, Bolter, Gorrell, Healy, Hobart, Hurst, Mitchell, Mullan, Pusey, Titus, Wilson—12.

So the amendment was lost.

Senator Blanchard offered the following amendment and moved its adoption:

Strike out the words, "within such township," second line of section 2, and insert in lieu thereof the following: "In any township wherein such order has been made."

Senator Junkin moved to recommit the bill to the Committee on Agriculture.

Senator Blanchard raised the point of order that a previous motion to recommit had been voted down, and the bill was still at the same stage.

The President ruled the point well taken.

Senator Ellison moved that the Senate do now adjourn.

The motion being withdrawn for the purpose, the Journal of last Friday was taken up, read, corrected and approved.

Senator Ellison's motion to adjourn was then put and carried. Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Tuesday, February 1, 1898. }

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

Prayer was offered by Rev. R. W. Hughes, of the American Bible society, Des Moines, Iowa.

On request of Senator Lothrop, leave of absence was granted Senator Hobart indefinitely.

On request of Senator Alexander, leave of absence was granted Senator Emmert indefinitely.

PETITIONS AND MEMORIALS.

Senator Perrin presented petition of A. B. Schofield and fifty-five other citizens of Floyd county, asking for a two-cent mileage bill.

Referred to Committee on Railroads.

Senator Wallace presented four petitions of citizens of Hardin county in relation to the "age of consent."

Referred to Committee on Public Health.

Senator Funk presented petition of citizens of Palo Alto county on the same subject.

Referred to Committee on Public Health.

Senator Cheshire presented nine petitions of citizens of Polk county on the same subject.

Referred to Committee on Public Health.

Senator Carney presented petition of citizens of Marshall county on same subject.

Referred to Committee on Public Health.

Senator Trewin presented petition of Geo. Deming and other citizens of Fayette county on the same subject.

Referred to Committee on Public Health.

□ Senator Trewin presented petition of Chas. Harriman and other citizens of Fayette county on same subject.

Referred to Committee on Public Health.

Senator Trewin presented petition of T. L. Green and other citizens of Fayette county, in regard to a compulsory reformatory for women.

Referred to Committee on Charitable Institutions.

Senator McIntire presented petition of citizens of Wapello county on the same subject.

Referred to Committee on Public Health.

Senator Eaton presented petition of 140 citizens of Clarinda asking passage of a law permitting practice of osteopathy.

Referred to Committee on Public Health.

Senator Lothrop presented petition of Sioux City trades' and labor assembly asking for defeat of House file No. 44.

Referred to Committee on Printing.

Senator Lothrop presented petition of same organization favoring the manufacture in the state of school books used in the state.

Referred to Committee on Schools.

Senator Lothrop presented petition of same organization asking for repeal of the law imposing a poll tax.

Referred to Committee on Ways and Means.

Senator Lothrop presented petition of same organization asking for passage of House file No. 8.

Referred to Committee on Labor.

#### 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. 26, a bill for an act to amend section 1906, chapter 13, title 9 of the code of Iowa, 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 passed the following bill, in which the concurrence of the Senate is asked:

Substitute House file No. 93, a bill for an act to amend sections 2708, 2709, 2711 of title 13, chapter 8 of the code, in relation to discharge of boys and girls from industrial schools.

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. 2, a bill for an act to amend section 3095 of the code of 1897, in relation to priority of mechanics' liens.

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 Senate is asked:

House file No. 71, a bill for an act to amend section 2564 of the code of Iowa in relation to public health districts.

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 Senate is asked:

House file No. 64, a bill for an act to legalize the acknowledgments of deeds and conveyances of land.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

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. 38, a bill for an act to amend section 891, chapter 11, title 5 of the code pertaining to labor on highways.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

#### INTRODUCTION OF BILLS.

By Senator Berry, Senate file No. 120, a bill for an act to require boards of school directors to fence schoolhouse sites.

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

By Senator Ellison, Senate file No. 121, a bill for an act making appropriation for the penitentiary at Anamosa, Iowa.

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

Senator Gorrell offered the following resolution and moved its adoption:

*Resolved,* That the Junior Republic of Newton, Iowa, be granted the privilege of visiting the Senate on Saturday, February 5th, 1898.

#### HOUSE MESSAGES.

House file No. 55, a bill for an act to amend section 2754 of the code of 1897, relative to election in independent school districts providing for the increasing of the board from three to five members in certain cases, was read first and second time and referred to Committee on Schools.

House file No. 2, a bill for an act to amend section 3095 of the code of 1897 in relation to priority of mechanics' liens, was read first and second time and referred to Committee on Judiciary.

House file No. 71, a bill for an act to amend section 2564 of the code of Iowa in relation to public health districts, was read first and second time and referred to Committee on Public Health.

Substitute House file No. 93, a bill for an act to amend sections 2708, 2709 and 2711 of title 13, chapter 8, of the code, in relation to discharge of boys and girls from industrial schools, was read first and second time and referred to Committee on Charitable Institutions.

House file No. 64, a bill for an act to legalize the acknowledgments of deeds and conveyances of land, was read first and second time and referred to Committee on Judiciary.

House file No. 26, a bill for an act to amend section 1906, chapter 13, title 9, of the code of Iowa, in relation to building and loan associations, was read first and second time and referred to Committee on Building and Loan.

Senate file No. 38, a bill for an act to amend section 891, chapter 11, title 5 of the code, pertaining to labor on highways, was read first and second time and referred to Committee on Highways.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 73, a bill for an act to make appropriations for the payment of supplies contracted for by the executive council and for supplies and other expenses.

G. M. TITUS,  
*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. 3, relating to payment of extra employes in the capitol.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 73, a bill for an act to make appropriation for the payment of supplies contracted for by the executive council and for supplies and other expenses.

Also, joint resolution No. 3, relating to payment of extra employes in the capitol.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

## BILLS ON THIRD READING.

Senator Perrin asked unanimous consent that Senate file No. 34, for an act requiring grass and weeds to be cut in public roads, be recommitted to the Committee on Highways.

So ordered.

On motion of Senator Carney, Senate file No. 23, a bill for an act to authorize certain officers to take acknowledgments, with report of committee recommending a substitute, and that same do pass.

Senator Carney offered the following amendment to the substitute, and moved its adoption:

That the secretary be authorized to insert the figures, in parentheses, of sections, and where they appear in the title of the bill.

Adopted.

Senator Carney offered the following amendment to the substitute, and moved its adoption:

Strike out in the title and first section the words "of chapter 6, title 14."

Senator Carney, by permission, withdrew the amendment, offering the following amendment in lieu thereof, and moving its adoption:

Strike out in the first section the words "of chapter 6, title 14."

Adopted.

Senator Carroll moved to amend by striking out the words "title 14" in the title.

Adopted.

Senator Berry offered the following amendment:

Strike out after the word "code" in the first line, the words "relating to the conveyance of real estate."

Adopted.

Senator Carney 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, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire, Palmer, Penrose, Perrin, Ranck, Titus, Wallace, Young of Delaware, Young of Lee—39.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Emmert, Healy, Hobart, Malloy, Mitchell, Mullan, Pusey, Trewin, Wilson—11.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House file No. 128, a bill for an act to extend certificates of authority issued to insurance companies and their agents under chapter 4, title 9 of the code of 1873.

JAS. D. ROWEN,  
*Chief Clerk.*

On motion of Senator Cheshire, Senate file No. 47, a bill for an act to amend section 298 of the code, relating to the maximum amount to be allowed by boards of supervisors to deputies and clerks in the office of the clerk of the district court in counties having a population exceeding 40,000, with report of committee recommending that the same do pass, was taken up, considered, and the report of the committee adopted.

Senator Carney offered the following amendment and moved its adoption:

Amend the title by inserting after the figures "298" the words and figures, "chapter 8 of the clerk of the district court."

Adopted.

Senator Carroll moved to amend by inserting after the words "two hundred ninety-eight" in the title, and also in section one of the bill the figures "298" in parentheses.

Adopted.

Senator McArthur offered an amendment to the title.

Senator Lothrop offered a substitute for the amendment offered by Senator McArthur.

Senator Cheshire raised the point order that the substitute was not germane to the original amendment.

The President sustained Senator Cheshire's point of order.

Senator Lewis offered an amendment to Senator McArthur's amendment, but by permission withdrew the same, whereupon Senator McArthur withdrew his amendment.

Senator Lewis offered the following substitute to section 1:

Insert after the word "dollars" in the seventeenth line of section 298 "in counties having a population of 50,000 or over, one or more deputies may be employed, whose total compensation shall not exceed \$5,000."

Lost.

Senator Trewin moved to amend the bill by striking out all reference to the title and chapter.

Withdrawn.

Senator Cheshire moved that the time of adjournment be extended five minutes.

Carried.

Senator Cheshire 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, Bell, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McIntire, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—39.

Senator McArthur voted in the negative.

Absent or not voting:

Senators Allyn, Blanchard, Eaton, Emmert, Gorrell, Healy, Hobart, Mitchell, Mullan, Wilson—10.

So the bill, having received a constitutional majority, was declared to have passed the Senate.

Senator Carroll offered the following substitute for the title to the bill and moved its adoption:

“For an act to amend section two hundred ninety-eight (298), chapter 8 of the code, relating to the clerk of the district court and fixing the maximum amount to be allowed by the board of supervisors to deputies and clerks in counties having a population exceeding forty thousand.”

Adopted.

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

Annie E. Eaton, clerk of the Committee on Elections, tendered her resignation, which was accepted.

Elma Grundy appeared at the bar of the Senate and was sworn in as clerk of the Committee on Elections.

The President announced that he had signed joint resolution No. 3 and Senate file No. 73.

Senator Blanchard moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Wednesday, February, 2, 1898. }

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

Prayer was offered by Rev. John E. Rowen of Clarion.

PETITIONS AND MEMORIALS.

Senator Hobart presented petition of residents of Ida county against appointment of homeopathic superintendent of Cherokee asylum.

Referred to Committee on Public Health.

Senator Alexander presented petition of Jas. E. Lawler and 162 others of Cedar Rapids, relative to amendment of section 1326 of the code, relative to building and loan.

Referred to Committee on Building and Loan.

Senator Lewis presented memorial of citizens of What Cheer in favor of legalizing the practice of osteopathy.

Referred to Committee on Public Health.

Senator Penrose presented petition of citizens of Tama county in favor of raising the age of consent.

Referred to Committee on Judiciary.

Senator Penrose presented petition of officers of Benton county agricultural society, asking for permanent headquarters in the capitol for the Iowa state agricultural society.

Referred to the Committee on Agriculture.

Senator Gorrell presented the petition of the barbers of Colfax favoring the barbers' bill.

Referred to Committee on Public Health.

Senator Funk presented petition of the Equal Rights Club of Spirit Lake in favor of constitutional amendment relative to suffrage.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Berry presented petition of citizens of Warren county relative to age of consent.

Referred to Committee on Public Health.

## INTRODUCTION OF BILLS.

By Senator Junkin, Senate file No. 122, a bill for an act to amend section 3494, of chapter 4 of the code, relating to place of bringing action.

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

By Senator Eaton, by request, Senate file No. 123, a bill for an act to prohibit illegal voting at primary elections and caucuses and providing penalties therefor.

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

By Senator Pusey, by request, Senate file No. 124, a bill for an act prohibiting the adulteration of candy and prescribing penalties for the violation of the provisions thereof.

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

By Senator Hubart, Senate file No. 125, a bill for an act to amend section 2448, chapter 6, title 12 of the code, in relation to intoxicating liquors.

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

By Senator Harriman by request, Senate file No. 126, a bill for an act to put a partition in room No. 19, and to make certain changes in the capitol.

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

Senator Titus moved that committee to which Senate file No. 97 was referred be instructed to return same to the Senate, and that he have privilege to withdraw the same.

Carried.

## HOUSE MESSAGES.

House file No. 128, a bill for an act to extend certificates of authority issued to insurance companies and their agents under chapter 4, title 9 of the code of 1873, was read first and second time and referred to Committee on Insurance.

## REPORTS OF COMMITTEES.

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

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred Senate file No. 86, a bill for an act to assign rooms Nos. 11 and 12 to the agricultural society, beg leave to report that they have had the same und



consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

W. F. HARRIMAN,  
*Chairman,*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Agriculture, to whom was referred Senate file No. 16, a bill for an act to repeal section 1661, chapter 3, of the code, relating to agricultural and horticultural societies, etc., beg leave to report that they have had the same under consideration and have instructed me to report the same, with a substitute, back to the Senate with the recommendation that the substitute do pass and that the substitute be printed.

W. F. HARRIMAN,  
*Chairman.*

Read first and second time and ordered printed.

SUBSTITUTE FOR SENATE FILE NO. 16.

A bill for an act to repeal section sixteen hundred sixty-one (1661), chapter three (3), of the code, relating to agricultural and horticultural societies, etc., and enacting a substitute therefor.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section sixteen hundred sixty-one (1661) of the code be, and is, hereby repealed and the following enacted in lieu thereof:

Any county or district agricultural society upon filing with the auditor of state affidavits of its president, secretary and treasurer showing what sum has actually been paid out during the current year for premiums, not including races, and that no gambling devices or other violations of law were permitted, together with a certificate from the secretary of the state society showing that it has reported according to law, shall be entitled to receive from the state treasury a sum equal to forty per cent of the amount so paid in premiums, but in no case shall the amount paid to any society exceed the sum of two hundred dollars; and where two or more societies, entitled to receive aid from the state, are located within the same county the amount to be paid to all of said societies shall not exceed the sum of three hundred dollars, and shall be divided among them in proportion to the amount of premiums, not including races, paid by each during the current year.

Also:

**MR. PRESIDENT**—Your Committee on Agriculture, to whom was referred Senate file No. 81, a bill for an act to amend section 1759 of the code, relating to mutual assessment insurance 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 referred to the Committee on Insurance.

W. F. HARRIMAN,  
*Chairman.*

Ordered passed on file.

Senator Kilburn, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate file No. 38, a bill for an act to amend section 891, chapter 11, title 5, of the code, pertaining to labor on the highways, 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 recommendation that the same be concurred in.

L. M. KILBURN,  
*Chairman.*

Ordered passed on file.

Senator Cheshire, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 64, a bill for an act to legalize a conveyance by the independent school district of Ottumwa, Iowa, to John F. Rugg, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate file No. 59, a bill for an act to amend section 2297 of the code relating to the liability of estates of insane or idiotic persons, and estates of persons legally bound for their support to the county for any sums paid by it for treatment or confinement of such insane or idiotic persons, beg leave to report 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:

Amend the title by inserting after the word "ninety-seven" the following: "(2297) in chapter two (2)."

Also further amend the title by inserting after the word "the" the words "care of the insane and to."

That section 1 be amended by striking out the word "comma" in the third line of the original bill and the second line of the printed bill and inserting in lieu thereof the word "poorhouse."

And that said section be further amended by striking out the following words at the end thereof: "which clause shall include the comma before the quotation marks at the end thereof."

And that when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 60, a bill for an act to amend section 2979 of the code, relating to the platting of homestead, beg leave to report 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:

By inserting after the figures in parentheses in the title, the following: "chapter eight (8)."

That the title be further amended by striking out the words "the platting of homestead," and inserting the word "homesteads" in lieu thereof.

That section 1 be amended by striking out the word "and" at the beginning of line 3, and by changing the small "s" in the word "should" to a capital "S."

That said section be further amended by striking out the indefinite article "a" where it occurs between the words "should" and "homestead," and inserting in lieu thereof the article "the."

That said section be further amended by striking out the word "thereon," in the fourth line of the original bill and the third line of the printed bill, and inserting after the word "made," in the fourth line of the original bill and the third line of the printed bill, the words "upon real property in which a homestead is included."

That said section be further amended by inserting after the word "wife," in the fifth line of the original bill and the fourth line of the printed bill, the words "if found within the county," and that when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 31, a bill for an act amendatory to the act prohibiting marriage within certain degrees of consanguinity, beg leave to report 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 referred to the Committee on Public Health.

THOS. A. CHESHIRE,  
*Chairman.*

So referred.

#### BILLS ON THIRD READING.

On motion of Senator Emmert, Senate file No. 3, by Emmert, a bill for an act to protect the public health and health of domestic animals, with report of committee recommending certain amendments, and that when so amended the bill do pass, was taken up, considered, and the report of the committee adopted.

Senator Emmert offered the following amendment and moved its adoption:

In section one, end of line 4, strike out the words, "a public officer authorized to administer oaths and having a seal of his office," and insert "the authorities charged with the control of diseases of domestic animals."

Adopted.

Senator Harriman offered the following amendment to section 1 and moved its adoption:

That section 1 be amended by striking out the words, "dairy cows and," in the first line thereof and inserting the words, "and dairy" between "breeding" and "purposes," in the same line.

Adopted.

Senator Emmert offered the following amendment and moved its adoption:

Strike out in section 3, line 4, "less than fifty dollars nor," and in line 5, "less than ten days nor."

Adopted.

Senator Harriman moved to amend by striking out the words "cows and" in the second line of section 1.

Adopted.

Senator Lewis moved to amend by striking out the word "and" in the first line of the bill as amended by Senator Harriman and insert in lieu thereof the word "or."

Adopted.

Senator Pusey offered the following amendment and moved its adoption:

I move to amend section 3 by striking out of lines 2 and 3 the words "or any regulations made by the state board of health as herein authorized."

Adopted.

Senator Harriman moved to amend as follows:

I move that section 4 of the bill be amended by striking out all that part of said section after the word "act" in the second line and placing a period after the word "act."

Senator Garst moved that the bill under consideration be recommitted to the Committee on Public Health.

A division being called for the motion was lost.

The vote being taken on Senator Harriman's amendment, it was adopted.

Senator Carroll moved to amend by striking out the word "neat" in lines one and two of section one of the bill.

Senator Perrin offered the following amendment: Amend line one, section one, by inserting the word "milking" in place of the word "dairy."

Senator Lothrop offered the following amendment:

I move to amend section three (3), by adding at the end thereof the following: "Providing that the provisions of this act shall not apply to cattle brought into this state and passing

through stockyards wherein a system of inspection is maintained by the United States government."

Senator Ellison moved that the vote to recommit be reconsidered.

Carried.

On the question, "Shall the bill be recommitted?" the motion prevailed.

On motion of Senator Carney, Senate file No. 30, by Carney, a bill for an act to compensate A. T. Birchard, as acting commandant of the Iowa soldiers' home, with report of committee recommending that it do not pass, was taken up, considered, and the report of the committee adopted.

On motion of Senator Perrin, Senate file No. 43, by Perrin, a bill for an act to amend section 2959 of the code, relating to forms of acknowledgment, with report of committee recommending that same be indefinitely postponed, was taken up considered, and the report of the 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. 81, a bill for an act to prevent the adulteration of and deception in the sale of linseed or flaxseed oil and to regulate the sale thereof.

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 Senate is asked:

House file No. 44, a bill for an act to repeal section 144 of the code.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

#### HOUSE MESSAGES.

House file No. 81, a bill for an act to prevent the adulteration and deception in the sale of linseed or flaxseed oil and to regulate the sale thereof, was read first and second time and referred to Committee on Manufactures.

House file No. 44, a bill for an act to repeal section 144 of the code, was read first and second time and referred to Committee on Printing.

On motion of Senator Penrose, Senate file No. 38, with report of committee recommending amendments, was taken up and considered and report of committee adopted.

Senator Penrose moved that the Senate concur in the House amendments.

The President ruled that a passage of the bill would include the House amendments.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—42.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Byers, Emmert, Funk, Healy, Mitchell, Wilson—8.

So the House amendments were concurred in.

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

Senator Trewin moved that the time of adjournment be extended five minutes.

Carried.

Senator Trewin asked leave to introduce a bill.

#### INTRODUCTION OF BILLS.

By Senator Trewin, Senate file No. 127, a bill for an act to appropriate the sum of \$3,500, or so much thereof as may be necessary to pay the extra employes of the Twenty-seventh General Assembly.

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

Senator Carroll moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Thursday, February 3, 1898. }

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

Prayer was offered by Rev. Francis W. Russell, of Marshalltown, Iowa.

PETITIONS AND MEMORIALS.

Senator Funk presented petition from 180 men and 282 women of Palo Alto county, asking that a constitutional amendment, striking out the word "male," shall be submitted to the voters of the state of Iowa.

Referred to Committee on Constitutional Amendments.

Senator Gilbertson presented petition from 207 men and 168 women of Mitchell county, on same subject.

Referred to Committee on Constitutional Amendments.

Senator Bolter presented petition from 820 men and 778 women of Crawford county, on same subject.

Referred to Committee on Constitutional Amendments.

Senator Finch presented petition from 262 women and 178 voters of Buena Vista county, on same subject.

Referred to Committee on Constitutional Amendments.

Senator Craig presented three petitions from 350 men and 570 women of Bremer county, on same subject.

Referred to Committee on Constitutional Amendments.

Senator Pusey presented petition signed by 405 men and 425 women of Pottawattamie county, on same subject.

Referred to Committee on Constitutional Amendments.

Senator Eaton presented petition signed by 387 men and 588 women in Page county on same subject.

Referred to Committee on Constitutional Amendments.

Senator Garst presented two petitions, one from 181 men and 127 women of Sac county, and one from 151 men and 217 women of Greene county on same subject.

Referred to Committee on Constitutional Amendments.

Senator Lyon presented petition signed by 388 men and 303 women of Howard county on same subject.

Referred to Committee on Constitutional Amendments.

Senator Lewis presented two petitions of 101 men and 281 women of Keokuk and Poweshiek counties on same subject.

Referred to Committee on Constitutional Amendments.

Senator Palmer presented petition signed by R. J. Pierce and 287 other men, and Mrs. H. Bickenbach and 477 other women of Henry county on same subject.

Referred to Committee on Constitutional Amendments.

Senator Perrin presented petition signed by 215 voters and 215 women of Floyd county on same subject.

Referred to Committee on Constitutional Amendments.

Senator Allyn presented five petitions signed by citizens of Ringgold, Union and Decatur counties relative to age of consent.

Referred to Committee on Public Health.

#### INTRODUCTION OF BILLS.

By Senator Cheshire, Senate file No. 128, a bill for an act to amend section 1743 in chapter 4 of the code, relating to insurance other than life and to conditions in applications or policies of insurance.

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

By Senator Hotchkiss, Senate file No. 129, a bill for an act to amend section 2630 of the code, relating to the powers of the board of educational examiners and authorizing them to issue certificates and diplomas to graduates of normal schools or normal departments of colleges or universities under certain conditions.

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

By Senator Druet, Senate file No. 130, a bill for an act making appropriations for the industrial home for the blind at Knoxville, Iowa.

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

By Senator Young of Lee, Senate file No. 131, a bill for an act to amend section 4946 of the code, relating to disposition of bodies for medical purposes.

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



By Senator Hobart, Senate file No. 132, a bill for an act providing for a division of independent school districts composed of two or more civil townships, or parts of such townships, or of one such township and part of another.

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

By Senator Byers, Senate file No. 133, a bill for an act to amend section 2386 of the code, relating to registered pharmacists.

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

By Senator Byers, Senate file No. 134, a bill for an act to amend section 2400 of the code, relating to revocation of permit.

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

By Senator Byers, Senate file No. 135, a bill for an act to amend section 2403 of the code, relating to the selling or giving to minor or intoxicated person or person in the habit of becoming intoxicated.

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

By Senator Byers, Senate file No. 136, a bill for an act to amend section 2400 of the code, relating to revocation of permit.

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

By Senator Mitchell, Senate file No. 137, a bill for an act entitled an act to regulate the practice of osteopathy in the state of Iowa and fixing penalties for the violation of the same.

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

#### 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. 17, a bill for an act to amend the title to chapter six (6), of title thirteen (13), of the code, and also to amend sections 2683, 2685 and 2686 of the code, relating to the orphans' home and home for destitute children.

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 placing inscription upon statuary in the rotunda of the building.

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:

Asking state printer and state binder for information as to cost of printing school-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. 132, a bill for an act to amend section 2392 of the code, relating to change of place of conducting pharmacy.

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 to print rules of Twenty-seventh General Assembly.

JAS. D. ROWEN,  
*Chief Clerk.*

#### REPORTS OF STANDING COMMITTEES.

Senator Garst, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 15, a bill for an act to furnish relief to certain county and district agricultural societies, beg leave to report that they have had the same under consideration and have instructed me to report the substitute hereto attached back to the Senate with the recommendation that the said substitute do pass.

WARREN GARST,  
*Chairman.*

## SUBSTITUTE FOR SENATE FILE NO. 15.

A BILL for an act to furnish relief to certain county and district agricultural societies.

WHEREAS, The county and district agricultural societies hereinafter named held fairs during the year 1897, and have made the annual reports heretofore required of them, and

WHEREAS, Under the statute, aid has been granted in former years to such societies upon making such reports, and

WHEREAS, Under a construction of the statute made since the fairs of the said societies for 1897 were held, the said societies were not entitled to state aid upon the reports made, and

WHEREAS, Said societies had relied upon the construction heretofore given to the statute, and depended upon receiving state aid, therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That there is hereby appropriated out of any money in the treasury not otherwise appropriated, for the benefit of each of the following named societies and associations, the sum of two hundred (\$200) dollars:

Appanoose county agricultural association.

Adair county agricultural association.

Clayton county agricultural association.

Clayton county, Strawberry Point district, agricultural association.

Davis county agricultural association.

Fayette county agricultural association.

Hamilton county agricultural association.

Hardin county agricultural association.

Jackson county agricultural association.

Jasper county agricultural association.

Kossuth county agricultural association.

Lee county, West Point district, agricultural association.

Linn county, Wapsie Valley district, agricultural association.

Linn county, Prairie Valley district, agricultural association.

Louisa county, Columbus Junction district, agricultural association.

Marion county agricultural association.

Monona county, Lake Prairie district, agricultural association.

Marion county, Maple Valley district, agricultural association.

Wilton agricultural fair association.

Poweshiek central agricultural association, at Malcom.

Story county agricultural association.

Van Buren county, Milton district, agricultural association.

Wapello county agricultural association.

Washington county agricultural association.

Wayne county agricultural association.

Wayne county, Seymour district, agricultural association.

Winnebago county agricultural association.

Worth county agricultural association.

To the Delaware county agricultural association one hundred and ninety-eight dollars and fifty cents (\$198.50).

To the Palo Alto county agricultural society, one hundred and eighty-one (\$181) dollars.

To the Sac county central west Iowa district agricultural association, one hundred and thirteen dollars and ninety cents (\$113.90).

To the Franklin county fair association, forty-two (\$42) dollars.

SEC. 2. The auditor of state is hereby authorized and directed to issue warrants on the treasurer of state in favor of each of the associations and societies mentioned in section 1 hereof for the amount therein stated.

SEC. 3. This act being deemed of immediate importance shall be in full force and effect upon its publication in the Iowa State Register and the Des Moines Leader, newspapers published in Des Moines, Iowa.

Substitute read first and second time and placed on the Calendar.

Senator Garst, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 127, a bill for an act to appropriate the sum of \$3,500, or so much thereof as may be necessary, to pay the extra employes of the Twenty-seventh 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.

WARREN GARST,  
*Chairman.*

On motion of Senator Garst, report of committee was adopted.

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

MR. PRESIDENT—Your Committee on Insurance, to whom was referred House file No. 128, a bill for an act granting extension of certificates of authority issued by the auditor of state to insurance companies and their agents, under provisions of chapter 4, title 9, of the code of 1873, beg leave to report 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.

Also:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred Senate file No. 81, a bill for an act to amend section 1759 of the code, relating to mutual assessment insurance 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.

G. M. CRAIG,  
*Chairman.*

Ordered passed on file.

Senator Cheshire, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 35, a bill for an act to legalize the acts of the board of directors of the independent school district of Stuart in levying of taxes for school purposes, beg leave to report 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:

That section 1 of the bill be amended by adding the following at the end thereof:

“ But nothing in this act shall in any manner effect any pending litigation.”

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 102, a bill for an act to legalize the ordinances passed by the incorporated town of Arion, Crawford 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 be amended as follows:

That the word “ counsel ” be stricken out of the second line of the preamble, and the word “ council ” inserted in lieu thereof.

That the bill be further amended by striking out all of the preamble after the word “ therefore.”

That there be inserted immediately before the first section of the bill, an enacting clause, as follows: “ Be it enacted by the General Assembly of the State of Iowa.”

That the bill be further amended by adding at the end of section 1, the following: “ But nothing in this act shall in any manner affect any pending litigation.”

That the bill be further amended by inserting before the word “ this ’, in the publication clause, the following: “ Sec. 2.”

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred substitute for House file No. 12, a bill for an act to amend sections 2943 and 2946 of the code, relating to the taking and certifying of acknowledgment of written instruments by notaries public, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 93, a bill for an act to amend section 510 of the code, relating to the appointment of deputy sheriffs by the sheriff of the county, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 19, a bill for an act to amend and revise code of Iowa, 1897, and relating to distribution of public documents, beg leave to report 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:

That the title of the bill be amended so as to read as follows;

“A bill for an act to amend section one hundred and twenty-six (126) in chapter (5) of the code, relating to public printing and binding and distribution of documents.”

That the bill be further amended by striking out at the end of the enacting clause and at the end of line one of the original bill, the word and number “section 1,” and that this word and number be inserted in a separate paragraph below the enacting clause and before the word “That.”

That the bill also be further amended by striking out the small letter “t” in the word “that” and inserting a capital letter “T” in lieu thereof.

That the bill be further amended by inserting after the word “section,” where it occurs after the word “That,” the words “one hundred and twenty-six,” and by enclosing the figures “126” in parentheses.

That the bill be further amended by inserting after the word “subdivision,” and before the figure “3” the word, “three,” and by enclosing the figure “3” in parentheses.

And that when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 109, a bill for an act to repeal section 3912 of the code, and to enact a substitute therefor, relating to the sale of perishable property when seized under a writ of attachment, beg leave to report 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:

That the title be amended so as to read as follows:

“A bill for an act to repeal section three thousand nine hundred and twelve (3912), in chapter one (1), of the code, relating to attachments

garnishments, executions and supplementary proceedings, and the sale of perishable property when seized under a writ of attachment."

That section one of the bill be amended by inserting after the words "That section," in the first line of the bill, the words "three thousand nine hundred and twelve," and by enclosing the figures "3912" in parentheses.

That the bill be further amended by striking out of the third line of section one of the bill, the following: "Sec. 3912. Sale of perishable property."

That the bill be further amended by striking out the references at the end of section one which are enclosed in parentheses.

That when so amended the bill do pass.

THOS. A. CHESHIRE

*Chairman.*

Ordered passed on file.

Senator Hobart, from the Committee on Compensation of Public Officers, submitted the following report:

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred Senate file No. 21, a bill for an act prohibiting members of boards of supervisors and township trustees from making contracts with their respective townships or counties, beg leave to report 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 bill do pass.

SUBSTITUTE FOR SENATE FILE 21.

A BILL for an act prohibiting members of boards of supervisors and township trustees from making contracts with their respective townships or counties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. Members of boards of supervisors and township trustees shall not buy from, sell to, or in any manner become parties directly or indirectly, to any contract to furnish supplies, material or labor to the county or township in which they are respectively members of such board of supervisors or township trustees.

A. C. HOBART,

*Chairman.*

Read first and second time and passed on file.

BILLS ON THIRD READING.

On motion of Senator Garst, Senate file No. 127, a bill for an act to appropriate the sum of \$3,500, or so much thereof as may be necessary to pay the extra employes of the Twenty-seventh General Assembly, with report of committee recommending that same 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 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, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young or Delaware, Young of Lee—45.

The nays were:

None.

Absent or not voting:

Senators Emmert, Healy, Lyons, Pusey, Wilson—5.

So the bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

On motion of Senator Craig, House file No. 128, a bill for an act granting extension of certificates of authority issued by the auditor of state to insurance companies and their agents under provisions of chapter 4, title 9 of the code of 1873, with report of committee recommending that the same do pass, was taken up, considered, and the report of the committee adopted.

Senator Lewis offered the following amendment:

Add to section 1. "subject, however, to be revoked, same as if this act was not in force."

Adopted.

Senator Craig 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, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Young of Delaware, Young of Lee—46.

The nays were:

None.



Absent or nor not voting:

Senators Emmert, Healy, Trewin, Wilson—4.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Titus, joint resolution No. 1, to amend the constitution so as to provide for biennial elections, with report of committee recommending a substitute, was taken up and considered.

Report of committee adopted.

Senator Barry moved that joint resolution No. 1 be made a special order for Tuesday, February 6th, at 10:30 o'clock A. M. Carried.

On motion of Senator Harriman, Senate file No. 86, by Harriman, a bill for an act to assign rooms No. 11 and 18 to the state agricultural society, with report of committee recommending that same do pass, was taken up, considered and the report of the committee adopted.

Senator Harriman 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, Bolter, Carroll, Craig, Drue, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hospers, Hotchkiss, Hurst, Lewis, Lothrop, Lyons, Malloy, McIntire, Palmer, Penrose, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—31.

The nays were:

Senators Blanchard, Byers, Cheshire, Ellison, Everall, Hobart, Junkin, McArthur, Mullan, Pusy, Rank—11.

Absent or not voting:

Senators Carney, Eaton, Emmert, Healy, Kilburn, Mitchell, Perrin, Wilson—8.

So the bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

Senator Carney filed the following motion to reconsider the vote on Senate file No. 30:

I move to reconsider the vote by which the report of the Committee on Claims on Senate file No. 30 was adopted.

J. L. CARNEY.

Senator Hotchkiss offered the following concurrent resolution:

*Resolved by the Senate, the House concurring, That the secretary of state be authorized to have five hundred copies of the Official Register bound*

each year in leather, the cost of the binding not to exceed twenty-five cents per copy.

Laid over under the rule.

Senator Mitchell recalls Senate file No. 187 for correction.

Senator Berry moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

House file No. 132, a bill for an act to amend section 2392 of the code, relative to change of place of conducting pharmacy, was read first and second time and referred to Committee on Pharmacy.

House file No. 17, a bill for an act to amend the title to chapter 6, of title 13, of the code, and also to amend section 2683, 2685 and 2688 of the code, relating to the orphans' home and the home for destitute children, was read first and second time and referred to Committee on Charitable Institutions.

Concurrent resolution, relative to asking state printer and state binder for information as to cost of printing schoolbooks, was read and passed on file.

Concurrent resolution, relative to inscription upon statuary in the rotunda of capitol building, was read and passed on file.

Concurrent resolution, relative to rules of Twenty-seventh General Assembly, was read and passed on file.

#### INTRODUCTION OF BILLS.

By Senator Hayward, by permission, Senate file No. 138, a bill for an act to require the publication of American experience tables of mortality and expectation life tables in the arithmetic used in the public schools of the state.

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

Senator Druet moved that the time be extended until Journal was corrected.

Carried.

Journal of Wednesday was taken up for correction.

The Journal of Wednesday as corrected was approved.

Senator Young of Lee, moved that Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Friday, February 4, 1898. }

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

Prayer was offered by Rev. Edward Newton Barrett, of Iowa City, Iowa.

Kate C. Brechner appeared at the bar of the Senate and was sworn in as clerk of the Committee on Manufactures.

#### PETITIONS AND MEMORIALS.

Senator Mullan presented two petitions signed by 399 citizens of Black Hawk county, in reference to equal suffrage.

Referred to Committee on Constitutional Amendments.

Senator Mullan, by request, presented petition signed by 360 citizens of Wright county on same subject.

Referred to Committee on Constitutional Amendments.

Senator Emmert presented petition signed by barbers of Atlantic in favor of passage of barbers' bill.

Referred to Committee on Public Health.

Senator Trewin presented four petitions signed by citizens of Fayette county, asking for the establishing of a compulsory reformatory for women.

Referred to Committee on Penitentiaries and Pardons.

Senator Wallace presented four petitions signed by citizens of Hardin county, on same subject.

Referred to Committee on Penitentiaries and Pardons.

#### INTRODUCTION OF BILLS.

By Senator Hobart, Senate file No. 139, a bill for an act to amend sections 2945 and 2946, chapter 6, title 14, of the code, in relation to the conveyance of real estate.

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

By Senator Hobart, Senate file No. 140, a bill for an act to amend section 2959, chapter 6, title 14, of the code, in relation to the conveyance of real estate.

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

By Senator Pusey, Senate file No. 141, a bill for an act appropriating additional money for an exhibit of the resources of the state of Iowa at the Trans-Mississippi and International exposition, to be held at Omaha in the year 1898.

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

By Senator Alexander, Senate file No. 142, a bill for an act relating to certain fines and penalties provided for in section 2083 of the code, pertaining to automatic couplers.

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

By Senator Lothrop, by request, Senate file No. 143, a bill for an act making an appropriation for the woman's and baby's home association of Sioux City.

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

By Senator Lothrop, Senate file No. 144, a bill for an act to amend section 2945, chapter 6, title 14, of the code, relating to the conveyance of real estate, and to the repeal of section 2946 of said chapter and title of the code.

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

#### 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. 101, a bill for an act to amend section 2754 of the code of Iowa, relating to the term of office of school treasurers in districts composed in whole or in part of cities or incorporated 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. 114, a bill for an act to amend subdivision 12, of section 1005 of the code, in relation to cities under special charter levying a special bridge tax.

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. 44, a bill for an act to amend sections 850 and 859 of the code, relating to election of park commissioners in certain cities.

JAS D ROWEN,  
*Chief Clerk.*

Senator Carney called up his motion to reconsider the vote on Senate file No. 30.

The motion having been read a vote was taken.

Carried.

Senator Carney moved that the bill be referred to the Committee on Claims.

Carried.

Senator Hotchkiss called up concurrent resolution relative to having printed 500 copies of the official register and having them bound in leather.

Senator Trewin rose to a point of order, stating that the resolution was out of order for the reason that it sought to amend a law and could not be passed unless passed in the form of a bill.

President ruled that the point of order was a question to be decided by the Senate and not by the chair.

On the question, "Shall the concurrent resolution be adopted?" the yeas and nays were called for.

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

Senators Blanchard, Bolter, Carroll, Druet, Eaton, Funk, Gilbertson, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Malloy, McArthur, Palmer, Wallace, Young of Delaware—17

The nays were:

Senators Alexander, Allyn, Bell, Byers, Carney, Cheshire, Craig, Ericson, Everall, Finch, Garst, Gorrell, Harriman, Kilburn, Lewis, Lothrop, McIntire, Mitchell, Mullan, Penrose, Perrin, Titus, Trewin, Young of Lee—24

Absent or not voting:

Senators Berry, Ellison, Emmert, Healy, Junkin, Lyons, Pusey, Ranck, Wilson—9.

The concurrent resolution was lost.

#### HOUSE MESSAGES.

House file No. 114, a bill for an act to amend subdivision 12 of section 1005 of the code, relating to cities under special

charters levying a special bridge tax, was read first and second time and referred to Committee on Municipal Corporations.

House file No. 101, a bill for an act to amend section 2754, code of Iowa, relative to the term of office of school treasurers in districts composed in part or whole of incorporated towns, was read first and second time and referred to Committee on Schools.

Concurrent resolution relating to information furnished by state printer and state binder regarding cost of printing school books, was read first and second time and referred to Committee on Schools.

Concurrent resolution relative to having 5,000 copies of the rules of the Senate, rules of the House and joint rules of the Twenty-seventh General Assembly printed.

Senator Hotchkiss moved that the resolution be concurred in. Carried.

The resolution was concurred in.

#### REPORTS OF STANDING COMMITTEES.

Senator Pusey, from the Committee on Cities and Towns, submits the following report:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate file No. 68, a bill for an act to amend section 859, title 5, chapter 9, of the code, relating to the terms of park commissioners and providing for the extension of the terms of such commissioners as have been elected in odd-numbered years, beg leave to report that they have had the same under consideration and have instructed me to report back to the Senate the annexed substitute therefor, with the recommendation that said substitute do pass.

N. M. PUSEY,  
*Chairman.*

#### SUBSTITUTE FOR SENATE FILE NO. 68.

A BILL for an act to amend section eight hundred and fifty-nine (859), title five (5), chapter nine (9) of the code, relating to park commissioners and board of public works, and the terms of park commissioners, and providing for the extension of the terms of such commissioners as expire in a year in which there is no biennial election.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section eight hundred and fifty-nine of the code be amended by striking out the word "three" in line four, and inserting in lieu thereof the word "two," and by striking out the word "five" in line four, and inserting in lieu thereof the word "six," and by striking out the word "five" in line five, and inserting in lieu thereof the word "six."

SEC. 2. That said section be further amended by adding thereto, after the word "office" in the last line, the following:

"The terms of such commissioners as shall expire in a year in which no biennial election is held are hereby extended until the next succeeding biennial election."

SEC. 3. This act being deemed of immediate importance, shall take effect and be in force on and after its publication in the Iowa State Register and the Des Moines Leader, newspapers published in Des Moines, Iowa.

Read first and second time and passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate file No. 69, a bill for an act to amend section 668, subdivision 16, title 5, chapter 2 of the code, relating to appropriations by cities of the first class, beg leave to report that they have had the same under consideration and have amended the title of same as follows:

That the title be amended by inserting after the word "relating" in the second line thereof the words "to the organization and officers of cities and towns and," and have instructed me to report the same, as amended, back to the Senate with the recommendation that the same, when so amended, do pass.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate file No. 36, a bill for an act to amend section 742, 744, 745, chapter 5 of title 5, of the code of Iowa, relating to the "purchase and construction of waterworks," and for repealing section 747 of said chapter and title, and enacting a substitute therefor, beg leave to report that they have had the same under consideration and have amended the same as follows:

That section 4 of said bill be amended by striking out in lines 41, 42 and 43 thereof (lines 17 and 18 of printed bill), the following words: "not exceeding the sum of two hundred dollars per annum for each trustee."

That the title be amended by striking out in line 4 thereof, the words "of Iowa," and that section 1 be amended by striking out the words, in line 3 thereof, "of Iowa."

That the title be further amended by inserting after the words, "seven hundred and forty-two," the figures "742" in parentheses, and by inserting after the words "seven hundred and forty-four," the figures "744" in parentheses, and by inserting after the words "seven hundred and forty-five," the figures "745" in parentheses, and by inserting after the words "seven hundred and forty-seven," the figures "747" in parentheses.

That the title be further amended by adding the letter "s" to the word "section" in the first line thereof. And that the title be further amended by inserting the word "and" after the word "hundred," wherever it occurs therein.

That section 1 of the bill be further amended by inserting the word "and" after the word "hundred" in the first line thereof.

That section 2 be amended by inserting the word "and" after the word "hundred" in the first line thereof.

That section 3 be amended by inserting the word "and" after the word "hundred" in the first line thereof.

That section 4 be amended by inserting the word "and" after the word "hundred" in the first line thereof.

And your committee have instructed me to report said Senate file No. 86, as amended, back to the Senate, with the recommendation that the same, when so amended, do pass.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Senator Hobart, from the Committee on Compensation of Public Officers, submitted the following report:

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred Senate file No. 98, a bill for an act to amend section 490, subdivision 5, title 4, chapter 4 of the code, relating to the compensation of county treasurers, beg leave to report 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 striking out of the first line of section one (1) the character "&" and substituting in lieu thereof the word "and," and that when so amended the bill do pass.

A. C. HOBART,  
*Chairman.*

Ordered passed on file.

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 Senate file No. 51, a bill for an act to amend section 1312, chapter 1, title 2 of the code, relating to the assessment and listing of property for taxation, and to provide for listing and taxing mortgages on real estate, beg leave to report 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.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

#### MINORITY REPORT.

The following minority report was presented:

MR. PRESIDENT—We, the undersigned members of your Ways and Means Committee, to whom was referred Senate file No. 51, a bill for an act to amend section 1312, chapter 1, title 2, of the code, relating to the assessment and listing of property for taxation and to provide for listing and taxing mortgages on real estate, beg leave to submit the following minority report: We do not believe that there should be discrimination in the taxation of property. If debts are allowed to be deducted from moneys and credits as in section 1311 of the revenue law, the same



privilege should be allowed as to real estate, or as it seems to us we have class legislation; we therefore recommend that the bill do pass.

JOHN EVERALL,  
JOHN L. WILSON,  
D. A. YOUNG.

Ordered passed on file.

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

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate file No. 53, a bill for an act to amend section 2071 of the code, relating to liability for injuries to employes, beg leave to report 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 after the following amendments have been made: Spell out all numbers in title and line one of printed bill and put in writing the numbers thus spelled out and enclose numbers in brackets; also, strike out the word "widow" in the fifth line of the printed bill.

D. J. PALMER,  
*Chairman.*

Ordered passed on file.

Senator Hobart moved that the amendments to Senate file No. 53 be read.

Carried.

Amendments were read.

Bill was read for information.

Senator Hobart moved that the bill be made a special order for 10:30 o'clock A. M. Wednesday, February 9.

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. 95, a bill for an act to amend sections 3940, 3942 and 3943 of the code, relating the summoning fees of garnishes.

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:

Senate file No. 47, a bill for an act to amend section 298 of the code, relating to the maximum amount to be allowed by the board of supervisors to deputies and clerks in the office of the clerk of the district court in counties with a population exceeding 40,000.

JAS. D. ROWEN,  
*Chief Clerk.*

Senator Carroll moved to reconsider the vote by which the House concurrent resolution relative to printing rules was passed.

Carried.

Senator Carroll moved to adopt the following substitute to concurrent resolution:

*Resolved by the House, the Senate concurring,* That 2,500 copies of the rules of the House, rules of the Senate, and joint rules of the Twenty-seventh General Assembly, substantially in the form of the rules of the Twenty-sixth General Assembly, be printed as soon as practicable, and distributed in the same manner as those of the preceding general assemblies.

Adopted.

#### BILLS ON THIRD READING.

On motion of Senator Garst, Senate file No. 15, a bill for an act to furnish relief to certain county and district agricultural societies, with report of committee recommending a substitute, was taken up, considered and the report of the committee adopted.

The substitute was read for information.

Senator Carroll offered the following amendment and moved its adoption:

I move to amend section 1 of the bill by striking out the words "Davis county agricultural society" and substitute therefor the words, "The agricultural society of Davis county."

Adopted.

Senator Penrose moved to amend section 2 of the bill by inserting the word "one" in the third line after the word "section" and the figure "1" placed within brackets.

Adopted.

Senator Kilburn moved that the rule be suspended, and that the bill be considered engrossed, 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 Alexander, Allyn, Bel, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—42.

Senator Blanchard voted in the negative.

Absent or not voting:

Senators Byers, Eaton, Emmert, Harriman, Healy, Lyons, Wilson—7.

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 concurred in Senate substitute for House concurrent resolution for printing rules of the Twenty-seventh General Assembly, in which the concurrence of the House was asked.

JAS. D. ROWEN,  
*Chief Clerk.*

BILLS ON THIRD READING.

On a motion of Senator Cheshire, Senate file No. 13, by Ranck, a bill for an act relating to the use of notes of shorthand reporters as evidence, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Bolter offered the following amendment:

Add to section 1 the following:

“Provided that before any such testimony shall be received in evidence, if objected to unless the party offering the same shall have served the opposite party or his attorney with written notice of his intention to so offer the same at least ten days before the trial.”

Senator Lothrop moved that the time of adjournment be extended until the passage of this bill and the correction of the Journal.

Senate adjourned by limitation.

SENATE CHAMBER,  
DES MOINES, Iowa, Saturday, February 5, 1898. }

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

Prayer was offered by Rev. E. S. Bolinger, of Anita, Iowa.

Journal of February 3d was taken up, read, corrected and approved.

On request of Senator Hurst, leave of absence was granted Senator Hayward until Monday.

On request of Senator Lewis, leave of absence was granted Senator Wallace indefinitely.

On request of Senator Malloy, leave of absence was granted Senator Lyon indefinitely.

#### PETITIONS AND MEMORIALS.

Senator Funk presented petition from citizens of Palo Alto county in favor of a compulsory reformatory for women.

Referred to Committee on Charitable Institutions.

Senator Funk presented petition signed by members of the Political Equality club of Dickinson county in favor of equal suffrage.

Referred to Committee on Constitutional Amendments.

Senator Funk presented petition signed by citizens of Dickinson county in favor of the bill against the adulteration of and deception in the sale of linseed and flaxseed oil.

Referred to Committee on Manufactures.

Senator Bolter presented petition from citizens of Crawford, Harrison and Emmet counties relative to establishing a compulsory department in connection with the Benedict home.

Referred to Committee on Charitable Institutions.

Senator Cheshire presented twelve petitions from the ministerial association, W. C. T. U. and others relative to woman's reformatory.

Referred to Committee on Charitable Institutions.

Senator Blanchard presented petition of several thousand names from all over the state in favor of the removal of the Bonaparte dam.

Referred to Committee on Fish and Game.

Senator Penrose presented petition of sixty-one citizens of Tama county, relative to a compulsory reformatory for women.

Referred to Committee on Charitable Institutions.

Senator Mullan presented petition of 106 citizens of Grundy county on same subject.

Referred to Committee on Charitable Institutions.

Senator Allyn presented five petitions of 264 citizens of Decatur, Union and Ringgold counties, on same subject.

Referred to Committee on Charitable Institutions.

Senator Kilburn presented petition of thirty-five citizens of Adair county, relative to compulsory woman's reformatory.

Referred to Committee on Charitable Institutions.

Senator Palmer presented petition of forty-two citizens of Henry county, on same subject.

Referred to Committee on Charitable Institutions.

Senator Perrin presented petition of Samuel Cotant and fifty-one others, praying for compulsory reformatory for women.

Referred to Committee on Charitable Institutions.

Senator Hochkiss presented petition of Thomas Wright and other citizens of Dallas county, relative to the practice of osteopathy.

Referred to Committee on Public Health.

Senator Hospers presented three petitions from citizens of Lyon county and one from citizens of O'Brien county asking for the establishment of a woman's reformatory.

Referred to Committee on Judiciary.

#### INTRODUCTION OF BILLS.

By Senator Trewin, Senate file No. 145, a bill for an act to amend section 2634 of the code and to enact a substitute therefor, relating to the state board of educational examiners and authorizing it to employ a secretary.

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

By Senator Malloy, Senate file No. 146, a bill for an act to amend section 2859 of the code, relating to the loan of books from the state library.

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

By Senator Blanchard, Senate file No. 147, a bill for an act to authorize the executive council to purchase and abate the dam across the Des Moines river at Bonaparte.

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

By Senator Finch, Senate file No. 148, a bill for an act to repeal section 41, of chapter 8, of title 1, of the code, and enact a substitute therefor, relating to the title of an act of the general assembly.

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

By Senator Palmer, Senate file No. 149, a bill for an act making an appropriation and providing for the erection of monuments in memory of the Iowa troops on Lookout Mountain and Missionary Ridge, the battles of Chattanooga.

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

By Senator Lothrop, Senate file No. 150, a bill for an act to amend section 4295, chapter 7, title 21 of the code, relating to "the foreclosure of mortgages."

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

By Senator Cheshire, Senate file No. 151, a bill for an act to amend section 20 of chapter 4, of title 5 of the code, relating to the general powers of cities and towns.

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

Senator Hospers offered the following resolution:

*Resolved*, That from and after Tuesday, February 8th, the sessions of the Senate shall commence at 9 o'clock A. M.

Laid over under the 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:

House file No. 133, a bill for an act to legalize the act of the board of supervisors of Appanoose county, Iowa, in authorizing the transfer of money from the swamp land fund to the general county fund.

JAS. D. ROWEN,

*Chief Clerk.*

## HOUSE MESSAGES.

House file No. 47, a bill for an act to amend section 298 of the code, relating to the maximum amount to be allowed by the board of supervisors to deputies and clerks in the office of clerk of the district court in counties with population exceeding 40,000, was read and passed on file.

House file No. 95, a bill for an act to amend sections 3940, 3942 and 3943, of the code of Iowa, relating to the summoning and fees of garnishees, was read first and second time and referred to Committee on Judiciary.

Concurrence in Senate substitute for House concurrent resolution for printing rules of the Twenty-seventh General Assembly was read and passed on file.

## REPORT 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. 101, a bill for an act to amend section 2754 of the code of Iowa, relating to the term of office of school treasurers in districts composed in whole or in part of cities or incorporated 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 same do pass.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Senator Cheshire, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 22, a bill for an act to amend section 4684, chapter 1, title, 23, of the code, relating 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 same be indefinitely postponed.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 54, a bill for an act to amend section twenty-nine hundred and forty-three (2943) of the code, in regard to the taking and certifying of acknowledgments of written instruments, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 33, a bill for an act to amend section five thousand three hundred and fourteen (5314) of the code, relating to the fee to be paid by the county for defending criminals, beg leave to report 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.

THOS. A. CHESHIRE,  
*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 Senate file No. 138, a bill for an act to require the publication of American experience tables of mortality and expectation life tables in the arithmetic used in the public schools of the state, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Senator Pusey, 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. 99, a bill for an act to amend section six hundred and fifty-four (654) of the code, relating to the appointment of police matrons in cities having a population of twenty-five thousand or over, beg leave to report that they have had the same under consideration and have amended the same as follows:

That the title be amended by inserting after the figures "(654)" in parentheses, the words, "title 5, chapter 2," and by inserting after the word "relating" in line two, the words "to the organization and officers of cities and towns and." And that the title be further amended by striking out the following words: "in cities having a population of twenty-five thousand or over."

That there be substituted for section 1 of said bill, the following:

**SECTION 1.** That section six hundred and fifty-four of the code be, and the same is hereby amended by inserting after the word "mayor" in line four thereof, the following: "may, and in cities having a population of thirty-five thousand or over."



And have instructed me to report same back to the Senate with the recommendation that, when so amended, it do pass.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Mr. Hotchkiss, from the Committee on Printing, submitted the following report:

**MR. PRESIDENT**—Your Committee on Printing, to whom was referred House file No. 44, a bill for an act to repeal section 144 of the code, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

A. C. HOTCHKISS,  
*Chairman.*

Ordered passed on file.

Senator Cheshire, from the Committee on Judiciary, submitted the following report:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 110, a bill for an act to legalize the act of the board of supervisors of Appanoose county, Iowa, in authorizing the transfer of money from the swamp land fund to the general county 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 the same be amended as follows:

That the title be amended by adding at the end thereof the following: "and the act of the treasurer in making such transfer."

That the bill be further amended by inserting between the words "fund" and "and," in the fifth line of the preamble of the original bill and the fourth line of the printed bill, the following: "and the treasurer has so transferred such money."

That the second paragraph of the preamble be amended by adding the letter "s" to the word "act."

That the bill be further amended by inserting in line one, section one, of the printed bill, between the words "transfer" and "be," the words "and such transfer by the treasurer."

That line two, section one, be amended by striking out the word "is" and inserting in lieu thereof the word "are."

That said section one be further amended by striking out after the word "valid" in the third line, down to and including the word "that" in the fifth line thereof.

That said section be further amended by inserting before the word "this," in the fifth line of the original bill and the fourth line of the printed bill, the word "but," and by inserting the word "act" after the word "this" in the same line."

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Senator Mullan, from the Committee on Manufactures, submitted the following report:

**MR. PRESIDENT**—Your Committee on Manufactures, to whom was referred House file No. 83, a bill for an act to amend section 2585 of the code of Iowa, relating to election of secretary of the board 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 the same do pass.

C. W. MULLAN,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Manufactures, to whom was referred Senate file No. 63, a bill for an act to prevent the adulteration of and deception in the sale of linseed or flaxseed oil, and to regulate the sale thereof, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

C. W. MULLAN,  
*Chairman.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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 to amend section two thousand eight hundred and eight (2808) of the code and to provide for the manner of distributing funds in the hands of the county treasurer belonging in common to all the schools in the county.

Also, House file No. 128, a bill for an act granting extension of certificates of authority issued by the auditor of state to insurance companies and their agents, under provisions of chapter four (4), title nine (9), of the code of 1873.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

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

**MR. PRESIDENT**—Your Committee on Enrolled Bills respectfully report that on the 28th day of January they presented to the governor for his approval Senate file No. 11, a bill for an act to amend section number five

hundred and eleven (511) of the code, relating to fees and compensation of sheriffs.

On the same date they presented Senate file No. five (5), a bill for an act to amend section three thousand nine hundred and forty-eight (3948) of the code, relating to garnishment, and Senate file number fifty-two (52), a bill for an act to amend title ten (10), chapter five (5), of the code in respect to the regulation of automatic couplers, required by law to be used by railways in this state.

G. M. TITUS,  
*Chairman.*

Also:

**MR. PRESIDENT**—Your Committee on Enrolled Bills respectfully report that on the 1st day of February they presented to the governor for his approval Senate file number seventy-three (73), a bill for an act to make appropriation for the payment of supplies, contracted for by the executive council and for supplies and other expenses.

Also, on the same date, they presented joint resolution number three (3), relating to payment of extra employes in the capitol.

G. M. TITUS,  
*Chairman.*

#### BILLS ON THIRD READING.

On motion of Senator Hotchkiss, House file No. 44, a bill for an act to repeal section 144 of the code, with report of committee recommending that same do pass, was taken up, considered, and the report of the committee adopted.

Senator Hotchkiss moved that the rules be suspended, and that the bill be considered engrossed 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 Alexander, Allyn, Bell, Blanchard, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Young of Delaware, Young of Lee—42.

The nays were:

None.

Absent or not voting:

Senators Berry, Carney, Ellison, Hayward, Healy, Lyons, Wallace, Wilson—8.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Carroll moved to take up House messages.

Carried.

## HOUSE MESSAGES.

House file No. 133, a bill for an act to legalize the acts of the board of supervisors of Appanoose county, Iowa, in authorizing the transfer of money from the swamp land fund to the general county fund, was read first and second time by title.

Senator Carroll, asked for unanimous consent to the immediate consideration of House file No. 133, which was granted.

Senator Carroll moved that the bill be amended, by inserting between the words "fund" and "and" in the fifth line of the preamble of the original bill, and the fourth line of the printed bill, the following, "and the treasurer has so transferred such money."

Adopted.

Senator Carroll moved that the second paragraph of the preamble be amended by adding the letter "s" to the word "act."

Adopted.

Senator Carroll moved that the bill be amended by inserting in line 1, section 1, of the printed bill, between the words "transfer" and "be," the words "and such transfer by the treasurer."

Adopted.

Senator Carroll moved that line two, section 1, be amended by striking out the word "is" and inserting in lieu thereof the word "are."

Adopted.

Senator Carroll moved that said section 1 be further amended by striking out all after the word "valid" in the third line down to and including the word "that" in the fifth line thereof.

Adopted.

Senator Carroll moved that said section 1 be further amended by inserting before the word "this" in the fifth line of the original bill and the fourth line of the printed bill the word "but," and inserting the word "act" after the word "this" in the same line.

Senator Carroll moved that the rule be suspended, and that the bill be 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, Berry, Blanchard, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hobart,

Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Young of Delaware, Young of Lee—41.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Carney, Ellison, Hayward, Healy, Lyons, Wallace, Wilson—9.

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Carroll moved that the title be amended by adding at the end thereof the following, "and the act of the treasurer in making such transfer."

Adopted.

So the title as amended was agreed to.

#### BILLS ON THIRD READING.

Senator Carroll asked unanimous consent to the consideration of Senate file No. 110.

No objection being made, the same was taken up for consideration.

Senator Carroll offered the following motion:

"I move to indefinitely postpone Senate file No. 110, for the reason that House file No. 133, relating to the same subject, has been passed."

Carried.

Senator Berry moved that when the Senate adjourn it be until 11 o'clock A. M. Monday.

Carried.

On request of Senator McIntire, by unanimous consent, Senate file No. 64, a bill for an act to legalize a conveyance by the independent school district of Ottumwa, to John F. Rogg, was taken up and considered.

Senator McIntire moved that the report of the committee be adopted.

Carried.

Senator McIntire offered the following amendment and moved its adoption:

Amend section one by adding thereto the following:

"But nothing herein shall in any manner affect any pending litigation."

Adopted.

Senator McIntire moved to reconsider the vote by which his amendment was adopted.

Carried.

By unanimous consent, Senator McIntire withdrew his amendment.

On request of Senator McIntire, the bill was read for information.

Senator McIntire moved that the rule be suspended, and that the bill be considered engrossed 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 Alexander, Bell, Berry, Blanchard, Botter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Young of Delaware, Young of Lee—40.

The nays were:

None.

Absent or not voting:

Senators Allyn, Carney, Ellison, Emmert, Hayward, Healy, Hurst, Lyols, Wallace, Wilson—10.

So the bill, having received a constitutional majority, was declared to have passed the Senate, and 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. 127, a bill for an act to appropriate the sum of \$3,500, or so much thereof as may be necessary, to pay the extra employes of the Twenty-seventh General Assembly.

JAS. D. ROWEN,  
*Chief Clerk.*

#### BILLS ON THIRD READING.

By unanimous consent, on request of Senator Pusey, Senate file No. 68, a bill for an act to amend section 859, title 5, chapter 9 of the code, relating to the terms of park commissioners and providing for the extension of the terms of said commissioners as have been elected in odd numbered years, with report

of committee recommending a substitute and that the same do pass, was taken up and the report of the committee adopted.

Senator Pusey 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, Bell, Berry, Blanchard, Bolter, Byers, Carroll, Cheshire, Craig, Ericson, Everall, Finch, Gilbertson, Gorrell, Harriman, Hobart, Hospers, Hotchkiss, Junkin, Lewis, Lotbrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Young of Delaware, Young of Lee—35.

The nays were:

None.

Absent or not voting:

Senators Allyn, Carney, Druet, Eaton, Ellison, Emmert, Funk, Garst, Hayward, Healy, Hurst, Kilburn, Lyons, Wallace, Wilson—15.

The bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Trewin moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

Senate file No. 127, a bill for an act to appropriate the sum of \$3,500, or so much thereof as may be necessary to pay the extra employes of the Twenty-seventh General Assembly, was read and passed on file.

By unanimous consent, Senator Mullan offered the following concurrent resolution:

*Resolved by the Senate, the House concurring, That the custodian of the capitol be requested to purchase one dozen cheap tables suitable for the use of clerks of committees in the use of typewriters.*

Adopted.

Senator Lothrop moved that the order of business be suspended for the correction of the Journal of Friday.

Carried.

The Journal of Friday was taken up for correction.

Senator Bolter moved that the Journal be amended by substituting the words "no such" for "before any" in the first line of the amendment offered by him to Senate file No. 13.

Senator Lothrop raised the point of order that such action could not be taken at this time as it would practically constitute an amendment to the amendment.

The president sustained the point of order.

Senator Bolter asked unanimous consent to offer an amendment to his amendment, which was granted.

Senator Bolter moved that the amendment offered by him yesterday to Senate file No. 13 be amended by substituting the word "no" for "before any" in the first line thereof.

Carried.

Senator Bolter moved that the Journal of Friday be corrected in accordance with the amendment just adopted.

Senator Lothrop raised the point of order that such change of the Journal could not be made.

The president sustained the point of order.

The hour of 12 o'clock having arrived, the president declared that the Senate stood adjourned until 11 o'clock Monday morning.



SENATE CHAMBER,  
DES MOINES, Iowa, Monday February 7, 1898. }

Senate met pursuant to adjournment, at 11 o'clock A. M.,  
President Milliman presiding.

Prayer was offered by Rev. C. C. Morrison of Perry, Iowa.

Journal of Friday was taken up, correction was completed,  
and same was approved.

Journal of Saturday was taken up, corrected and approved.

On request of Senator Wilson, leave of absence was granted  
Senator McIntire indefinitely.

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

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

#### PETITIONS AND MEMORIALS.

Senator Kilburn presented three petitions of Citizens of  
Madison and Adair counties in favor of raising the age of  
consent.

Referred to Committee on Public Health.

Senator Wilson presented a petition of barbers of Clinton,  
Iowa, in favor of a bill to regulate the practice of barbering.

Referred to Committee on Public Health.

Senator Carney presented a petition of citizens of Marshall  
county in favor of Senate file No. 79, relating to the grading of  
highways and use of broad tire wagons

Referred to Committee on Highways.

Senator Carney presented a petition of citizens of Marshall  
county relating to compulsory reformatory for women.

Referred to Committee on Charitable Institutions.

Senator Berry presented a petition of citizens of Warren  
county in favor of the removal of the Bonaparte dam.

Referred to Committee on Fish and Game.

Senator Berry presented a petition of citizens of Clarke  
county relating to compulsory reformatory for women.

Referred to Committee on Charitable Institutions.

Senator Penrose presented a petition of citizens of Tama county relating to a compulsory reformatory for women.

Referred to Committee on Charitable Institutions.

Senator Hotchkiss presented a petition of citizens of Guthrie county in favor of the Lewis bill relating to grading of highways.

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 passed the following bill, in which the concurrence of the House was asked:

Senate file No. 86, a bill for an act to assign rooms number eleven and twelve to the state agricultural society.

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 House file No. 21, a bill for an act to amend section 1661 of the code, in relation to state aid to county and district agricultural societies.

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. 78, a bill for an act to legalize the levy and collection of a schoolhouse tax and to authorize the school board of the district of Scott township, Floyd county, Iowa, to transfer certain money illegally voted, levied and raised for the purpose of building a schoolhouse to the teachers' fund of said school district.

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 House file No. 112, a bill for an act to amend section 2734 of the code of Iowa, relating to the qualifications of county superintendents.

JAS. D. ROWEN,  
*Chief Clerk.*

## INTRODUCTION OF BILLS.

By Senator Garst, Senate file No. 152, a bill for an act to amend the code in relation to the compensation of the financial agent of the state college of agriculture and mechanic arts.

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

By Senator Lewis, Senate file No. 153, a bill for an act to fix the compensation of state printer and state binder for necessary night work, and state printer for changes in composition occasioned by changes in copy, additional to chapter 5 of the code.

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

By Senator Emmert, Senate file No. 154, a bill for an act to amend section 2573 in relation to the penalties for a violation of chapter 16, title 12, of the code.

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

Senator Hospers called up the resolution offered by him Saturday, relative to time of meeting of Senate and moved its adoption.

Motion was lost.

## HOUSE MESSAGES.

Substitute for House file No. 112, a bill for an act to amend section 2734 of the code of Iowa, relating to the qualification of county superintendents, was read first and second time and referred to Committee on Schools.

Substitute for House file No. 21, a bill for an act to amend section 1661 of the code, in relation to state and to county and district agricultural societies, was read first and second time and referred to Committee on Agriculture.

Senate file No. 78, a bill for an act to legalize the levy and collection of a schoolhouse tax and to authorize the school board of the school district of Scott township, Floyd county, Iowa, to transfer certain money illegally voted, levied and raised for the purpose of building a schoolhouse, to the teachers' fund of said school district was passed on file.

Senate file No. 86, a bill for an act to assign rooms number eleven and twelve to the state agricultural society was passed on file.

## BILLS ON THIRD READING.

On motion of Senator Bolter, Senate file No. 13, a bill for an act relating to the use of the notes of shorthand reporters as evidence, was taken up for consideration.

Senator Bolter asked that his amendment offered Friday be read as amended.

Same was read.

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 47, a bill for an act to amend section two hundred ninety-eight (298), chapter 8 of the code, relating to the clerk of the district court and fixing the maximum amount to be allowed by the board of supervisors to deputies and clerks in counties having a population exceeding 40,000.

Also, Senate file No. 127, a bill for an act to appropriate the sum of \$3,500 or so much thereof as may be necessary to pay the extra employes of the Twenty-seventh General Assembly.

G. M. TITUS,  
*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. 38, a bill for an act to amend section 891 and section 892, chapter 11, title 5, of the code, pertaining to labor on highways.

Also, Senate file No. 44, a bill for an act to amend sections eight hundred and fifty (850) and eight hundred and fifty-nine (859) of the code, relating to election of park commissioners in certain cities.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 44, a bill for an act to amend sections eight hundred and fifty (850) and eight hundred and fifty-nine (859), of the code, relating to election of park commissioners in certain cities.

Also, Senate file No. 38, a bill for an act to amend section 891 and section 892, chapter 11, title 5, of the code, pertaining to labor on highways.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*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. 127, a bill for an act to appropriate the sum of \$3,500, or so much thereof as may be necessary to pay the extra employes of the Twenty-seventh General Assembly.

Also:

Senate file No. 47, a bill for an act to amend section two hundred ninety-eight (298), chapter eight (8) of the code, relating to the clerk of the district court and fixing the maximum amount to be allowed by the board of supervisors to deputies and clerks in counties having a population exceeding forty thousand.

G. M. TITUS,

*Chairman Senate Committee.*

I. B. SANTEE,

*Chairman House Committee.*

Ordered passed on file.

Senator Lothrop moved that the time of adjournment be extended until the bill under consideration be disposed of.

Carried.

Senator Mullan moved to reconsider the vote by which Senator Lothrop's motion to extend time of adjournment was carried.

Carried.

The hour of 12 o'clock having arrived, the President declared that the Senate stood adjourned.

SENATE CHAMBER,  
DES MOINES, IOWA, Tuesday, February 8, 1898. }

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

Prayer was offered by Rev. F. W. Parsons, of Marshalltown, Iowa.

On request of Senator Mullan, leave of absence was granted Senator Alexander indefinitely.

PETITIONS AND MEMORIALS.

Senator Hospers presented petition of fifty citizens of Paulina, in favor of two-cent passenger rate.

Referred to Committee on Railways.

Senator Gilbertson presented petition of Julius Jasperson and fifty-six other citizens of Leland, Iowa, in relation to a two-cent mileage rate.

Referred to Committee on Railways.

Senator Hotchkiss presented petition of seventy citizens of Dallas county, in favor of passage of Temple amendment.

Referred to Committee on Railways.

Senator Wilson presented petition of citizens of Clinton county, in favor of Senate file No. 79, a bill, relating to grading of highways.

Referred to Committee on Highways.

Senator Penrose presented petition of citizens of Tama county, in favor of the Temple amendment.

Referred to Committee on Railways.

Senator Ericson presented petition of L. Pearson and ten other citizens of Elwell, Story county, in favor of the Temple amendment.

Referred to Committee on Railways.

Senator McArthur presented two petitions of citizens of Burlington, relating to compulsory reformatory for women.

Referred to Committee on Charitable Institutions.

Senator McArthur presented petition of citizens of Burlington in favor of raising the age of consent.

Referred to Committee on Judiciary.

Senator Lyons presented petition of citizens of Winneshiek county relating to the establishment of a compulsory reformatory for women.

Referred to Committee on Charitable Institutions.

Senator Bolter presented two petitions of citizens of Crawford and Harrison counties relating to the age of consent.

Referred to Committee on Judiciary.

Senator Hobart presented petition of citizens of Cherokee in favor of compulsory reformatory for women.

Referred to Committee on Charitable Institutions.

Senator Trewin presented petition of W. A. Mayner and 424 other citizens of Fayette county in favor of equal suffrage; also petition of Mrs. R. Z. Latimer and 477 other citizens of Fayette county on same subject.

Referred to Committee on Constitutional Amendments.

Senator Carroll asked permission to recall House file No. 133.

Granted.

Senator Carroll moved that House file No. 133 be recalled.

Carried.

#### INTRODUCTION OF BILLS.

By Senator Penrose, Senate file No. 155, a bill for an act to amend section 891, chapter 12, of the code, pertaining to expense of the poor.

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

By Senator Cheshire, Senate file No. 156, a bill for an act imposing a tax in addition to the taxes and penalties now provided by law, upon any person, partnership or corporation, keeping a house, shop or place resorted to for the purpose of gambling, or where any person is permitted to play at cards, dice, faro, roulette, equality or other game for money, or other thing.

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

By Senator Cheshire, Senate file No. 157, a bill for an act imposing a tax in addition to other taxes and penalties now provided by law, upon any person, partnership, or corporation, keeping a house of ill fame or place resorted to for the purpose of prostitution or lewdness.

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

By Senator Hayward, Senate file No. 158, a bill for an act to require cities to create ordinances regulating plumbing and house drainage; to provide for a board of examiners to be known as the examining and supervising board of plumbers, to regulate the duties of said board and to provide penalties for violation thereof.

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

By Senator Lewis, Senate file No. 159, a bill for an act to add to and amend chapters 4 and 5 of the code in relation to insurance other than life, and to amend sections 1742 and 1744 of the code.

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

Senator Hospers offered the following resolution:

*Resolved*, That from and after February 9th the sessions of the Senate begin at 9 o'clock A. M.

Laid over under the rule.

Senator Palmer offered the following resolution:

WHEREAS, Twenty-eight regiments of Iowa infantry, two regiments of Iowa cavalry, and two batteries of Iowa artillery participated in the campaign and siege of Vicksburg; and,

WHEREAS, No other operation of the war of the rebellion assembled under one command so great a number of Iowa soldiers; and,

WHEREAS, The establishment of a national military park at Vicksburg will be an appropriate monument to the great commander whose genius planned the Vicksburg campaign and brilliantly carried it to a successful issue; therefore,

*Resolved by the Senate (the House Representatives concurring)*, That the general assembly of the state of Iowa again indorses the bill to establish a national military park to commemorate the campaign, siege and defense of Vicksburg, respectfully petitions that it be passed by the present congress, and requests the senators and members of the house of representatives in congress from Iowa to labor earnestly to secure its passage.

*Resolved*, That the secretary of state be, and is, hereby instructed to send a copy of this resolution to the senators and members of the house of representatives in congress from Iowa, to William McKinley, president of the United States; to Thomas B. Reed, speaker of the house of representatives; to Joseph R. Hawley, chairman of the senate committee on military affairs, and to John A. T. Hull, chairman of the house committee on military affairs.

Referred to the Committee on Military.

Senator Hotchkis, offered the following resolution and moved its adoption:



*Resolved*, That the Secretary of the Senate be authorized to procure 300 additional copies of lists of Senate committees and assignment of rooms.

Adopted.

The following communication was received from the Pioneer Lawmakers' Association of Iowa:

The members of the Pioneer Lawmakers' association of Iowa cordially tender to the officers of state with their ladies; to the members of the Senate and House of Representatives with their ladies; and to the officers of both houses, a reception to be given at the residence of Major Hoyt Sherman, corner of Woodland avenue and Fifteenth street, Des Moines, Iowa, Wednesday evening, February 9, 1898, between the hours of 8 and 12 o'clock. The hosts desire especially to meet all their guests at the time above named; to renew old acquaintances and form new ones; to enjoy some "old-time" singing and refreshments.

#### REPORTS OF COMMITTEES.

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 Senate file No. 57, a bill for an act to amend section 1371 of the code in relation to the duty of township, city and town assessors, beg leave to report 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.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Ways and Means, to whom was referred Senate file No. 37, a bill for an act to amend section 2308 of the code, relating to the rate of tax levy for county insane 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 the accompanying bill be substituted for said Senate file No. 37, and when so substituted the same do pass.

#### SUBSTITUTE FOR SENATE FILE NO. 37.

A BILL for an act to amend section twenty-three hundred and eight, chapter two of the code, relating to the rate of tax levy for county insane fund.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. Section twenty-three hundred and eight of the code is hereby amended by striking out at the end of the second line the word "one-half," and inserting in lieu thereof the word "one."

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

Mr. Carroll, from the Committee on Mines and Mining, submitted the following report:

**MR. PRESIDENT**—Your Committee on Mines and Mining, to whom was referred Senate file No. 100, a bill for an act to amend chapter 9, title 12 of the code, in relation to the use of oil in coal mines, beg leave to report 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:

That section one be amended by inserting after the words "twenty-four hundred and ninety-four," the figures "(2494)" in parentheses.

That section two be amended by inserting after the words, "twenty-four hundred and ninety-five," the figures "(2495)" in parentheses.

That section two be further amended by striking out of line two the words, "enacted in lieu thereof," and inserting the word, "substituted."

That section two be further amended by striking out of lines eleven and twelve the following, "or should he have good reason to believe it is adulterated."

And when so amended the same do pass.

B. F. CARROLL,  
*Chairman.*

Ordered passed on file.

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 Senate file No. 106, a bill for an act to amend section 1459 of the code in relation to the time and manner of payments by county treasurers to the state treasurer, beg leave to report 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.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 47, a bill for an act to amend section two hundred ninety-eight (298), chapter 8 of the code, relating to the clerk of the district court and fixing the maximum amount to be allowed by the board of supervisors to deputies and clerks in counties having a population exceeding forty thousand.

Also, Senate file No. 127, a bill for an act to appropriate the sum of \$3,500, or so much thereof as may be necessary, to pay the extra employes of the Twenty-seventh General Assembly.

Also, Senate file No. 38, a bill for an act to amend section 891, and section 892, chapter 11, title 5 of the code, pertaining to labor on highways.

Also, Senate file No. 44, a bill for an act to amend sections eight hundred and fifty (850) and eight hundred and fifty-nine (859) of the code, relating to election of park commissioners in certain cities.

G. M. TITUS,  
*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 herewith returns the following bill, as requested by the Senate:

House file No. 133, a bill for an act to legalize the act of the board of supervisors of Appanoose county, Iowa, in authorizing the transfer of money from the swamp fund to the general county fund.

JAS. D. BOWEN,  
*Chief Clerk.*

Passed on file.

Senator Titus moved that joint resolution No. 1 be recommitted.

Carried.

BILLS ON THIRD READING.

Senate file No. 18, was taken up for further discussion.

The question being upon the amendment offered by Senator Bolter, Friday, the yeas and nays were demanded:

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

Senators Bolter, Gorrell, Palmer, Wilson, Young of Lee—5.

The nays were:

Senators Bell, Berry, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Eumert, Ericson, Everall, Finch, Garst, Gilbertson, Hospers, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Lyons, McArthur, Mitchell, Mullan, Penrose, Perrin, Pusey, Ranck, Trewin—31.

Absent or not voting:

Senators Alexander, Allyn, Blanchard, Byers, Funk, Harri-  
man, Healy, Hobart, Kilburn, Malloy, McIntire, Titus, Wallace,  
Young of Delaware—14.

The amendment was lost.

Senator Berry offered the following amendment and moved its adoption:

"I move to amend section 1 by striking out all of said section after the word 'reporter' in the fifth line thereof to and including the word 'applicable' in the eighth and ninth lines thereof, and inserting in lieu thereof the following: 'Shall be admissible in evidence when material and competent on any

retrial of the case or proceeding in which the same were taken, and for purposes of impeachment in any case, and shall have the same force and effect as a deposition, subject to the same objections so far as applicable.' "

Adopted.

Senator Ranck 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.

Senator Cheshire moved to reconsider the vote by which Senate file No. 13 was put upon its third reading.

Carried.

Senator Ranck withdrew his motion for third reading of Senate file No. 13.

Senator Mullan moved that the vote by which the Berry amendment was adopted be reconsidered.

Carried.

Senator Mullan offered the following amendment to the Berry amendment:

Strike out the words "when material and competent" following the word "evidence" in the fifth line of the amendment and insert the same words before the word "shall" in the same line of the amendment.

Adopted.

Senator Trewin moved that further consideration of the bill be postponed until to-morrow morning.

Lost.

The question recurring on the original amendment by Senator Berry, the amendment was adopted.

Senator Cheshire moved that the substitute as just adopted be section 1 of the bill.

Carried.

Senator Cheshire 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 Bell, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, Mitchell, Mullan, Penrose, Perrin, Pusey, Ranck, Titus, Wilson, Young of Lee—40.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Blanchard, Byers, Healy, McIntire, Palmer, Trewin, Wallace, Young of Delaware—10.

The bill having received a constitutional majority was declared to have passed the Senate and title agreed to.

The president signed the following bills in the presence of the Senate:

Senate file No. 47, Senate file No. 44, Senate file No. 38, and Senate file No. 127.

#### 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 refused to concur in the following concurrent resolution in which the concurrence of the House was asked:

Relative to purchase of tables for the use of clerks of committees.

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 Senate is asked:

House file No. 121, a bill for an act to amend section 490, subdivision 5, title 4, chapter 4 of the code, relating to the compensation of county treasurers.

JAS. D. ROWEN,

*Chief Clerk.*

Passed on file.

Senator Pusey moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

House file No. 138, a bill for an act to legalize the act of the board of supervisors of Appanoose county, Iowa, in authorizing the transfer of money from the swamp fund to the general county fund, was passed on file.

Senate concurrent resolution relative to purchase of tables for the use of clerks of committees, was passed on file.

House file No. 121, a bill for an act to amend section 490, subdivision 5, title 4, chapter 4, of the code, relating to the compensation of county treasurers, was read first and second time and passed on file.

Senator Carroll asked consent to call up House file No. 138, a bill for an act to legalize the act of the board of supervisors

of Appanoose county, Iowa, in authorizing the transfer of money from the swamp land fund to the general county fund, and moved that the vote by which House file No. 133 was passed, be reconsidered.

Carried.

Senator Carroll moved that the vote by which House file No. 133 was put upon its third reading be reconsidered.

Carried.

Senator Carroll moved that the vote by which the following amendment was adopted be reconsidered. "That the bill be further amended by inserting in line 1, section 1, of the printed bill between the words 'transfer' and 'be,' 'and such transfer by the treasurer.'"

Carried.

Senator Carroll offered the following amendment to the bill as amended:

Insert in line 2, section 1, between the words "transfer" and "be" the words "and by such transfer by the treasurer."

Adopted.

Senator Carroll moved that the rule be suspended, and that the bill be 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 Bell, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hebart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wilson, Young of Lee—41.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Blanchard, Byers, Healy, McIntire, Mitchell, Wallace, Young of Delaware—9.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Pusey asked permission to call up House file No. 121, which was granted.

On motion of Senator Pusey, House file No. 121, a bill for an act to amend section 490, subdivision 5, chapter 4, title 4 of the code, relating to the compensation of county treasurers, was taken up and considered.

Senator Pusey moved that the rule be suspended, and that the reading just had be considered the third reading, and the bill put upon its passage, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Bell, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Lyons, Mailloy, McArthur, Mulan, Palmer, Penrose, Perrin, Pusey, Rarck, Titus, Trewin, Wilson, Young of Lee—39.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Blanchard, Byers, Gorrell, Healy, Kilburn, McIntire, Mitchell, Wallace, Young of Delaware—11.

Senator Pusey moved that Senate file No. 98 be indefinitely postponed for the reason that the bill just passed covered the same matter.

Carried.

Senator Harriman offered the following resolution:

WHEREAS, The Pioneer Lawmakers' association is about to assemble in this city:

*Resolved*, That the members of the Pioneer Lawmakers' association be, and they are hereby invited to visit the Senate in a body, at such time during the week as will best suit their convenience, and that the President appoint a committee of three to extend this invitation and make the necessary arrangements for their reception.

Laid over under the rules.

#### BILLS ON THIRD READING.

On motion of Senator Trewin, House file No. 101, a bill for an act to amend section 2757 of the code, relating to the term of office of school treasurers in districts composed in whole or in part of cities or incorporated towns, with report of committee recommending 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 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 Bell, Carroll, Cheshire, Craig, Druet, Emmert, Funk, Gilbertson, Gorrell, Hayward, Hospers, Hotchkiss, Junkin,

Kilburn, Lewis, Lothrop, McArthur, Mullan, Palmer, Penrose, Perrin, Titus, Trewin—23.

The nays were:

Senators Berry, Bolter, Carney, Ellison, Ericson, Everall, Finch, Garst, Harriman, Hobart, Hurst, Lyons, Malloy, Mitchell, Pusey, Ranck, Wilson, Young of Lee—18.

Absent or not voting:

Senators Alexander, Allyn, Blanchard, Byers, Eaton, Healy, McIntire, Wallace, Young of Delaware—9.

The bill, having failed to receive a constitutional majority, was declared lost.

Journal of Monday was taken up, corrected and approved.

Senator Pusey filed the following motion:

I move to reconsider the vote by which House file No 101 failed to pass.

The hour of adjournment having arrived the President declared the Senate adjourned.



SENATE CHAMBER,  
DES MOINES, Iowa, Wednesday, February, 9, 1898. }

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

Prayer was offered by Rev. Jesse Cole, of Ireton, Iowa.

On request of Senator Funk, leave of absence was granted Senator Healy.

#### PETITIONS AND MEMORIALS.

Senator Ellison presented petition of E. M. Brink and eighteen other members of the Cedar county bar, asking for an additional judge in the eighteenth judicial district.

Referred to Committee on Judiciary.

Senator Wallace presented petition of barbers of Webster City, asking for a bill to regulate the practice of the barber trade.

Referred to Committee on Public Health.

Senator Gilbertson presented petition of sixty-six citizens of Forest City in favor of equal suffrage.

Referred to Committee on Constitutional Amendments.

#### INTRODUCTION OF BILLS.

By Senator Pusey, Senate file No. 160, a bill for an act to amend section 742, title 5, chapter 5, of the code, relating to the purchase and construction of waterworks, and to the levy of a tax for such purposes.

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

By Senator Bell, Senate file No. 161, a bill for an act to amend section 2808 of the code in relation to the support of the soldiers' home.

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

By Senator Bell, Senate file No. 162, a bill for an act to amend section 434 in regard to the burial and furnishing headstones for deceased indigent soldiers, sailors and marines.

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

By Senator Lothrop, Senate file No. 163, a bill for an act to repeal section 1311, chapter 1, title 7, of the code, relating to the collection of taxes.

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

By Senator Ellison, Senate file No. 164, a bill for an act to amend section 5717 of the code, in relation to the wardens of penitentiaries and their supplies.

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

#### RESOLUTIONS.

Senator Hospers called up the resolution offered by him yesterday relative to time of opening of Senate sessions.

Senator Hospers moved the adoption of the resolution.

Senator Hayward moved to amend by changing the hour from 9 o'clock to 9:30 o'clock.

Carried.

Senator Hospers demanded a roll call on the resolution.

On the question, "Shall the resolution as amended be adopted?" the yeas were:

Senators Allyn, Bell, Byers, Carney, Carroll, Druet, Ellison, Emmert, Ericson, Everall, Finch, Gilbertson, Gorrell, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkia, Lothrop, Perrin, Pusey, Titus, Wallace, Wilson, Young of Lee—26.

The nays were:

Senators Barry, Craig, Eston, Funk, Garst, Kilburn, Lewis, Lyons, McArthur, Mullan, Palmer, Penrose, Rauck, Trewin, Young of Delaware—15.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Cheshire, Harriman, Healy, Malloy, McIntire, Mitchell—9.

The resolution as amended was adopted.

#### REPORTS OF STANDING COMMITTEES.

Senator Pusey, 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. 151, a bill for an act to amend section 720 of chapter

4 of title 5 of the code, relating to the general powers of cities and towns, beg leave to report that they have had the same under consideration and have amended the same as follows:

That section 1 be amended by striking out the word "the" in line 1 and that the word "or" be inserted before the word "telephone," in line 4 of said section, and have instructed me to report the same, as amended, back to the Senate with the recommendation that the same, when so amended, do pass.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House file No. 114, a bill for an act to amend subdivision twelve, of section one thousand and five (1005) of the code, in relation to cities under special charters levying a special bridge tax, beg leave to report that they have had the same under consideration and have amended the same as follows:

That the title be amended by inserting the words "one thousand and five" after the word "section," in line two thereof; and that section 1 be amended by inserting the words "one thousand and five" after the word "section," in line one thereof. And that the figures, "1005" in the title, and also in section 1, be enclosed in parentheses.

And have instructed me to report said House file No. 114, as amended, back to the Senate with the recommendation that when so amended the same do pass.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate file No. 49, a bill for an act to establish and maintain a fire department in cities of the second class, beg leave to report that they have had the same under consideration and have amended the same as follows:

That section 1 be amended by striking out, in lines two and three (line two of the printed bill), the words "in addition to the maximum tax now authorized by law." And by inserting after the word "dollar" in line two the words "of the assessed valuation of the taxable property within the corporate limits." And that the word "the" be substituted for the word "a" in line two. And by inserting after the word "tax," in line one, the words "in any one year"

That sections 2 and 3 be stricken from the bill.

That the title of said bill be stricken out and the following substituted in lieu thereof: "A bill for an act to authorize the levy of taxes for fire purposes in cities of the second class."

And have instructed me to report said Senate file No. 49, as amended, back to the Senate with the recommendation that the same when so amended do pass.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Cities and Towns, to whom was referred Senate file No. 97, a bill for an act to amend section one thousand and three (1003) of the code, relating to levy of taxes in cities under special charter, beg leave to report that, in accordance with the direction of the Senate heretofore made, they report said Senate file No. 97 back to the Senate to the end that it may be withdrawn from the files of the Senate by Senator Titus, the author of said bill.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file

Senator Pusey moved that Senate file No. 97 be withdrawn from the file, and that the report of the committee thereon be adopted.

Carried.

Senator McArthur, 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. 116, a bill for an act amending sections two thousand five hundred and thirty-nine (2 539), two thousand five hundred and forty (2540) and two thousand five hundred and fifty-nine (2559) of the code, relating 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 same do pass as amended.

Amend section two (2), line four (4), by inserting after the words "wall-eyed pike" the word "or."

Also strike out of the same section and line the words "or crappie."

W. C. MCARTHUR,  
*Chairman.*

Ordered passed on file.

Senator Cheshire from the Committee on Judiciary submits the following report:

**MR. PRESIDENT**—Your Committee on Judiciary to whom was referred Senate file No. 122, a bill for an act to amend section three thousand four hundred and ninety-four (3494) of chapter four of the code, relating to the place of beginning action, beg leave to report 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:

That said bill be amended by striking therefrom section two.

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary to whom was referred House file No. 95, a bill for an act to amend sections 3940, 3942 and 3943 of

the code, relating to the summoning and fees of garnishees, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 148, a bill for an act to repeal section forty-one (41), of chapter three (3), of title one (1) of the code, and enact a substitute therefor, relating to an act 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 the accompanying bill be substituted therefor.

And that the substitute do pass.

SUBSTITUTE FOR SENATE FILE NO. 148.

A BILL for an act to repeal section forty-one (41), of chapter three (3), of title one (1) of the code, and enacting a substitute therefor, relating to the amendment and repeal of acts of the general assembly.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

**SECTION 1.** That section forty-one (41), of chapter three (3), of title one (1) of the code, be, and the same is hereby repealed. and the following enacted in lieu thereof:

Every act passed in amendment or repeal of a law shall in its title refer to the law so amended or repealed as follows:

*First.*—One which amends or repeals a section or sections of the code shall refer to the section or sections so amended or repealed.

*Second.*—One which amends or repeals a chapter of the code shall refer to the chapter; also to the title containing the same.

*Third.*—One which amends or repeals an act of the general assembly not contained in the code, shall refer to the chapter so amended or repealed and to the number of the general assembly which passed the act.

*Fourth.*—If such reference be omitted the secretary of state shall, in preparing such act for publication, supply the omission.

*Fifth.*—Whenever a reference is made to any section, chapter or title of the code, the number of the section, chapter or title shall be expressed in words, followed by the figures in parentheses.

**SEC. 2.** 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 that the substitute do pass.

THOS. A. CHESHIRE,  
*Chairman.*

By request of Senator Cheshire, the substitute was read first and second time, and report and substitute were passed on file.

Also:

**MR. PRESIDENT**—A majority of your Committee on Judiciary, to whom was referred Senate file No. 19, a bill for an act to better define and to extend the jurisdiction of the courts of this state to the center of the Missouri river without regard to changes that may have occurred or may hereafter occur in its course as to its main channel, beg leave to report 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 therefor:

SUBSTITUTE FOR SENATE FILE NO. 19.

A bill for an act to define the jurisdiction of courts in counties bordering on the Missouri river.

WHEREAS, Questions have arisen as to the jurisdiction of the courts of Iowa, over certain lands and territory lying along the Missouri river, upon the western boundary of this state, therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That the jurisdiction of the courts of the state of Iowa, in counties bordering on the Missouri river, in all civil and criminal actions and proceedings, is hereby declared to extend to the center of the main channel of the Missouri river, where the same now is or may hereafter be, and to all lands and territory lying along said river, which have been adjudged by the United States supreme court or the supreme court of this state to be within the state of Iowa, and to such other lands and territory along said river, over which the courts of this state have heretofore exercised jurisdiction.

SEC. 2. 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 Tribune, newspapers published in Des Moines, Iowa.

And that the substitute do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

MINORITY REPORT.

**MR. PRESIDENT**—The minority of your Committee on Judiciary, to whom was referred Senate file No. 19, a bill for an act to better define and to extend the jurisdiction of the courts of this state to the center of the Missouri river, without regard to changes that may have occurred, or may hereafter occur in its course at its main channel, beg leave to submit the following minority report:

The bill, and the substitute for the same, as reported by the majority of the committee, affects the counties of Woodbury, Monona, Harrison, Pottawattamie, Mills and Fremont, where they bound upon the Missouri river. The boundary line of the state of Iowa at this point is fixed by the constitution of the state to be "the middle of the main channel of the Missouri river."

The substitute offered by the committee is a bill for an act to define the jurisdiction of the courts in counties bordering on the Missouri

river, and in the body of the substitute it is stated that the jurisdiction of the courts of the state in all civil and criminal actions is declared "to extend to the middle of the main channel of the Missouri river, where the same now is or may hereafter be."

The effect of this bill, if it has any force whatever, will be in some places to extend the jurisdiction of the courts of Iowa over land which does not, in law, constitute a part of the state, and in other places to withdraw the jurisdiction of the courts of Iowa from land over which their jurisdiction should be exercised.

In other words, it will be an effort, in some instances, to grab a portion of the state of Nebraska and place it under the jurisdiction of the Iowa courts; and in other instances to withdraw the jurisdiction of our courts from persons and property situated within the constitutional and legal boundary of the state, and leave them without the protection of law.

We assume it to be a self-evident fact that the legislature of a state cannot extend the jurisdiction of its courts beyond the boundary line of the state, nor can it rightfully withhold the jurisdiction of its courts from any territory in that state.

So that the substitute is virtually an attempt at some places to enlarge and at others to diminish the boundaries of the state of Iowa. This, we claim, cannot be done, for the reason that the constitution, article 11, section 4, provides that "The boundaries of the state may be enlarged with the consent of congress and the general assembly." And for the further reason that we have no legal authority to extend our boundaries within the borders of a sister state without her consent.

Furthermore, if the bill is of force and effect, its operation will be, in many instances, to change the boundary lines of the counties above named, bordering on the Missouri river, either by withdrawing territory in those counties, or by adding to it, and, under the constitution, article 3, section 30, "No law changing the boundary lines of any county shall have effect until upon being submitted to the people of the counties affected by the change, at a general election, and approved by a majority of the votes cast thereat."

The rule of law for determining the boundary line of the state of Iowa at the point in question, is well established, and no legislation on the subject, is, in our judgment, needed, nor can any independent legislation of an effective character be had.

It has been well settled by the supreme court of the United States that whenever the Missouri river changes its course gradually and imperceptibly, and the formation of accretions takes place, not only the title of the individual to the property, but the boundary line of the state follows the change, and continues to be at the middle of the channel of the river, but that, if the river suddenly, and by force and violence, leaves its bed and makes a new bed by cutting through land, that this is the process of avulsion, and the boundary line of the state remains unchanged, and continues to be in the bed of the deserted channel of the river, the only fact involved in the determination of these questions being the fact of *how* the change took place; and we think no special legislation on this subject can be of an effective nature, if had by the legislature of the state of Iowa alone.

Under this bill, land which in a certain condition would, in law, belong to Nebraska, would be within the jurisdiction of the courts of Iowa. This,

we submit, cannot be done by this general assembly. We have no more right to assume jurisdiction over lands belonging to Nebraska than she has to assume jurisdiction over lands belonging to us.

So far as Iowa is concerned, if the substitute proposed should become a valid statute, it would introduce more confusion, and be productive of more litigation than would result from the absence of any attempt at futile legislation on the subject.

While we are not of the opinion that this substitute, if enacted in the form of a law, would be held by our courts to have any force and effect, we are opposed to placing upon our statute books laws which are contrary to the constitution of our state, and which cannot be upheld upon any principle of legal reasoning.

So far as we have heard, the author of the bill himself does not claim that there is any legal power in the legislature to pass it. He has certainly produced no authorities in support of the existence of such a power, but he has sought to have it adopted upon the theory that if it can do no good it can do no harm.

This we regard as not only dangerous but as improper legislation in every respect. No statutes of this state can be wholly without effect.

The above, among others, are our reasons for joining in this minority report, and we recommend that the substitute reported by the committee, as also the original bill, be indefinitely postponed.

N. M. PUSEY,  
J. M. JUNKIN,  
WILLIAM EATON,  
J. H. TREWIN,  
F. O. ELLISON.

Passed on file.

#### BILLS ON THIRD READING.

On motion of Senator Hobart, Senate file No. 53, a bill for an act to amend section 2071 of the code, relating to liability for injuries to employes, which was a special order for 10:30 to-day, with report of committee recommending, was taken up, considered, and the report of the committee adopted.

Senator Hobart offered the following amendment and moved its adoption:

Spell out all numbers in title and line one of printed bill and put in writing the numbers thus spelled out and enclose numbers in brackets

Adopted.

Senator Hobart offered the following amendment:

Strike out the word "widow" in the fifth line of the bill.

Senator Carroll raised the point that the amendment already adopted referred to the printed bill instead of the original.

Senator Hobart moved to reconsider the vote by which the amendment to the title and first line of the bill was passed.

Carried.



Senator Hobart moved to amend the first amendment by striking out the word "printed" before the word "bill."

Adopted.

Senator Hobart moved the adoption of the first amendment as amended.

Adopted.

Senator Hobart moved the adoption of the second amendment.

A roll call was demanded on the amendment.

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

Senators Hurst, Palmer, Ranck—3.

The nays were:

Senators Allyn, Bolter, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hoppers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, Mullan, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Wilson, Young of Lee—36.

Absent or not voting:

Senators Alexander, Bell, Berry, Blanchard, Byers, Craig, Funk, Healy, McIntire, Mitchell, Young of Delaware—11.

The amendment was lost.

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

Senator Byers moved as a substitute to the motion of Senator Hobart that the bill be passed to engrossment.

On the substitute a roll call was demanded.

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

Senators Allyn, Berry, Byers, Palmer—4.

The nays were:

Senators Bolter, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everal, Finch, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Lyons, Malloy, McArthur, Mullan, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—37.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Eaton, Funk, Healy, Kilburn, McIntire, Mitchell—9.

So the substitute was lost.

The question being on the motion of Senator Hobart, the motion prevailed, and the bill was read a third time.

Senator Mullan asked that Senator Alexander be excused, and that the records show that if present he would have voted "yea" on the bill.

On the question, "Shall the bill pass?" the yeas were:

Senators Berry, Bolter, Carney, Carroll, Cheshire, Craig, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, Mullan, Penrose, Perrin, Pusey, Raack, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—39.

The nays were:

Senators Allyn, Bell, Byers, Mitchell—4.

Absent or not voting:

Senators Alexander, Blanchard, Druet, Eaton, Healy, McIntire, Palmer—7.

So the bill, having received a constitutional majority, was declared to have passed the Senate.

Senator Hobart moved to amend the title by adding after the figures "2071" the words and figures "chapter 5, title 10."

Adopted.

So the title was agreed to.

Senator Berry offered the following:

**MR. PRESIDENT**—In explanation of my vote on Senate file No. 53 I desire to say that personally I do not approve the bill, but in obedience to the expression of the people made in the convention of the various political parties in Iowa in 1897, I vote "aye."

W. H. BERRY.

Senator Kilburn offered the following:

**MR. PRESIDENT**—While I do not fully agree with the object of the bill, in obedience to what seems to be the demand of the majority of the people of the state, I vote "yea."

L. M. KILBURN.

Unanimous consent having been granted, on motion of Senator McArthur, Senate file No. 99, a bill for an act to amend section 654 of the code, relating to the appointment of police matrons in cities having a population of 25,000 or over, with report of committee recommending certain amendments, was taken up, considered and the report of the committee adopted.

Senator Pusey offered the following amendment and moved its adoption:

That the title be amended by inserting after the figures "(654)" in parentheses, the words, "title 5, chapter 2," and by inserting after the word "relating" in line 2, the words, "to the organization and officers of cities and towns and." And that the title be further amended by striking out the following words: "in cities having a population of twenty-five thousand or over."

Adopted.

Senator Pusey offered the following amendment and moved its adoption:

That there be substituted for section 1 of said bill, the following:

SECTION 1. That section six hundred and fifty-four of the code be, and the same is hereby amended by inserting after the word "mayor" in line 4 thereof, the following: "may, and in cities having a population of thirty five thousand or over."

Adopted.

Senator McArthur asked that the bill be read for information.

#### RESOLUTIONS.

Unanimous consent having been granted, Senator Harriman called up the resolution offered by him yesterday, relative to inviting the Pioneer Lawmakers' association to visit the Senate, and moved its adoption.

Adopted.

Senator Young of Delaware, asked unanimous consent to introduce a bill, which was granted.

#### INTRODUCTION OF BILLS.

By Senator Young of Delaware, Senate file No. 165, a bill for an act making an appropriation for the hospital for the insane at Independence.

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

#### BILLS ON THIRD READING.

Senate file No. 99 was read for information.

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

Senator Lothrop asked that the bill lay over until tomorrow, that an amendment might be prepared.

No objection being made it was so ordered.

Journal of Tuesday was taken up, 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. 159, a bill for an act to legalize the election of town officers in the town of Matlock.

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 Senate is asked:

House file No. 92, a bill for an act to amend section 1610 of the code of Iowa (annotated), and to encourage the production of sugar from beets grown in the state.

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. 1, a bill for an act to amend section 2551 of the code, relating to killing quail.

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 Senate is asked:

Substitute for House file No. 126, a bill for an act to legalize and make valid ordinance and resolutions passed and adopted by city of Cedar Rapids, Iowa, not signed by mayor or clerk.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

Senator Trewin moved to take up House messages.

Carried.

HOUSE MESSAGES.

House file No. 92, a bill for an act to amend section 1610 of the code of Iowa (annotated), and to encourage the production

of sugar from beets grown in the state, was read first and second time and referred to Committee on Manufactures.

Senate file No. 1, a bill for an act to amend section 2551 of the code relating to killing quail was read first and second time and passed on file.

House file No. 159, a bill for an act to legalize the election of town officers in the town of Matlock was read first and second time and referred to Committee on Judiciary.

Substitute for House file No. 126, a bill for an act to legalize and make valid ordinances and resolutions passed and adopted by Cedar Rapids, Iowa, not signed by mayor or clerk, was read first and second time and referred to Committee on Judiciary.

Permission having been granted, Senator Lothrop filed the following amendment to Senate file No. 99, which had been laid over till to-morrow:

I move that the bill be further amended by adding thereto the following section:

SEC. 2. That the word "two" in line four of said section six hundred fifty-four of the code is hereby stricken out and the word "one" inserted in lieu thereof.

That the sections be renumbered to conform to this amendment.

The hour of 12 o'clock having arrived, the President declared that the Senate stood adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Thursday, February 10, 1893. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. R. Garton, of Burlington, Iowa.

On request of Senator Young of Delaware, leave of absence was granted Senator Allyn until next Monday.

PETITIONS AND MEMORIALS.

Senator Palmer presented petition of J. W. Teeter and twenty-two other voters and fifty-nine women, of Washington county, in favor of compulsory reformatory for women.

Referred to Committee on Charitable Institutions.

Senator Palmer presented petition of J. Lackey and fifteen other voters and forty-one women of Washington county, in favor of equal suffrage.

Referred to Committee on Constitutional Amendments.

Senator Palmer presented petition of J. W. Teeter and twenty-six other voters and sixty-six women of Washington county, relating to age of consent.

Referred to Committee on Public Health.

Senator Everall presented two petitions of twenty-one voters and thirty women of Clayton county, in favor of equal suffrage.

Referred to Committee on Constitutional Amendments.

Senator Mitchell presented two petitions of twenty-eight voters and twenty-four women of Adams and Taylor counties, in favor of raising the age of consent.

Referred to Committee on Public Health.

Senator Funk presented petition of forty business men of Estherville, in favor of a bill to prevent the adulteration of linseed oil.

Passed on file.

Senator Ellison presented petition of Frank G. Clark and twenty-two other members of the bar of Linn county, asking for an additional judge in the eighteenth judicial district.

Read and returned.

## INTRODUCTION OF BILLS.

By Senator Ellison, Senate file No. 166, a bill for an act to amend section 3349 of chapter 8, title 17 of the code, relating to the limitation of actions against estates of deceased persons.

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

## 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 requests the return of resolution asking for information from state printer and state binder concerning schoolbooks.

JAS. D. ROWEN,  
*Chief Clerk.*

## HOUSE MESSAGES.

House message requesting return of House concurrent resolution, relative to asking information from state printer and state binder concerning schoolbooks, was read.

Senator Carroll moved that the resolution be returned to the House.

Carried, and so ordered.

President announced the following committee to extend greeting to the Pioneer Lawmakers, Senators Harriman, Lewis and Gorrell.

## BILLS ON THIRD READING.

Unanimous consent having been granted, on motion of Senator Titus, Senate file No. 57, a bill for an act to amend section 1371 of the code, in relation to the duty of assessors, with report of committee recommending its passage, was taken up, considered, and the report of the committee adopted.

Senator Titus 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 Bell, Berry, Bolter, Byers, Carney, Carroll, Craig, Ellison, Emmert, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hoppers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—38.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Blanchard, Cheshire, Druet, Eaton, Finch, Healy, Junkin, McIntire, Ranck, Trewin—12.

The bill having received a constitutional majority was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator McArthur, Senate file No. 99, a bill for an act to amend section 654 of the code, relating to the appointment of police matrons in cities having a population of 25,000 or over, with report of committee recommending certain amendments, was taken up for further consideration.

Senator Lothrop asked leave to withdraw the amendment offered by him yesterday.

Granted.

Senator Lothrop offered the following amendment and moved its adoption:

Add at the end of section 1 as amended, the following: That the word "two" in said line four of said section 654 is hereby stricken out and the word "one" inserted in lieu thereof.

Adopted.

Senator McArthur 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 Bell, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Eaton, Ellison, Emmert, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hospers, Hotchkiss, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—39.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Blanchard, Druet, Finch, Healy, Hobart, Hurst, Junkin, McIntire, Trewin—11.

The bill having received a constitutional majority, was declared to have passed the Senate and title agreed to.

#### SMITH-EMMERT ELECTION CONTEST.

Senator Carroll filed the following reply in the Smith-Emmert contest from the Eighteenth district, which was read:



IN THE MATTER OF THE CONTEST FOR SENATOR OF THE EIGHTEENTH  
SENATORIAL DISTRICT OF IOWA.

Thos H. Smith, *Contestant*,  
v.  
J. M. Emmert, *Incumbent*. } Reply.

Comes now Thos. H. Smith, contestant herein, and for reply states:

*First.*—That he denies each and every allegation therein not consistent with the pleading and declaration of contestant not hereinafter admitted.

*Second.*—This contestant admits that there were errors and mistakes made by the several judges of election in the precincts alleged by incumbent in the canvass of votes cast for senator, and that tickets were counted having upon them identifying marks, and excluding tickets that should have been counted, but contestant alleges that such errors and mistakes so made were against contestant, and but for them he would have been declared elected instead of the incumbent.

Wherefore he asks that the votes in all the precincts in said district be canvassed and that contestant be declared elected senator from said district.

THOS. H. SMITH,  
*Contestant.*

Senator Eaton offered the following resolution and moved its adoption:

*Resolved*, That Senators Eaton, Mullan, Druet, Hurst, and Ranck be excused from attendance of this body while they are engaged in the Smith-Emmert contest.

Adopted.

BILLS ON THIRD READING.

Senator Malloy asked consent to take up No. 31 on the calendar, House file No. 114.

Granted.

On motion of Senator Malloy, House file No. 114, a bill for an act to amend section 1005 of the code, relative to cities under special charters levying a special bridge tax, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Pusey moved to amend the title and bill as follows:

That the title be amended by inserting the words "one thousand and five" after the word "section," in line two thereof; and that section 1 be amended by inserting the words "one thousand and five" after the word "section," in line one thereof. And that the figures "1005" in the title, and also in section 1, be enclosed in parentheses.

Adopted.

Senator Malloy moved that the rule be suspended, and that the bill be 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 Bell, Bolter, Byers, Carney, Carroll, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—38.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Berry, Blanchard, Cheshire, Finch, Funk, Healy, Hurst, Junkin, McIntire, Trewin—12.

The bill having received a constitutional majority was declared to have passed the Senate.

On motion of Senator Hotchkiss, House file No. 35, a bill for an act to legalize the acts of the board of directors of the independent school district of Stewart, in the levying of taxes for school purposes, with report of committee recommending certain amendments, and that when so amended the bill do pass, was taken up, considered, and the report of the committee adopted.

Senator Hotchkiss moved the adoption of the committee amendment, as follows:

But nothing in this act shall in any manner affect any pending litigation.

Senator Hotchkiss moved that the rule be suspended, and that the reading just had be considered 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, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Ellison, Ericson, Everall, Garst, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Kilburn, Lewis, Lothrop, McArthur, Mitchell, Palmer, Penrose, Perrin, Pusey, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—31.

The nays were:

None.

Absent or not voting:

Senator Alexander, Allyn, Berry, Blanchard, Druet, Eaton, Emmert, Finch, Funk, Gorrell, Healy, Hurst, Junkin, Lyons, Malloy, McIntire, Mullan, Ranck, Trewin—19.

So the bill having received a constitutional majority of votes was declared to have passed the Senate.

Senator Hotchkiss moved that the bill be amended by adding the words, "a bill for."

REPORT OF COMMITTEE.

Senator Cheshire from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 159, a bill for an act to legalize the election of town officers in the town of Matlock, beg leave to report 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:

That the title be amended by adding thereto and at the end thereof the word "Iowa."

That the preamble be amended by inserting after the word "Matlock" the word "Iowa."

That section 1 of the bill be amended by inserting after the word "Matlock" in the first line thereof, the word "Iowa."

That section two be amended by striking out the word "Des Moines" in the third line thereof, and inserting the words "Iowa State" in lieu thereof.

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was re-referred Senate file No. 17, a bill for an act repealing section three hundred and ninety-three (393) of chapter fifteen (15), title three (3) of the code, relating to the administration of oaths, and enacting a substitute 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 accompanying substitute be adopted in lieu thereof:

SUBSTITUTE FOR SENATE FILE NUMBER 17.

A BILL for an act repealing section three hundred and ninety-three (393) of chapter fifteen (15), title three (3) of the code, relating to the administration of oaths, and enacting a substitute therefor.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section three hundred and ninety-three of chapter fifteen, title three of the code is hereby repealed and the following enacted in lieu thereof:

SEC. 393. The following officers are authorized to administer oaths: Judges of the supreme, district, superior, and police courts, and all other courts as may be provided by law; clerks of said courts and their deputies; county auditors and their deputies; justices of the peace, notaries public

in the counties of their residence and in adjoining counties in which they have filed with the clerk of the district court a certified copy of their certificate of appointment. And the following named officers are authorized to administer oaths in any manner pertaining to the business of their respective offices, or in relation to any duty imposed upon them by law in which the administration of an oath may be required: The governor of the state, the secretary of state, auditor of state, treasurer of state, and their respective deputies; sheriffs and their deputies; the mayor and clerk of cities and towns; judges and clerks of election; township clerks; the chairman of the board of supervisors; county surveyors and coroners; members of all boards of state institutions, commissions, boards or bodies created by law, referees or appraisers appointed by authority of law, and every other person who has any duty to perform by virtue of his office or appointment requiring the administration of an oath.

SEC. 2. 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 that the substitute do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 142, a bill for an act relating to certain fines and penalties provided for by section 2083 of the code, pertaining to automatic couplers, beg leave to report 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:

That the title be amended by inserting after the word "section," the words "two thousand and eighty-three," and that the figures "2083" be enclosed in parentheses.

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 150, a bill for an act to amend section forty-two hundred and ninety-five (4295), chapter seven (7), title twenty-one (21), of the code, relating to the foreclosure of mortgages, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Senator Lothrop moved that the report of the committee be adopted.

Carried.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate file No. 29, a bill for an act relating to the rights and liabilities of

owners, lessors and lessees and tenants of buildings in event of destruction of the 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 it be indefinitely postponed.

THOS. A. CHESHIRE,

*Chairman.*

Senator Carney moved that the report of the committee be adopted.

Carried.

Senator Carney moved that the report of committees for indefinite postponement be now taken up and disposed of in their order as shown on the Calendar.

Carried.

#### BILLS ON THIRD READING.

Senate file No. 2, on the Calendar, was taken up and Senator Druet moved that it retain its place on the Calendar until it can have further consideration by the committee.

Carried.

On motion of Senator Hayward, Senate file No. 7, a bill for an act to repeal section 1326 of the code, relating to stock of building and loan associations, with report of committee recommending indefinite postponement, was taken up and considered.

On the report of the committee, a roll call was demanded.

On the question, "Shall the report of the committee recommending indefinite postponement be adopted?" the yeas were:

Senators Berry, Bolter, Byers, Carroll, Cheshire, Craig, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrill, Harriman, Hcspers, Hotchkiss, Kilburn, Lothrop, Lyons, McArthur, Mitchell, Palmer, Penrose, Perrin, Pusey, Trewin, Wallace, Young of Delaware, Young of Lee—30.

The nays were:

Senators Carney, Emmert, Hayward, Hobart, Lewis, Malloy, Titus, Wilson—8.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Druet, Eaton, Healy, Hurst, Junkin, McIntire, Mullan, Rarck—12.

The bill was indefinitely postponed.

House file No. 73, a bill for an act to amend section 510 of the code, relating to the appointment of deputy sheriffs by the sheriff of the county, with report of Committee on Judiciary recommending its indefinite postponement, was taken up, considered, and on motion of Senator Cheshire, the bill was indefinitely postponed.

Substitute for House file No. 12, a bill for an act to amend sections 2943 and 2946 of the code, relating to the taking and certifying of acknowledgments of written instruments by notaries of public, with report of Committee on Judiciary recommending indefinite postponement, was taken up for consideration, and on motion of Senator Cheshire the bill was recommitted to the Committee on Judiciary.

COMMITTEE FROM PIONEER LAWMAKERS' ASSOCIATION.

A committee from Pioneer Lawmakers' association appeared, and extended an invitation to the Senate to meet with the association at the Congregational church to-morrow forenoon.

Senator Harriman moved that when the Senate adjourned at noon to-morrow, it be to meet at 2 o'clock P. M. on the same day for the purpose of receiving the Pioneer Lawmakers, and that there be a committee of five appointed to represent the Senate at their session to-morrow morning.

Carried.

BILLS ON THIRD READING.

By unanimous consent, on motion of Senator Bolter, House file No. 102, a bill for an act to legalize the ordinances of the incorporated town of Arion, Iowa, with report of committee recommending certain amendments, was taken up and considered.

Senator Bolter moved to amend the bill as follows:

That the word "counsel" be stricken out of the second line of the preamble, and the word "council" inserted in lieu thereof.

Adopted.

Senator Bolter moved that the bill be further amended by striking out all of the preamble after the word "therefore."

Adopted.

Senator Bolter moved to amend the bill as follows:

That there be inserted immediately before the first section of the bill, an enacting clause, as follows: "Be it enacted by the General Assembly of the state of Iowa."

Adopted.

Senator Bolter moved that the bill be further amended by adding at the end of section 1, the following: "But nothing in this act shall in any manner affect any pending litigation."

Adopted.

Senator Bolter moved that the bill be further amended by inserting before the word "this" in the publication clause, the following: "Sec. 2."

Adopted.

Senator Bolter moved that the rule be suspended, and that the bill be 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 Berry, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hoppers, Hotchkiss, Junkin, Kilburn, Lothrop, Lyons, Malloy, McArthur, Palmer, Penrose, Pusey, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Craig, Druet, Eaton, Healy, Hurst, Lewis, McIntire, Mitchell, Mullan, Perrin, Ranck—14.

So the bill, having received a constitutional majority of votes, was declared to have passed the Senate and the title agreed to.

Senate file No. 81, a bill for an act to amend section 1750 of the code, relating to mutual assessment insurance associations, with report of committee recommending indefinite postponement, was taken up, and on motion of Senator Harriman the report of the committee was adopted, and the bill indefinitely postponed.

Senate file No. 54, a bill for an act to amend section 2943 of the code, in regard to the taking and certifying of acknowledgments of written instruments, with report of committee recommending indefinite postponement, was taken up.

Senator Cheshire moved that the bill, Senate file No. 54, be recommitted.

Carried.

Senate file No. 33, a bill for an act to amend section 5314 of the code, relating to the fee to be paid by the county for defending criminals, with report of Committee on Judiciary recommending indefinite postponement, was taken up, and by request of Senator Blanchard, consideration was postponed.

Senate file No. 22, a bill for an act to amend section 4684 of the code, relating to evidence, with report of Committee on Judiciary recommending that same be indefinitely postponed.

Senator Lothrop moved that report of committee be adopted.  
Carried.

Senate file No. 138, a bill for an act to require a publication of American experience tables of mortality, and expectation life tables in the arithmetics used in the public schools of this state, with report of committee recommending indefinite postponement, was taken up.

Senator Hayward moved that the report of the committee be adopted.

Carried.

Senate file No. 63, a bill for an act to prevent the adulteration of linseed oil, with report of Committee on Manufactures recommending that the same be indefinitely postponed, was passed by consent.

Senate file No. 106, a bill for an act to amend section 1459 of the code, in relation to the time and manner of payments by county treasurers to the state treasurer, with report of committee recommending indefinite postponement, was taken up.

Senator Lewis moved that the report of the committee be adopted.

Carried.

House file No. 95, a bill for an act to amend sections 3940, 3942 and 3943 of the code, relating to the summoning and the fees of garnishees, with report of committee recommending indefinite postponement, was taken up.

Senator Cheshire moved that the report of the committee be adopted.

Carried.

Senator Pusey called up his motion, filed February 5th, to reconsider the vote by which House file No. 101 was lost, and moved that the same be reconsidered.

Carried.

On motion of Senator Pusey, House file No. 101, a bill for an act to amend section 2754, code of Iowa, relative to the term of office of school treasurers in districts composed in part or whole of incorporated towns, was taken up and considered.

On the question, "Shall the bill pass?" the yeas were:

Senators Berry, Blanchard, Byers, Carney, Carroll, Cheshire, Craig, Ellison, Emmert, Funk, Garst, Gilbertson, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware—30.



The nays were:

Senators Bolter, Ericson, Gorrell, Harriman, Garst, Malloy, Mitchell, Wilson, Young of Lee—9.

Absent or not voting:

Senators Alexander, Allyn, Bell, Druet, Eaton, Everall, Finch, Healy, McIntire, Mullan, Ranck—11.

The bill having received a constitutional majority was declared to have passed the Senate and title agreed to.

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

#### INTRODUCTION OF BILLS.

By unanimous consent, by Senator Mitchell, Senate file No. 167, a bill for an act to make an appropriation to further extend the use of the Iowa traveling libraries.

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

By unanimous consent, by Senator Harriman, Senate file No. 168, a bill for an act to improve the public roads of the state by encouraging the use of wide tired wagons thereon.

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

President appointed the following committee to attend the meeting of Pioneer Lawmakers to-morrow forenoon, Senators Berry, Blanchard, Lothrop, Everall and Hurst.

The hour of adjournment having arrived the President declared the Senate adjourned until 9:30 o'clock A. M. to-morrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Friday, February 11, 1898. }

Senate met in regular session at 9:30 A. M., President Milliman presiding.

Prayer was offered by Rev. I. N. McCash of Des Moines, Iowa.

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

On request of Senator Perrin, leave of absence was granted Senator Bell until Monday.

#### PETITIONS AND MEMORIALS.

Senator Lewis presented petition of W. V. Davis and three others in favor of passage of the barbers' bill.

Referred to Committee on Public Health.

Senator Hayward presented petition of S. F. Smith and thirty-four other business men of Scott county in favor of equal suffrage.

Referred to Committee on Constitutional Amendments.

Senator Hayward presented petition of thirteen members of Lend-a-Hand club of Davenport in favor of equal suffrage.

Referred to Committee on Constitutional Amendments.

Senator Hayward presented petition of Dr. Jennie McCowan, and thirty-six others of Davenport, in favor of equal suffrage.

Referred to Committee on Constitutional Amendments.

Senator Penrose presented two petitions of eighteen voters and thirteen women of Tama county, on same subject.

Referred to Committee on Constitutional Amendments.

#### INTRODUCTION OF BILLS.

By Senator Ranck, Senate file No. 169, a bill for an act entitled an act authorizing the state librarian to classify and catalogue the books in the state library and making an appropriation therefor.

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

By Senator Lewis, Senate file No. 170, a bill for an act to appropriate \$5,000 to paint and fresco committee rooms and corridors, \$500 for repairing and plumbing, and \$1,000 for completing installation of Wellsbach burners in capitol building.

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

Senator Mullan offered the following resolution:

*Resolved*, That the teachers and pupils of the normal school at Cedar Falls, Iowa, visiting the capitol February 11, 1898, be granted the freedom of the floor of the Senate chamber.

Adopted.

#### REPORT OF STANDING COMMITTEES.

Senator Junkin, 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. 56, a bill for an act to amend section eighteen hundred and ninety-eight (1898) of the code, relating to building and loan associations, beg leave to report that they have had the same under consideration and have instructed me to report the following as a substitute therefor, and that the same do pass.

#### SUBSTITUTE FOR SENATE FILE NO. 56.

A BILL for an act to amend section eighteen hundred and ninety-eight (1898) of the code, relating to building and loan associations.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:**

**SECTION 1.** That section eighteen hundred and ninety-eight (1898) of the code is hereby amended by adding thereto the following:

The provisions of said section shall apply to and govern all contracts between building and loan and savings and loan associations and their members, made and entered into prior to the taking effect of the code, and every such contract shall in all actions and proceedings be construed and enforced as in said section provided, and with the same force and effect as if made and entered into after the code took effect, anything in the statutes in force when such contracts were made to the contrary notwithstanding.

**SEC. 2.** This act being deemed of immediate importance shall take effect and be in force on and after its publication in the Iowa State Register and Des Moines Leader, newspapers published at Des Moines, Iowa.

J. M. JUNKIN,  
*Chairman.*

Ordered passed on file.

Senator Druet, from the Committee on Public Health, submitted the following report:

**MR. PRESIDENT**—Your Committee on Public Health, to whom was referred Senate file No. 3, a bill for an act to protect the public health and the health of 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 bill be substituted therefor and that the substitute be amended as follows:

In section four (4), line two (2), the figures "1" and "2" be spelled out. That when so amended the substitute do pass.

SUBSTITUTE FOR SENATE FILE NO. 8.

A BILL for an act to regulate the importation of neat cattle, for breeding, for dairy or milking purposes, and prescribing penalties for the violation thereof.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That the importation of neat cattle for breeding, dairy or milking purposes, into this state, is hereby prohibited except when such cattle are accompanied with a certificate from an inspector, whose competency and reliability are certified to by the authorities charged with the control of diseases of domestic animals in the state from whence the cattle came, certifying that said cattle have been examined and subjected to the tuberculin test within sixty days next preceding the date of such importation, and are free from tuberculosis.

SEC. 2. In lieu of an inspection certificate as required in the preceding section, such cattle may be quarantined at any stockyards or other enclosure within this state nearest to the state line on the railroad over which they are shipped, and there examined and subjected to the tuberculin test by the state veterinary surgeon, or they may be shipped to their destination, there to remain, under quarantine, until properly examined and subjected to such tuberculin test by such surgeon.

The owner or consignee of such cattle shall be liable for all expense incurred in the keeping, examination and testing of the same, and such expense and charge shall be a lien upon the cattle until paid, which lien may be enforced by appropriate proceedings in court.

SEC. 3. Any person, firm, company, corporation or the agent thereof, violating any of the provisions of this act, shall be fined for each offense, not more than one thousand dollars, or be imprisoned in the county jail, not more than six months, or both.

SEC. 4. Any person who shall be injured or damaged by any of the acts prohibited in sections one and two hereof, may recover in addition to the remedy herein provided, the actual damages sustained by him from the firm, person, company, corporation or agent thereof violating the provisions of said sections.

SEC. 5. It shall be the duty of the state veterinary surgeon to enforce the provisions of this act.

SEC. 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 the Des Moines Leader, newspapers published in Des Moines, Iowa.

S. DRUET,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate file No. 108, a bill for an act to amend the code in relation to public health districts, beg leave to report 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. 71 is the same.

S. DRUET,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate file No. 61, a bill for an act to amend section 2580 and section 2570, chapter 12, page 890 of the code, 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 same be indefinitely postponed.

S. DRUET,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate file No. 124, a bill for an act prohibiting the adulteration of candy and prescribing penalties for the violation of the provisions thereof, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be amended as follows:

In section one (1), line five (5), the word "by" be stricken out and the words "or any" be inserted in lieu thereof.

In section one (1), line four (4), after the word "tale" the word "arsenic" be inserted.

And when so amended the same do pass.

S. DRUET,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred House file No. 71, a bill for an act to amend the code in relation to public health districts, beg leave to report 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.

S. DRUET,  
*Chairman.*

Ordered passed on file.

Senator Hayward, from the Committee on Federal Relations submits the following report:

MR. PRESIDENT — Your Committee on Federal Relations, to whom was referred a concurrent resolution from the House on the subject of the annexation of the Hawaiian islands, beg leave to report that they have had the same under consideration and have instructed me to report the following substitute for the same:

*Resolved, by the House of Representatives, the Senate concurring, That we favor the annexation of the Hawaiian islands to the United States, under such restrictions and safeguards as shall assure to the inhabitants of the islands the best form of government suited to their conditions and necessities; firmly believing that such action will promote the interests of the United States and give us a much needed and important commercial and naval station in the Pacific ocean.*

W. C. HAYWARD,  
*Chairman.*

Ordered passed on file.

MINORITY REPORT.

MR. PRESIDENT—We, the minority of your Committee on Federal Relations, cannot concur in the report of the majority of said committee, because the substitute resolution proposed in said report does not differ materially from the original Hawaiian resolution, which your committee refused to recommend for passage because of its manifest impropriety. It seems to us that sound policy would dictate the indefinite postponement of both the substitute and the original resolution.

L. R. BOLTER,  
F. E. MALLOY.

Senator Hayward, from the Committee on Federal Relations, submits the following report:

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred a memorial from the Grain Shippers' association of northwest Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the following concurrent resolutions, to-wit:

*Resolved, by the Senate the House concurring, That we refer the memorial presented us by the Grain Shippers' association of northwest Iowa, to our senators and representatives in congress, with the request that they give the subject careful consideration, and use their best endeavors to bring about a correction of the apparently unjust discrimination of which complaint is made.*

*Resolved, That the secretary of state be instructed to forward said memorial with the 3,000 signatures attached, together with a copy of these resolutions, to Hon. George D. Perkins, member of congress from the eleventh district, for presentation to the Iowa delegation in Washington.*

W. C. HAYWARD,  
*Chairman.*

Senator Hayward moved the adoption of the committee report.

Adopted.

## REPORT OF SPECIAL COMMITTEE.

Senator Harriman, from the committee appointed to extend an invitation to the Pioneer Lawmakers to visit the Senate chamber, reported as follows:

MR. PRESIDENT—Your committee appointed to extend the invitation to the Pioneer Lawmakers' association to visit the Senate, beg leave to report that they have performed that duty and that invitation has been accepted.

Senator Ellison, on behalf of the Senate, will extend a welcome to the members of the association when they arrive, and your committee would recommend that the members of the Senate vacate their chairs for the use of the visitors during their stay.

W. F. HARRIMAN,  
W. R. LEWIS,  
J. R. GORBELL,  
*Committee.*

## BILLS ON THIRD READING.

On motion of Senator Carney, Senate file No. 49, a bill for an act to establish and maintain a fire department in cities of the second class, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

Senator Pusey moved to amend the bill as follows:

That section 1 be amended by striking out, in lines two and three (line two of the printed bill), the words "in addition to the maximum tax now authorized by law." And by inserting, after the word "dollar" in line two, the words "of the assessed valuation of the taxable property within the corporate limits." And that the word "the" be substituted for the word "a" in line two. And by inserting, after the word "tax" in line one, the words "in any one year."

Adopted.

Senator Pusey moved to amend as follows:

That sections 2 and 3 be stricken from the bill.

Adopted.

Senator Pusey moved to amend the title as follows:

That the title of said bill be stricken out and the following substituted in lieu thereof: "A bill for an act to authorize the levy of taxes for fire purposes in cities of the second class."

Adopted.

Senator Carney 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.

Senator Carney withdrew his motion to suspend the rule by which Senate file No. 49 was put upon its passage. There being no objection, final action on Senate file No. 49 was deferred.

On motion of Senator Lothrop, Senate file No. 36, a bill for an act to amend sections 742, 744 and 745, chapter 5 of title 5, of the code of Iowa, relating to the "purchase and construction of waterworks," and for repealing section 747 of said chapter and title, and enacting a substitute therefor, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

Senator Pusey moved to amend as follows:

That section 4 of said bill be amended by striking out in lines 41, 42 and 43 thereof (lines 17 and 18 of printed bill), the following words: "not exceeding the sum of two hundred dollars per annum for each trustee."

Adopted.

Senator Pusey moved to amend the bill as follows:

That section 1 of the bill be further amended by inserting the word "and" after the word "hundred" in the first line thereof.

Adopted.

Senator Pusey moved to amend the bill as follows:

That section 2 be amended by inserting the word "and" after the word "hundred" in the first line thereof.

Adopted.

Senator Pusey moved to amend the bill as follows:

That section 3 be amended by inserting the word "and" after the word "hundred" in the first line thereof.

Adopted.

Senator Pusey moved to amend the bill as follows:

That section 4 be amended by inserting the word "and" after the word "hundred" in the first line thereof.

Adopted.

Senator Pusey moved the adoption of the first committee amendment to the title of the bill, as follows:

That the title be amended by striking out in line four thereof the words "of Iowa," and that section 1 be amended by striking out the words, in line three thereof, "of Iowa."

Adopted.



Senator Pusey moved the adoption of the second committee amendment to the title of the bill, as follows:

That the title be further amended by inserting after the words "seven hundred and forty-two," the figures "742" in parentheses, and by inserting after the words "seven hundred and forty-four," the figures "744" in parentheses, and by inserting after the words "seven hundred and forty-five," the figures "745" in parentheses, and by inserting after the words "seven hundred and forty-seven," the figures "747" in parentheses.

Adopted.

Senator Pusey moved the adoption of the third committee amendment to the title of the bill, as follows:

That the title be further amended by adding the latter "s" to the word "section" in the first line thereof. And that the title be further amended by inserting the word "and" after the word "hundred," wherever it occurs therein.

Adopted.

Senator Trewin offered the following amendment to the bill and moved its adoption:

Strike out the words "by the district court of the county wherein such city is located" in line five, section 4, and insert the following in lieu thereof: "By the mayor, with the advice and consent of the council of such city."

#### 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. 160, a bill for an act to legalize the ordinances and acts of the incorporated town of Lehigh, Webster county, Iowa.

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 Senate is asked:

House file No. 162, a bill for an act relating to certain fines and penalties provided for by section 2983 of the code, pertaining to automatic couplers.

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 Senate is asked:

Substitute for House file No. 75 and 76, a bill for an act to amend section 2646, 2647 and 2650 of the code of Iowa, enlarging the board of trustees of the state college of agriculture and mechanic arts, providing a chairman thereof, and for the time of meeting of said board and the dates of the college year.

JAS D. ROWEN,  
*Chief Clerk.*

BILLS ON THIRD READING.

The question being on the amendment offered by Senator Trewin, a roll call was demanded.

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

Senators Alexander, Byers, Carney, Carroll, Eaton, Ellison, Emmert, Funk, Garst, Gilbertson, Harriman, Hospers, Hotchkiss, Lewis, Lyons, McArthur, McIntire, Mullan, Palmer, Ranck, Trewin, Wallace, Young of Delaware, Young of Lee—24.

The nays were:

Senators Bolter, Cheshire, Craig, Ericson, Finch, Hayward, Hobart, Junkin, Kilburn, Lothrop, Penrose, Perrin, Pusey, Titus—14.

Absent or not voting:

Senators Allyn, Bell, Berry, Blanchard Druet, Everall, Gorrell, Healy, Hurst, Malloy, Mitchell, Wilson—12.

On motion of Senator Lothrop the bill was re-committed to the Committee on Cities and Towns.

On motion of Senator Carroll, Senate file No. 100, by request, a bill for an act to amend chapter 9 of the code, in relation to the use of oil in coal mines, with report of committee recommending its passage, was taken up, considered, and the report of the committee adopted.

Senator Carroll moved the adoption of the first committee amendment, as follows:

That section 1 be amended by inserting after the words "twenty-four hundred and ninety-four," the figures "(2494)" in parentheses.

Adopted.

Senator Carroll moved the adoption of the second committee amendment, as follows:

That section 2 be amended by inserting after the words "twenty-four hundred and ninety-five" the figures "(2495)" in parentheses.

Adopted.

Senator Carroll moved the adoption of the third committee amendment, as follows:

That section 2 be further amended by striking out of line two the words "enacted in lieu thereof" and inserting the word "substituted."

Adopted.

Senator Carroll moved the adoption of the fourth committee amendment, as follows:

That section 2 be further amended by striking out of lines eleven and twelve the following: "or should he have good reason to believe it is adulterated."

Adopted.

Senator Carroll 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, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Emmert, Ericson, Finch, Funk, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Penrose, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Berry, Blanchard, Ellison, Everall, Garst, Gorrell, Healy, Hurst, Mitchell, Perrin, Wilson—13.

No objection being made, Senator Trewin submitted the following report from the Committee on Schools:

#### REPORT OF COMMITTEE.

Senator Trewin, from the Committee on Schools, submitted the following report:

**MR. PRESIDENT**—Your Committee on Schools, to whom was referred Senate file No. 129, a bill for an act to amend section 2630 of the code, relating to the powers of the board of educational examiners and authorizing them to issue certificates and diplomas to graduates of normal schools or normal departments of colleges or universities, under certain conditions,

beg leave to report 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 Educational Institutions, which committee has before it another bill upon the same subject.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Journal of Thursday was taken up, corrected and approved.

No objection being made, Senator Titus submitted the following reports from the joint committee on enrolled bills.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 1, a bill for an act to amend section two thousand five hundred and fifty-one (2551) of the code, relating to the protection of game.

Also:

Senate file No. 78, a bill for an act to legalize the levy and collection of a schoolhouse tax and to authorize the school board of the school district of Scott township, Floyd county, Iowa, to transfer certain money illegally voted, levied and raised for the purpose of building a schoolhouse to the teachers' fund of said school district.

Also:

Senate file No. 86, a bill for an act to assign rooms Nos. 11 and 12 to the state agricultural society.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*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. 44, a bill for an act to repeal section 144 of the code. Also, House file No. 121, a bill for an act to amend section 490, subdivision 5, title 4, chapter 4 of the code, relating to the compensation of county treasurers.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 1, a bill for an act to amend section two thousand five hundred and fifty-one (2551) of the code, relating to the protection of game.

Also:

Senate file No. 78, a bill for an act to legalize the levy and collection of a schoolhouse tax and to authorize the school board of the school district of Scott township, Floyd county, Iowa, to transfer certain money illegally voted, levied and raised, for the purpose of building a schoolhouse, to the teachers' fund of said school district.

Also:

Senate file No. 86, a bill for an act to assign rooms Nos. 11 and 12 to the State Agricultural society.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

Senator Hayward moved that the resolution relative to the annexation of the Hawaiian islands be made a special order for 10:30 A. M., Wednesday, February 16th.

Carried.

The hour of adjournment having arrived, the President declared the Senate stood adjourned until 2 o'clock this afternoon, as provided in the resolution adopted yesterday.

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AFTERNOON SESSION.

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

## REPORT OF COMMITTEE.

Senator Berry, from the Committee on Charitable Institutions, submits the following report:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred Senate file No. 6, a bill for an act to amend title to chapter 6, title 13, of the code; also, sections 2683, 2685, 2688 and 2691 of said chapter, in relation to the orphans' home at Davenport, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the accompanying substitute and with the recommendation that it be adopted and when so adopted that it do pass.

## SUBSTITUTE FOR SENATE FILE NO. 6.

A BILL for an act to amend the title of chapter six (6), title thirteen (13), of the code, and to amend sections twenty-six hundred and eighty-three, twenty-six hundred and eighty-five, twenty-six hundred and eighty-eight, and twenty-six hundred and ninety-two, (2683, 2685, 2688, 2692), of said chapter, in relation to the orphans' home and home for destitute children at Davenport, Iowa.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That the title of chapter six (6) be and the same is hereby amended by striking out the words "of orphans' home and home for destitute children," and by inserting in lieu thereof the words "Iowa soldiers' orphans' home."

SEC. 2. That section twenty-six hundred and eighty-three (2683), be and the same is hereby amended by striking out the words "orphans' home and home for destitute children" in the first and second lines thereof and by inserting in lieu thereof the words "the Iowa soldiers' orphans' home."

SEC. 3. That section twenty-six hundred and eighty-five (2685), be and the same is hereby amended by inserting after the word "themselves" in the third line thereof the words "shall be admitted upon applications approved by the board of trustees of the home and become wards of the state." And by inserting after the word "applications" in the seventh and eighth lines thereof the words "in the latter class."

SEC. 4. That section twenty-six hundred and eighty-eight (2688), be and the same is hereby amended by substituting the word "sixteen" for the word "fifteen" in the fifth line thereof.

SEC. 5. That section twenty-six hundred and ninety-two (2692) be and the same is hereby amended by inserting after the word "children" in the second line thereof the words "except soldiers' orphan children."

W. H. BERRY,  
*Chairman.*

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred House file No. 17, a bill for an act to amend title to chapter 6, title 13 of the code, also to amend sections 2683, 2685 and 2688 of the code, relating 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 the same be indefinitely postponed.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred Senate file No. 40, a bill for an act to amend section 2692 of the code, in relation to soldiers' orphan 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 the same be indefinitely postponed.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

#### HOUSE MESSAGES.

Substitute for House files Nos. 75 and 76, a bill for an act to amend sections 2646, 2647 and 2650 of the code of Iowa, enlarging the board of trustees of state college of agriculture and mechanic arts, providing a chairman thereof, and for the time of meeting of said board, and the dates of the college year.

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

House file No. 162, a bill for an act relating to certain fines and penalties provided for by section 2083 of the code, pertaining to automatic couplers.

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

House file No. 160, a bill for an act to legalize the ordinances and acts of the incorporated town of Lehigh, Webster county, Iowa.

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

Senator Carney moved that the Senate take a recess, subject to call of the President.

Carried.

The President called the Senate to order at 2:45.

Senator Healy, being granted permission, filed the following statement:

MR. PRESIDENT—I desire to have the Journal show that were I present I would have voted for the measure known as the Temple amendment.

THOS. D. HEALY.

#### MINORITY REPORT.

Senator Blanchard was granted permission to file the following minority report from the Committee on Judiciary:

MR. PRESIDENT—The undersigned members of the Judiciary Committee beg leave to submit the following minority report on Senate file No. 33, a bill to amend section 5314 of the code, relating to the fees to be paid by the county for defending criminals.

We believe that said bill is of great importance, that its passage will effect great saving to the counties.

The section sought to be amended was passed at the last session and greatly increases the expenses of criminal prosecutions and in our opinion ought to be repealed.

L. C. BLANCHARD,  
F. E. MALLOY,  
W. O. MITCHELL.

The doorkeeper announced the members of the Pioneer Lawmakers' association of Iowa, who appeared and occupied seats vacated for them on the east side of the chamber.

President Milliman delivered the following address of welcome:

MR. PRESIDENT AND MEMBERS OF THE PIONEER LAW MAKERS' ASSOCIATION —I might have addressed you as revered seigniors, for in such esteem do we hold you. We welcome you to this capitol, erected in part through the wisdom and broad comprehension of you and your compeers in laying the foundations of our beloved state. We welcome you to this beautiful senate chamber and ask you, for a few moments, to occupy our chairs — as your steps grow weary through age, rest with us. We take you to our hearts in love and veneration, knowing from the grand inheritance of beneficent laws we have enjoyed, that our fondest hopes and tenderest solicitude do not convey to you the reward your labors deserve — nothing but the love which conquers all, can express the regard in which you and those already gone to their reward, are held by the people of Iowa. The constitution you gave us, and many of the statutes you enacted remain, and the fact that other states have copied them bear testimony of the care and fidelity of your labors. Gentlemen, more fitting words will be spoken by others, but none with more sincerity than I now address you. And now senators, for a few moments, I call to the chair, Hon. Hoyt Sherman, president of the association, and with him, Col. John Scott, who thirty years ago was lieutenant-governor of Iowa.

Major Sherman, in placing in your hands this gavel, I express the wish that you and your co-laborers of this association may be blessed and guided by the Hand that never wearies and the Eye that never sleeps, for many, many years.

Major Sherman thereupon assumed the gavel and responded in a short speech to the address of the President. He concluded by introducing Col. John Scott, who was lieutenant-governor of Iowa in 1868.

Colonel Scott spoke at some length, reminiscently, calling up scenes in some former legislatures, as well as mentioning many men who played important parts in the earlier history of the state.



President Milliman called upon Senator Ellison, who spoke as follows:

MR. PRESIDENT, OFFICERS AND MEMBERS OF THE PIONEER LAWMAKERS' ASSOCIATION OF IOWA—In obedience to the wishes of this Senate it becomes my privilege and duty to extend to you, and to each of you, a cordial welcome to the Senate of the Twenty-seventh General Assembly of Iowa. We appreciate your visit and I beg to assure you, gentlemen, that we are not unmindful of the distinguished honor which you have conferred upon us by your presence here to-day. We greet you not only as the lawmakers who assisted in making and giving to the people of Iowa a code of laws second to that of no other state in the Union, but as gentlemen whom the people of this state have delighted to honor by placing you in positions of trust and responsibility. As we look back through the mists of the past fifty years, we see a long procession of grand events which marks the course of history, and have shaped, to a large degree, the destiny of this magnificent state. You have in your association, those who rocked the cradle of state when Iowa was wearing the garments of infancy. You have with you to-day, some of the grand men who were members of the constitutional convention in 1857 and who assisted in laying the foundation of our state government, both broad and deep and strong. Mr. Chairman, I see in your ranks many of those brave, fearless men who, when the angry clouds of war hung heavy and dark over our national horizon, stood firm for the Union. Men with a patriotism broad as their lives and deep as death. Men who, when the first shot was fired at the old flag, said good-bye to home and loved ones and went forth in defense of their country and its honor, resolved

“To stand by the old flag, though death shots 'round it rattle,  
And underneath its folds might meet, in all the dread array of sanguinary battle,  
The quivering lance and glistening bayonet.”

Step by step they bore our banner, over the hilltops and through the valleys of the South, and, although riddled by bullets and baptised in the life blood of thousands of our brave men and boys, it was never allowed to trail in the dust, but crowned with honor it has been returned to Iowa, and to-day they are carefully incased within this magnificent Capitol building, which you in days gone by so wisely provided that the people of Iowa might enjoy. Returning from the field when the tempestuous affairs of war had ceased, some of your number entered the legislative halls, others took positions on the bench and still others in the commercial and agricultural pursuits. No gift was too rich, no trust too sacred to bestow upon “Iowa's heroes.” You enacted wise, conservative and just laws which have stood the criticism of courts and successive general assemblies, and remain on our statutes to-day as a monument to your skill and wisdom. For the past two years the general assembly has been engaged in revising and codifying the laws, and yet many of the laws passed by the grand old lawmakers remain with not a word changed.

To your labors, gentlemen, the people of Iowa are indebted for the splendid educational advantages which they enjoy to-day. You gave us a common school system which is unsurpassed, and made it possible for every man, woman and child to be master of their own destiny. You have

given to all persons, both male and female, equality before the law. You provided for the establishment of our magnificent state institutions. You have thrown out the "rainbow of promise" to the poor and have "bordered the clouds of adversity" of our insane and unfortunate ones "with the golden fringe of hope." You have guarded society by enacting stringent penal laws. And you have provided places of confinement for the lawless. For the wayward and incorrigible youth you have provided reformatories where they may be cared for and educated. Through your enactments and efforts agriculture has been encouraged, commerce promoted, manufacturing stimulated, and the general industries of the people fostered and protected. And to your wisdom and energy the state is largely indebted for her present greatness.

In looking over the legislation of the past half century we can see the way blazed for us of the Twenty-seventh General Assembly to simply follow in your footsteps. Surely we are proud of Iowa, proud of her sons, proud of her soldiers, proud of her statesmen and proud of her people.

Members of the Pioneer Lawmakers' association, you laid the foundation of our future greatness; we of the Twenty-seventh General Assembly are simply carrying out your plans. We pray that we may be endowed with wisdom and that Iowa, like the enchanted princess in the legend, "Cladin spotless raiment, wearing a crown of living light, steps forth into the perfection of her maturity, proud of the achievements of the past, happy in the glory of the present, and with an abiding faith in a still grander future, she still presses on."

Col. S. A. Moore, being introduced by Major Sherman, spoke eloquently of early life in Iowa and of experiences of an early legislator.

President Milliman extended the thanks of the senators to the Pioneer Lawmakers for their visit.

Major Sherman presented the following memorial from the Pioneer Lawmakers' association, which was read.

The following resolution was unanimously adopted by the Pioneer Lawmakers' association at their session held on February 10, 1898:

*To the Senate and House of Representatives of the Twenty-seventh General Assembly of Iowa:*

The Pioneer Lawmakers' association, disclaiming any purpose in its organization or action to attempt in any way to influence the current legislation of the state, yet being organized in part, for the purpose of collecting and recording the earlier history of the state, and in that interest alone we respectfully but earnestly invite your attention and favorable action upon such measures as may come before you having for their purpose the securing a proper and commodious historical building for the use of the historical department of Iowa, putting our beloved state in the front rank of states in the fullness and richness of its historical treasures.

Major Sherman introduced Judge C. C. Cole, who spoke on the subject, "Who are the Lawmakers?"

Senator Harriman moved that in view of the value of the services of the Pioneer Lawmakers' association, the memorial presented by them be printed in the Journal.

Carried.

Major Sherman thanked the Senate for the courtesies extended to the association, whereupon the association withdrew.

Senator Berry moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Saturday, February 12, 1898. }

Senate met in regular session at 9:30 A. M., President Milliman presiding.

Prayer was offered by Rev. Willard H. Patterson, of Des Moines, Iowa.

On request of Senator Craig, leave of absence was granted Senator Everall until Tuesday.

On request of Senator Malloy, leave of absence was granted Senator Hayward until Monday.

On request of Senator Kilburn, leave of absence was granted Senator Emmert until Monday.

On request of Senator Lewis, leave of absence was granted Senator Carroll until Monday.

On request of Senator Palmer, leave of absence was granted Senator Berry until Monday.

On request of Senator Alexander, leave of absence was granted Senator Wallace until Monday.

On request of Senator Cheshire, leave of absence was granted Senators Pusey and Junkin until Monday.

#### PETITIONS AND MEMORIALS.

Senator Finch presented four remonstrances of citizens of Pocahontas and Buena Vista counties, against the passage of House file No. 2.

Referred to Committee on Judiciary.

Senator Gorrell presented petition of barbers of Newton, requesting passage of the bill known as the barbers' bill.

Referred to Committee on Public Health.

Senator Trewin presented two petitions of Thos. L. Green and five other voters and three women of Fayette county, in favor of equal suffrage.

Referred to Committee on Constitutional Amendments.

Senator Trewin presented petition of O. C. Brachett and six other voters and eleven women of Fayette county, in favor of equal suffrage.

Referred to Committee on Constitutional Amendments.

Senator Trewin presented petition of Riley Knight and seven other voters and nine women of Fayette county, in favor of compulsory reformatory for women.

Referred to Committee on Charitable Institutions.

Senator Ericson presented petition of L. R. Reed and forty-six other citizens of Boone county, asking for two-cent passenger rate.

Referred to Committee on Railways.

Senator Trewin presented petition of Riley Knight and seven other voters and nine women of Fayette county, in favor of raising age of consent.

Referred to Committee on Public Health.

#### INTRODUCTION OF BILLS.

By Senator Hoppers, Senate file No. 171, a bill for an act providing for connection by different lines and system of telephones and for enforcing such connection.

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

By Senator Finch, Senate file No. 172, a bill for an act to repeal section 2754 of the code, relating to elections in independent school districts and to enact a substitute therefor.

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

By Senator Finch, Senate file No. 173, a bill for an act to amend sections 2403 of the code, relating to intoxicating liquors.

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

By Senator McIntire, by request, Senate file No. 174, a bill for an act to amend section 1441 of the code of 1897, relating to service of notice of expiration of right of redemption from tax sales.

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

By Senator Blanchard, Senate file No. 175, a bill for an act to amend section 3053 of the code, relating to notes and bills.

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

By Senator Blanchard, Senate file No. 176, a bill for an act to amend section 3947 of the code, relating to garnishments.

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

BILLS ON THIRD READING.

On motion of Senator Cheshire, Senate file No. 87, a bill for an act to amend section 4538 of the code, in relation to the filing of transcripts in the clerk's office, with report of committee recommending a substitute and that the same do pass, was taken up, considered, and the report of the committee adopted.

On request of Senator Cheshire, the roll was called for the purpose of ascertaining if a quorum were present, twenty-nine senators answering to their names.

Senator Cheshire moved that the committee substitute be adopted, as follows:

A BILL for an act to amend section four thousand five hundred and thirty-eight (4538), chapter one, title twenty-two of the code, relating to the filing of transcripts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section four thousand five hundred and thirty-eight of the code be and the same is hereby amended by striking out the word "date" in the second line and inserting the word "time" in lieu thereof.

Adopted.

On request of Senator Cheshire, the entry was made in the Journal to show that the substitute was read first and second time on Thursday, January 27th.

Senator Cheshire 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, Blanchard, Bolter, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hobart, Hospers, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, McIntire, Mullan, Palmer, Penrose, Perrin, Titus, Trewin, Wilson, Young of Lee—33.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Berry, Byers, Carney, Carroll, Emmert, Everall, Hayward, Hotchkiss, Junkin, McArthur, Mitchell, Pusey, Ranck, Wallace, Young of Delaware—17.

So the bill, having received a constitutional majority, was declared to have passed the Senate, and the title agreed to.

On motion of Senator Finch, Senate file No. 60, a bill for an act to amend section 2979 of the code in relation to the platting of homestead, with report of committee recommending certain amendments, and that when same are adopted the bill do pass, was taken up, considered, and the report of the committee adopted.

Senator Cheshire moved the adoption of the first committee amendment, as follows:

By inserting after the figures in parentheses in the title, the following: "chapter eight (8)."

Senator Finch moved to amend the title by adding after the words and figures "chapter eight (8)" the words and figures, "title fourteen (14)."

Adopted.

The question being on the adoption of the amendment as amended, same was adopted.

Senator Cheshire moved the adoption of the second committee amendment, as follows:

That the title be further amended by striking out the words "the platting of homestead" and inserting the word "homesteads" in lieu thereof.

Adopted.

Senator Cheshire moved the adoption of the three committee amendments, as follows:

That section 1 be amended by striking out the word "and" at the beginning of line 3, and by changing the small "s" in the word "should" to a capital "S."

Adopted.

Senator Cheshire moved the adoption of the fourth committee amendment, as follows:

That said section be further amended by striking out the indefinite article "a" where it occurs between the words "should" and "homestead," and inserting in lieu thereof the article "the."

Adopted.

Senator Cheshire moved the adoption of the fifth committee amendment, as follows:

That said section be further amended by striking out the word "thereon," in the fourth line of the original bill and the third line of the printed bill, and inserting after the word

"made" in the fourth line of the original bill and the third line of the printed bill, the words "upon real property in which a homestead is included."

Adopted.

Senator Cheshire moved the adoption of the last committee amendment, as follows:

That said section be further amended by inserting after the word "wife," in the fifth line of the original bill and the fourth line of the printed bill, the words "if found within the county.

Adopted.

Senator Finch moved that a publication clause be added as section 2 of the bill, as follows:

"This act being deemed of immediate importance shall take effect from and after its passage and publication in the Iowa State Register and the Des Moines Leader, newspapers published in Des Moines, Iowa."

Adopted.

Senator Finch 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, Blanchard, Bolter, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, McIntire, Mullan, Palmer, Penrose, Perrin, Titus, Trewin, Wilson, Young of Lee,  
—33.

The nays were:

None.

Absent or not voting.

Senators Allyn, Bell, Berry, Byers, Carney, Carroll, Emmert, Everall, Hayward, Healy, Junkin, McArthur, Mitchell, Pusey, Ranck, Wallace, Young of Delaware—17.

So the bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Malloy, Senate file No. 59, a bill for an act to amend section 2297 of the code, relating to the liability of estates of insane or idiotic persons for their support and treatment, with report of committee recommending certain amendments and that when same are adopted the bill do pass, was taken up, considered, and the report of the committee adopted.



Senator Malloy moved the adoption of the first committee amendment as follows:

Amend the title by inserting after the word "ninety-seven" the following: "(2297) in chapter two (2)."

Adopted.

Senator Malloy moved the adoption of the second committee amendment, as follows:

Also further amend the title by inserting after the word "the," the words "care of the insane and to."

Adopted.

Senator Malloy moved the adoption of the third committee amendment, as follows:

That section 1 be amended by striking out the word "comma" in the third line of the original bill and the second line of the printed bill and inserting in lieu thereof the word "poorhouse."

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 and passed the following bill, in which the concurrence of the House was asked.

Senate file No. 64, a bill for an act to legalize a conveyance by the independent school district of Ottumwa, Iowa, to John F. Rugg.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

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. 57, a bill for an act to amend section 1371 of the code in relation to the duty of township, city and town assessors.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

#### BILLS ON THIRD READING.

Senator Malloy moved the adoption of the fourth committee amendment, as follows:

And that said section be further amended by striking out the following words at the end thereof: "which clause shall include the comma before the quotation marks at the end thereof."

Adopted.

To guard against any misunderstanding of the bill as amended by the second amendment adopted, Senator Malloy moved that the words "care of the insane and to" be inserted in the title after the word "the" and before the word "liability."

Adopted.

Senator Malloy moved to further amend section 1 of the bill as amended by inserting after the word "the" and before the word "poorhouse," the word "word."

Adopted.

On request of Senator Cheshire the bill was read for information.

Senator Lewis moved that the bill be referred to the Committee on Charitable Institutions.

#### 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. 202, a bill for an act making an appropriation for the purchase of twenty thousand railroad commissioners' official maps, to be distributed by the members of the general assembly; and also railroad commissioners.

JAS D. ROWEN,  
*Chief Clerk.*

Passed on file.

The question being on the motion to refer to the Committee on Charitable Institutions, the motion prevailed.

Senator Malloy moved to reconsider the vote just taken. On this motion, a division being called for, the motion prevailed.

The question, recurring on the motion to refer to Committee on Charitable Institutions, the motion prevailed, and the bill was so referred.

Senator Malloy moved that the bill be allowed to retain its place on the Calendar.

Carried and so ordered.

Senator Blanchard moved that when the Senate adjourn it be until 11 o'clock A. M. Monday.

Carried.

On request of Senator Blanchard unanimous consent was given to the introduction of bills.

## INTRODUCTION OF BILLS.

By Senator Blanchard, Senate file No. 177, a bill for an act to amend section 2597 of the code, relating to the practice of dentistry.

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

By Senator Alexander, Senate file No. 178, a bill for an act to legalize certain acknowledgments of deeds, mortgages and other instruments affecting the title to real estate.

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

Senator Titus moved to take up House messages.

Carried.

## HOUSE MESSAGES.

House file No. 202, a bill for an act making an appropriation for the purchase of 20,000 railroad commissioners' official maps to be distributed by the members of the general assembly and also railroad commissioners, was read first and second time and referred to Committee on Appropriations.

Senate file No. 64, a bill for an act to legalize a conveyance by the independent school district of Ottumwa, Iowa, to John F. Rugg.

Senator Cheshire moved that the Senate concur in the House amendment to Senate file No. 64.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Blanchard, Byers, Cheshire, Craig, Eaton, Ellison, Ericson, Finch, Funk, Garst, Gilbertson, Gorrill, Harriman, Hobart, Hospers, Hotchkiss, Kilburn, Lewis, Lothrop, Lyons, Malloy, McIntire, Mullan, Palmer, Perrin, Ranck, Titus, Wilson, Young of Lee—30.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Berry, Bolter, Carney, Carroll, Druet, Emmert, Everall, Hayward, Healy, Hurst, Junkin, McArthur, Mitchell, Penrose, Pusey, Trewin, Wallace, Young of Delaware—20.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senate file No. 57, a bill for an act to amend section 1371 of the code, in relation to the duty of township, city and town assessors.

Senator Titus moved that the Senate concur in the House amendments.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Blanchard, Byers, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hobart, Hospers, Hotchkiss, Kilburn, Lewis, Lothrop, Lyons, McIntire, Mullan, Palmer, Perrin, Ranck, Titus, Trewin, Wilson, Young of Lee—32.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Berry, Bolter, Carney, Carroll, Emmert, Everall, Hayward, Hurst, Junkin, Malloy, McArthur, Mitchell, Penrose, Pusey, Wallace, Young of Delaware—18.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

#### BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Hospers, House file No. 159, a bill for an act to legalize the election of town officers in the town of Matlock, with report of committee recommending certain amendments, and that the bill when so amended do pass, was taken up, considered and the report of the committee adopted.

Senator Cheshire moved the adoption of the following committee amendment:

That the title be amended by adding thereto and at the end thereof the word "Iowa," and that section 1 of the bill be amended by inserting after the word "Matlock," in the first line thereof, the word "Iowa."

Adopted.

Senator Cheshire moved the adoption of the following committee amendment:

That the preamble be amended by inserting after the word "Matlock" the word "Iowa."

Adopted.

Senator Cheshire moved the adoption of the following committee amendment:

That section 2 be amended by striking out the word "Des Moines" in the third line thereof, and inserting the words "Iowa State" in lieu thereof.

Adopted.

Senator Cheshire moved that the publication clause be amended by substituting the name "Iowa State Register" for "Des Moines Register."

Adopted.

Senator Hospers moved that the rule be suspended, and that the bill be 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, Blanchard, Bolter, Byers, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, McIntire, Palmer, Perrin, Titus, Trewin, Wilson, Young of Lee—32.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Berry, Carney, Carroll, Emmert, Everall, Harriman, Hayward, Junkin, McArthur, Mitchell, Mullan, Penrose, Pusey, Ranck, Wallace, Young of Delaware—18.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Blanchard called up House concurrent resolution relative to placing inscription on the statuary in the rotunda representing the Fort Dearborn massacre, and moved that the same be concurred in.

Carried.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

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

**MR. PRESIDENT**—Your Committee on Enrolled Bills respectfully report that they have this day sent to the governor for his approval, Senate file No. 1, a bill for an act to amend section two thousand five hundred and fifty-one (2551) of the code, relating to the protection of game.

Also, Senate file No. 78, a bill for an act to legalize the levy and collection of a schoolhouse tax and to authorize the school board of the school district of Scott township, Floyd county, Iowa, to transfer certain money illegally voted, levied and raised for the purpose of building a schoolhouse to the teachers' fund of said school district.

Also, Senate file No. 86, a bill for an act to assign rooms Nos. 11 and 13 to the state agricultural society.

G. M. TITUS,  
*Chairman.*

February 12, 1898.

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

Senator Hospers moved that the Senate do now adjourn till 11 o'clock A. M. Monday.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Monday, February 14, 1898. }

Senate met pursuant to adjournment, at 11 o'clock A. M.,  
President Milliman presiding.

Prayer was offered by Rev. F. E. Morgan, of Des Moines,  
Iowa.

Senator McIntire filed the following statement:

MR. PRESIDENT—I desire to have the Journal show that were I present  
I would have voted “yea” on Senate file No. 53.

W. A. MCINTIRE.

#### PETITIONS AND MEMORIALS.

Senator Ericson presented remonstrance of A. A. Deering  
and ten other citizens of Boone, Iowa, against legalizing the  
practice of osteopathy.

Referred to Committee on Public Health.

Senator Mullan, by request, presented two petitions of citi-  
zens of Black Hawk county, in favor of equal suffrage.

Referred to Committees on Constitutional Amendments and  
Suffrage.

Senator Carroll presented remonstrance of J. McFarland and  
nine other physicians of Centerville, Iowa, protesting against  
the enactment of a law extending to graduates of certain medi-  
cal colleges certificates entitling them to practice medicine and  
surgery without passing examinations as now required by law.

Read and referred to Committee on Public Health.

Senator Carney presented petition of thirteen voters and  
fifteen women of Marshall county, in favor of equal suffrage.

Referred to Committee on Constitutional Amendments and  
Suffrage.

Senator Carney presented petition of twelve voters and  
thirteen women of Marshall county, in favor of raising the age  
of consent to eighteen.

Referred to Committee on Judiciary.

## INTRODUCTION OF BILLS.

By Senator Craig, by request, Senate file No. 179, a bill for an act to prescribe certain announcements in mutual accident insurance associations or companies.

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

By Senator Alexander, Senate file No. 180, a bill for an act to place the road and highway tax, and working and maintaining the roads and highways, in the hands and under the supervision of the boards of supervisors.

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

By Senator McIntire, Senate file No. 181, a bill for an act to amend sections 2736 and 2737 of the code, requiring all applicants for a teacher's certificate to pass an examination in didactics.

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

By Senator Gilbertson, Senate file No. 182, a bill for an act to amend section 1610, title 9, chapter 1 of the code, in relation to corporations for pecuniary profit.

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

## REPORT OF COMMITTEE.

Senator Carney, from the Committee on Pharmacy, submitted the following report:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred House file No. 132, a bill for an act to amend section 2392 of the code, relating to change of place of conducting a 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 the same be amended by inserting after the word "shown" in the fifth line of the bill the following: "consent in writing of the bondsmen having been obtained therefor, or a new bond given," and that when so amended the same do pass.

J. L. CARNEY,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred Senate file No 133, a bill for an act to amend section twenty-three hundred and eighty-six (2386) of the code, relating to registered pharmacists, beg leave to report 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.

J. L. CARNEY,  
*Chairman.*

Ordered passed on file.

BILLS ON THIRD READING.

On motion of Senator Alexander, Senate file No. 142, a bill for an act relating to certain fines and penalties provided by section 2088 of the code, pertaining to automatic couplers, with report of committee recommending certain amendments and when so amended the bill do pass, was taken up, considered, and the report of the committee adopted.

Senator Alexander moved the adoption of the committee amendment as follows:

That the title be amended by inserting after the word "section" the words "two thousand and eighty-three," and that the figures "2088" be enclosed in parentheses.

Adopted.

Senator Alexander moved that House file No. 162 be substituted for Senate file No. 142, but by unanimous consent withdrew the motion.

On motion of Senator Palmer, reference of House file No. 162, a bill for an act relating to certain fines and penalties provided by section 2088 of the code, pertaining to automatic couplers, to the Committee on Railroads, was set aside and said bill was taken up and considered.

Senator Alexander offered the following amendment and moved its adoption:

That the title be amended by inserting after the word "section," the words "two thousand and eighty-three," and that the figures "2088" be enclosed in parentheses.

Adopted.

Senator Alexander moved that the rule be suspended and that the bill be 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, Bell, Berry, Blanchard, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Funk, Garst, Gilbertson, Healy, Hospers, Hotchkiss, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Penrose, Perrin, Ranck, Trewin, Wallace, Wilson, Young of Lee—35.

The nays were:

None.

Absent or not voting:

Senators Allyn, Byers, Everall, Finch, Gorrell, Harriman, Hayward, Hobart, Hurst, Junkin, Kilburn, Mitchell, Pusey, Titus, Young of Delaware—15.

So the bill having received a constitutional majority was declared to have passed the Senate and the title agreed to.

Senator Alexander moved that Senate file No. 142 be indefinitely postponed for the reason that House file No. 162, which had just passed the Senate, is identical therewith.

Carried and so ordered.

On motion of Senator Malloy, Senate file No. 32, a bill for an act for the better suppression of the thistle pest, with report of committee recommending a substitute and that the same do pass, was taken up, considered, and the report of the committee adopted.

Senator Malloy moved that the substitute be printed in to-day's Journal.

Carried.

SUBSTITUTE FOR SENATE FILE NO. 32.

A BILL for an act to amend section one thousand five hundred sixty-two (1562) of the code, relating to the destruction of thistles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section one thousand five hundred sixty-two (1562) of the code be and the same is hereby amended by striking out of lines one and two the words "vacant or owned by non-residents, the owner, agent or lessee of which is unknown" and insert the words "shall cause a written notice to be served on the owner, agent or lessee of such land or lots, notifying him to destroy said thistles within ten days from the service of said notice, and in case the same are not destroyed within such time, then the supervisor."

Senator Malloy moved that the Journal of to-day show that the substitute for Senate file No. 32 was read first and second time and passed on file, for the reason that the Journal of January 28th does not show such action.

Carried and so ordered.

Senator Malloy moved to amend line three of the substitute by striking out the words "one and two" in said line, and inserting in lieu thereof the words "three and four."

Adopted.

Senator Perrin offered the following amendment and moved its adoption:

Insert the words "in lieu thereof" after the word "insert" in line five of the substitute.

Adopted.

Senator Malloy moved to amend by inserting the word "road" after the word "the" and before the word "supervisor" in the last line of the substitute.

On request of Senator Malloy, the bill was laid over until to-morrow and allowed to retain its place on the Calendar.

#### INTRODUCTION OF BILLS.

Senator Trewin was granted permission to introduce a bill.

By Senator Trewin, Senate file No. 183, a bill for an act to repeal section 3071 of the code, relating to assignments for the benefit of creditors and to enact a substitute therefor.

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

Journal of Saturday was taken up for correction.

Senator Penrose moved that time of adjournment be extended five minutes, or until the Journal correction should be completed.

Carried.

Journal as corrected was approved.

The hour of adjournment having arrived, the President declared the Senate stood adjourned until 9:30 A. M. Tuesday.

SENATE CHAMBER,  
DES MOINES, Iowa, Tuesday, February 15, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. Frederick J. Zwemer, of Pella, Iowa.

On request of Senator Titus, leave of absence was granted Senator Hayward indefinitely on account of sickness.

#### PETITIONS AND MEMORIALS.

Senator Junkin presented petition of G. M. Rumbaugh and ninety-two others, asking an endorsement of Senate file No. 3, providing for examination of dairy cattle when shipped into the state.

Referred to Committee on Public Health.

Senator Perrin presented memorial of school superintendents and teachers of Cerro Gordo, Chickasaw and Floyd counties, against the uniformity and state publication of text-books.

Referred to Committee on Schools.

Senator Carney presented memorial of the board of school directors of the independent school district of the city of Marshalltown, against the uniformity and state publication of text-books.

Referred to Committee on Schools.

Senator Hobart presented remonstrance of teachers of the schools of Plymouth county, against passage of the Ray bill.

Referred to Committee on Schools.

Senator Bolter presented remonstrance of teachers of the schools of Denison district, Crawford county, against passage of the Ray bill.

Referred to Committee on Schools.

Senator McArthur presented petition of eleven voters and fourteen women of Des Moines county, in favor of raising the age of consent to eighteen.

Referred to Committee on Judiciary.

## INTRODUCTION OF BILLS.

By Senator Craig, Senate file No. 184, a bill for an act to amend section 227 of the code of Iowa, and to provide an additional judge for the twelfth judicial district.

Read first and second time and referred to Committee on Congressional and Judicial Districts.

By Senator Trewin, Senate file No. 185, a bill for an act to amend section 1744 of the code, relating to proofs of loss under contracts of insurance.

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

By Senator Trewin, Senate file No. 186, a bill for an act to empower boards of directors of school corporations to change boundary lines between such corporations in certain cases.

Read first and second time and placed on the Calendar.

By Senator Pusey, Senate file No. 187, a bill for an act to allow non-residents of the state whose wages were garnished in this state the same exemption as is allowed them under the law of the state in which they at the time reside.

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

## REPORT OF STANDING COMMITTEE.

Senator Trewin, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House file No. 29, a bill for an act to provide for printing the deaf and dumb alphabet in readers and spellers, beg leave to report 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.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 120, a bill for an act to require boards of school directors to fence schoolhouse sites, beg leave to report 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.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

## BILLS ON THIRD READING.

On motion of Senator Malloy, substitute for Senate file No. 32, was taken up for further consideration.

Senator Malloy offered the following amendment and moved its adoption:

"I move to amend the substitute by inserting after the word "lots" in the sixth line thereof the words "if found within the county," and after the word "time" in the last line thereof the words "or if such owner, agent or lessee is not found within the county."

On a request of Senator Malloy, the bill was read for information.

Senator Malloy 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, Bolter, Byers, Carroll, Craig, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Harriman, Hobart, Hospers, Hotchkiss, Hurst, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Wallace, Wilson, Young of Delaware—37.

Senator Young of Lee voted in the negative.

Absent or not voting:

Senators Berry, Blanchard, Carney, Cheshire, Druet, Funk, Hayward, Healy, Junkin, Kilburn, Pusey, Trewin—12.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

On motion of Senator Pusey, Senate file No. 69, a bill for an act to amend section 668 of the code, relating to appropriations by cities of the first class, with report of committee recommending certain amendments, and that when same are adopted the bill do pass, was taken up, considered, and the report of the committee adopted.

Senator Pusey 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 Allyn, Bolter, Byers, Carroll, Craig, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hospers, Hotchkiss, Hurst, Kilburn, Lewis,

Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mul-  
lan, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace,  
Wilson, Young of Delaware, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Berry, Blanchard, Carney,  
Cheshire, Druet, Eaton, Hayward, Healy, Hobart, Junkin,  
Ranck—13.

The bill having received a constitutional majority, was  
declared to have passed the Senate.

Senator Pusey moved the adoption of the committee amend-  
ment, as follows:

That the title be amended by inserting after the word  
“relating” in the second line thereof, the words “to the  
organization and officers of cities and towns and.”

Adopted.

So the title as amended was agreed to.

Senator Funk was granted leave to file the following report:

REPORT OF COMMITTEE.

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. 4, a bill for an act to amend section 104 of the  
code, relating to interest on state warrants, beg leave to report that they  
have had the same under consideration and have instructed me to report  
the same back to the Senate with the recommendation that section 1 of  
said bill be amended by striking out the word “four” in the sixth line  
and inserting the word “five” in lieu thereof; also, by inserting before  
the figures “104” in the first line the words “one hundred and four” and  
by enclosing said figures in brackets. Also by striking out of the second  
line the words “of Iowa.”

That the title be amended by inserting before the figures “104” the  
words “one hundred and four” and by enclosing said figures in brackets;  
also by striking out the words “of Iowa of 1897,” and when so amended  
the same do pass.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

BILLS ON THIRD READING.

On motion of Senator McIntire, Senate file No. 21, a bill for  
an act to prohibit members of board of supervisors from per-  
sonally contracting with the county, with report of committee  
recommending a substitute and that the same do pass, was  
taken up, considered and the report of the committee adopted.

Senator McIntire moved to amend by correcting the spelling of the word "indirectly" in the original bill.

Adopted.

On request of Senator McIntire, the substitute was read for information.

Senator McIntire moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Blanchard, Bolter, Byers, Carroll, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Harriman, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—37.

The nays were:

Senators Hospers and Perrin—2.

Absent or not voting:

Senators Bell, Berry, Carney, Cheshire, Eaton, Gorrell, Hayward, Healy, Hobart, Junkin, Trewin—11.

The bill having received a constitutional majority was declared to have passed the Senate and title agreed to.

Senator McArthur moved that Senate file No. 81 be made a special order for 10 o'clock A. M. Thursday, Feb. 17th.

Carried.

On motion of Senator Druet, Senate file No. 3, a bill for an act to protect public health and the health of domestic animals, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

Senator Druet moved that entry be made in the Journal today showing that the bill was read first and second time on February 11th, as the Journal of that date did not show such action.

Carried.

On request of Senator Druet the substitute was read for information.

Senator Druet moved that the figures "1" and "2," in section 4, line two of the substitute, be stricken out and that the words "one" and "two" be substituted in lieu thereof.

Adopted.



Senator Lothrop offered the following amendment to the substitute and moved its adoption:

I move to amend the bill by adding at the end of section 2 thereof the following:

The provisions of this act shall not apply to such cattle as, being brought into this state, pass through stock yards at which a system of inspection of cattle and stock there received is maintained by the United States government.

Senator Funk moved that further consideration of this subject be postponed until to-morrow and that the time be extended until the Journal of yesterday is taken up and corrected.

Carried.

Journal of Monday was taken up, corrected and approved.

The hour of adjournment having arrived, the President declared the Senate stood adjourned until 9:30 A. M. Wednesday.

SENATE CHAMBER,  
DES MOINES, Iowa, Wednesday February 16, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. C. J. Eddy of Denmark, Iowa.

PETITIONS AND MEMORIALS.

Senator Mullan presented petition of six voters and six women of Grundy county, relating to age of consent.

Referred to Committee on Judiciary.

Senator Hayward presented remonstrance of S. E. Ely and forty-seven other business men of Davenport against equal suffrage.

Referred to Committee on Constitutional Amendments.

Senator Carney presented two petitions of citizens of Marshall county relating to age of consent.

Referred to Committee on Judiciary.

Senator Carney presented two petitions of citizens of Marshall county, relating to compulsory reformatory for women.

Referred to Committee on Judiciary.

Senator Druet presented petition of C. D. Kauffman and 204 others, relating to management of industrial home for the blind.

Referred to Committee on Charitable Institutions.

Senator Carney presented two petitions of citizens of Marshall county, in favor of equal suffrage.

Referred to Committee on Constitutional Amendments.

Senator Mullan presented memorial of members of the school board of Cedar Falls, in opposition to the passage of Ray bill, relating to state publication of text books.

Referred to Committee on Schools.

Senator Funk presented memorial of members of school board from Kossuth county, in opposition to Ray bill, relating to state publication of school text-books.

Referred to Committee on Schools.

Senator Blanchard presented remonstrance of teachers of Oskaloosa, against the passage of Ray bill, relating to state publication of school text-books.

Referred to Committee on Schools.

Senator Blanchard presented petition of barbers of Oskaloosa, in favor of passage of Senate file No. 8, relating to the practice of barbering.

Referred to Committee on Public Health.

#### INTRODUCTION OF BILLS.

By Senator Kilburn, Senate file No. 188, a bill for an act to amend section 4756 of the code, in relation to rape.

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

By Senator Kilburn, Senate file No. 189, a bill for an act to legalize the election and the proceedings of the town council of the town of Patterson, Madison county, Iowa.

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

By Senator Young of Lee, Senate file No. 190, a bill for an act to permit the manufacture of wine from grapes and currants, and cider from apples and to transport and sell the same.

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

By Senator Gilbertson, Senate file No. 191, a bill for an act to amend section 901, chapter 11, of the code, relating to taxation and providing for publishing the report of the auditor or clerk of cities and towns.

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

By Senator Lothrop, Senate file No. 192, a bill for an act to amend section 742, 744, 745 and 747, chapter 5, title 5, of the code, relating to the purchase and construction of waterworks.

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

#### REPORTS OF COMMITTEES.

Senator Pusey, 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. 105, a bill for an act to repeal a portion of section six hundred and seventy-three (673) of the code, relating to the fees of

marshals, beg leave to report 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.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Also.

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate file No. 160, a bill for an act so amend section seven hundred and forty-two (742) of the code, title 5, chapter 5, relating to the purchase and construction of waterworks, and to the levy of a tax for such purposes, beg leave to report that they have had the same under consideration and have amended the same as follows:

That section 1 be amended by striking out the word "an" in the eighth line and inserting in lieu thereof the words "a general."

And have instructed me to report said Senate file No. 160, back to the Senate with the recommendations that when so amended it do pass.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Mr. Palmer, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate file No. 77, a bill for an act to repeal section 2031 of the code, relating to establishing railways to lands having coal, stone, or other minerals thereon, and to enact a substitute 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 following be substituted for the same and that the substitute do pass:

A BILL for an act to amend section two thousand and twenty-eight (2028) of the code, relating to the taking of private property for works of internal improvement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section two thousand and twenty-eight (2028) of the code be, and the same is hereby amended as follows:

Add after the word "thereto" in line 6 the following: "But if a railway is to be constructed thereon, as provided in section two thousand and thirty-one (2031), the same may be located wherever necessary and practicable, but not exceeding one hundred feet in width."

SEC. 2. This act being deemed of immediate importance, shall be in force and effect from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers published at Des Moines, Iowa.

D. J. PALMER,  
*Chairman.*

Substitute read first and second time and passed on file.

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

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 177, a bill for an act to amend section twenty-five hundred and ninety-seven (2597) of the code, relating 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 same be amended as follows:

That all after the word "section" in the third line of section 1 of the bill be stricken out; that when so amended the bill do pass.

J. H. TREWIN,  
*Chairman pro tem.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 71, a bill for an act to amend section 3089 of the code, relating to liens, 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 same be indefinitely postponed.

J. H. TREWIN,  
*Chairman pro tem.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 24, a bill for an act providing for the giving of bonds by abstractors of title and for the making of abstracts of title and for their use as 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 same be indefinitely postponed.

J. H. TREWIN,  
*Chairman pro tem.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 176, a bill for an act to amend section thirty-nine hundred and forty-seven (3947) of the code, relating to garnishments, beg leave to report 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.

J. H. TREWIN,  
*Chairman pro tem.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 175, a bill for an act to amend section thirty hundred and fifty-three (3053) of the code, relating 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 the same do pass.

J. H. TREWIN,  
*Chairman pro tem.*

Passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 101, a bill for an act to amend section 2754 of the code of Iowa, relating to the term of office of school treasurers in districts composed in whole or in part of cities or incorporated towns.

Also, House file No. 114, a bill for an act to amend subdivision 12 of section one thousand and five (1005) of the code, in relation to cities under special charters levying a special bridge tax.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 3, a bill for an act to protect public health and the health of domestic animals, the amendment of Senator Lothrop being under discussion.

Senator Carney moved that the Senate take a recess until 10:30 o'clock.

Lost.

HAWAIIAN RESOLUTION.

The hour having arrived for the special order, concurrent resolution in relation to the annexation of the Hawaiian islands, Senator Hayward moved the adoption of the minority report of the Committee on Federal Relations recommending a substitute.

Senator Malloy moved to substitute the minority report recommending indefinite postponement for the majority report.

Senator Junkin moved that the motion lie on the table.

Senator Trewin moved to indefinitely postpone further consideration of the whole matter.

With unanimous consent, Senator Junkin withdrew his motion.

Senator Healy 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 motion of Senator Trewin to indefinitely postpone the whole matter, a roll call was demanded.

On the question, "Shall the motion to postpone prevail?" the yeas were:

Senators Allyn, Carney, Carroll, Druet, Eaton, Ellison, Emmert, Everall, Finch, Funk, Gilbertson, Gorrell, Healy, Hoppers, Hotchkiss, Junkin, Kilburn, Lyons, Malloy, McArthur, McIntire, Penrose, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Lee—29.

The nays were:

Senators Alexander, Bell, Berry, Blanchard, Bolter, Byers, Craig, Ericson, Garst, Harriman, Hayward, Hobart, Hurst, Lewis, Lothrop, Mitchell, Mullan, Perrin, Young of Delaware—19.

Absent or not voting:

Senators Cheshire and Palmer—2.

The motion to indefinitely postpone 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 Senate is asked:

House file No. 39, a bill for an act to amend section 683, chapter 3, title 5, of the code of Iowa, in relation to appropriation of money in towns.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

Also:

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

Senate file No. 10, a bill for an act to amend section 1457 of the code, relative to the security of the revenues and to permit counties to receive interest on moneys deposited in banks.

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 Senate is asked:

House file No. 31, a bill for an act to amend section 1096 of the code in relation to time of closing polls at election.

JAS. D. ROWEN

*Chief Clerk.*

Passed on file.

On request of Senator Garst, leave of absence was granted Senator Funk, indefinitely.

President Milliman announced that he had, on the 5th day of February, in presence of the Senate, signed House file No. 1 and House file No. 128, and on February 11th, he signed, in presence of Senate, Senate file No. 44 and House file No. 121, same having duly passed the Senate.

#### BILLS ON THIRD READING.

The bill under consideration at time of special order, Senate file No. 3, was again taken up and considered.

On the amendment offered by Senator Lothrop a roll call was demanded.

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

Senators Bolter, Finch, Hobart, Hospers, Kilburn, Lothrop, McArthur, Mitchell, Palmer, Penrose, Wilson—11.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carney, Carroll, Craig, Druet, Ellison, Emmert, Ericson, Garst, Gilbertson, Gorrell, Hayward, Healy, Hotchkiss, Junkin, Lewis, Lyons, Malloy, McIntire, Mullan, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—32.

Absent or not voting:

Senators Blanchard, Cheshire, Eaton, Everall, Funk, Hariman, Hunt—7.

The amendment was lost.

Senator McArthur offered the following amendment:

Amend section 2 of the substitute by striking out in lines 3 and 4 of the printed substitute, the words "live and the railroad over which they are shipped" and just before the word "state" in the third line of said printed substitute, where it appears the second time, the words "point when they enter the."

Adopted



Senator Wallace offered the following amendment:

Insert as section 5: "Nothing in this act shall be construed to apply to cattle brought into the state for grazing and feeding purposes, and a sworn statement from the party importing such cattle, shall be sufficient evidence of the purpose for which they are intended."

That sections 5 and 6 be changed to 6 and 7.

Lost.

Senator Harriman moved that further consideration of the bill be deferred and that we proceed to correct the Journal and receive reports.

Carried.

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

#### HOUSE MESSAGES.

Senate file No. 10, a bill for an act to amend section 1457 of the code of Iowa, to permit counties to receive interest on moneys deposited in banks.

Read and passed on file.

House file No. 39, a bill for an act to amend section 683, chapter 3, title 5, in relation to appropriation of money in towns.

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

House file No. 31, a bill for an act to amend section 1096 of the code, in relation to time of closing polls at elections.

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

Senator Pusey filed the following:

I move to reconsider the vote by which the amendment offered by Senator Wallace to Senate file No. 3 was lost.

The hour of adjournment having arrived, the Senate adjourned.

SENATE CHAMBER,  
DES MOINES, IOWA, Thursday, February 17, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

On request of Senator Ellison, leave of absence was granted Senator Alexander indefinitely.

On request of Senator Trewin, leave of absence was granted Senator Cheshire indefinitely on account of sickness.

#### PETITIONS AND MEMORIALS.

Unanimous consent being granted, Senator Malloy presented memorial of the board of education of the city of Dubuque, protesting against the passage of the Ray bill, House file No. 122.

Read and referred to Committee on Schools.

Senator Hospers presented memorial of Ocheyedan Teachers' association, protesting against passage of the Ray bill.

Referred to Committee on Schools.

Senator Lothrop presented remonstrance of members of the board of education and superintendent of public instruction of Sioux City against passage of Ray bill.

Referred to Committee on Schools.

Senator McArthur presented memorial of Burlington local union of carpenters, endorsing the Ray bill.

Referred to Committee on Schools.

Senator McArthur presented memorial of same association endorsing House file No. 10, abolishing poll tax.

Referred to Committee on Judiciary.

Senator Carney presented memorial of Marshalltown school board, against passage of the Ray bill.

Referred to Committee on Schools.

#### INTRODUCTION OF BILLS.

By Senator Kilburn, Senate file No. 193, a bill for an act to require treasurers of school corporations to take bonds whenever they deposit school funds in banks and to enable them to leave school funds in hands of county treasurer until needed.

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

By Senator Mitchell, Senate file No. 194, a bill for an act to prohibit the bringing into the state of any nursery stock infested with the San Jose scale and to prevent the spread of the scale within the state.

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

By Senator Druet, Senate file No. 195, a bill for an act to amend sections 1109, 1113, 1119, 1120 and 1121 of the code, relating to printing and marking the ballot.

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

By Senator Hospers, Senate file No. 196, a bill for an act to amend section 4939 of title 24 of chapter 9, in relation to persons keeping houses of ill fame.

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

By Senator McArthur, Senate file No. 197, a bill for an act to amend an act of the extrasession of the Twenty-sixth General Assembly, entitled an act to provide for the annotation, indexing, publication, distribution and sale of the code and statutes hereafter enacted.

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

#### CONCURRENT RESOLUTION.

Senator Berry offered the following concurrent resolution and moved its adoption.

*Resolved by the Senate, the House concurring, That when the Senate adjourn on Saturday the 19th, it be to 10 o'clock Wednesday 23, 1898.*

Adopted.

#### REPORT OF STANDING COMMITTEES.

Senator Druet, from the Committee on Public Health, submits the following report:

**MR. PRESIDENT**—Your Committee on Public Health, to whom was referred House file No. 45, a bill for an act to amend section 2583, chapter 17, title 12, of the code, 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 same be amended as follows:

Amend section one (1), after the second word "section" in line one (1); the figures "(2583)" be spelled out; the figures "(2583)" in parenthesis.

That section one (1) be further amended in line three (3) after the word "contingent" the word "office" be inserted.

That section two (2) in line two the word "Daily" be stricken out and the word "State" be inserted in lieu thereof.

And when so amended the same do pass.

S. DRUET,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Public Health, to whom was referred Senate file No: 46, a bill for an act to amend section 2583, chapter 17, page 896, title 12, of the code, 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 same be indefinitely postponed for the reason that House file No. 45 is the same.

S. DRUET,  
*Chairman.*

Ordered passed on file.

Senator Trewin, from the Committee on Schools, submits the following report:

**MR. PRESIDENT**—Your Committee on Schools, to whom was referred House file No. 55, a bill for an act to amend section 2754 of the code, relating to elections in independent school districts, and providing for the increase of the board from three to five in certain cases; also, Senate file No. 172, a bill for an act to repeal section 2754, relative to elections in independent school districts and to enact a substitute therefor, beg leave to report that they have had the said bills under consideration and have instructed me to report the same back to the Senate with a substitute and with the recommendation that the substitute do pass.

SUBSTITUTE FOR SENATE FILE NO. 172 AND HOUSE FILE NO 55.

A BILL for an act to amend sections 2744 and 2754 of the code, relating to the names of school corporations and the election of directors therein.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section twenty-seven hundred and forty-four of the code be amended by striking out the words "or incorporated," in the fifth and sixth lines thereof, and inserting after the word "town," in the sixth line, the words "or village."

SEC. 2. That section twenty-seven hundred and fifty-four of the code be amended by striking out the words "or incorporated," in the seventh line thereof, and inserting after the word "town," in said line, the words "or village" Also, by inserting after the word "districts," in said line, the words "and in all rural independent districts where the board now consists of six members." Also, by adding after the figures "1900," in the tenth line of said section, the following: "In all independent city, town or village districts where the board now consists of three members such board shall hereafter consist of five members, three of whom shall be elected on the second Monday in March, 1898, one for one year, one for two years and one for three years."

Also, by inserting before the word "rural," in the tenth line, the word "other." Also by striking out the word "incorporated," in the thirteenth and fourteenth lines.

J. H. TREWIN,  
*Chairman.*

Substitute read first and second time and placed on the Calendar.

Senator Druet, from the Committee on Public Health, submits the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate file No. 137, a bill for an act to regulate the practice of osteopathy in the state of Iowa and fixing penalties for the violation of the same, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the accompanying bill be substituted for said Senate file No. 137, and that the substitute be amended as follows:

In section two (2), line three (3), after the word "major" the words "or operative" be inserted, and that when so amended the same do pass.

SUBSTITUTE FOR SENATE FILE NO. 137.

A BILL for an act to regulate the practice of osteopathy in the state of Iowa.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. Any person holding a diploma from a legally incorporated and regularly conducted school of osteopathy of good repute as such, and wherein the course of study comprises a term of at least twenty months or four terms of five months each, in actual attendance at such school, and shall include instructions in the following branches, to-wit: Anatomy, physiology, chemistry, histology, pathology, gynecology, obstetrics and theory and practice of osteopathy, shall upon the presentation of such diploma to the state board of health and satisfying such board that they are the legal holders thereof, shall be granted by such board, a certificate permitting such person to practice osteopathy in the state of Iowa, upon payment to said board of a fee of twenty dollars, which certificate shall be recorded by the county clerk of the county in which the holder desires to practice for which he shall receive a fee of one dollar.

SEC. 2. The certificate provided for in the foregoing section, shall not authorize the holder thereof to prescribe or use drugs in his practice, nor to perform major or operative surgery.

SEC. 3. Any person who for the purpose of securing such certificate shall falsely represent himself or herself to be the legal holder of any such diploma, shall be deemed guilty of a misdemeanor, and on conviction be fined not less than fifty nor more than one hundred dollars.

SEC. 4. Any such certificate may be revoked by the state board of health upon satisfactory proof of fraudulent misrepresentation in procuring the same, and for any gross immorality by the holder thereof.

S. DRUET,  
*Chairman.*

Substitute read first and second time and passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Public Health, to whom was referred Senate file No. 26, a bill for an act to amend section two thousand five hundred and sixty-four (2564), chapter 16, title 12 of the code, 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 same be amended as follows:

That the title be amended by inserting after the word "amend" the words "two thousand five hundred and sixty-four (2564)," the figures "(2564)" in parentheses.

That section one (1) be amended in line one (1) after the second word "section," the figures "(2564)" be spelt out and the figures "(2564)" in parentheses.

That section one (1) be further amended in line two (2) after the word "office," the word "furniture" be inserted.

That section two (2), line two (2), the word "Daily" be stricken out and the word "Iowa" in lieu thereof.

And when so amended the same do pass.

S. DRUET,  
*Chairman.*

Ordered passed on file.

Senator Ranck, from the Committee on Public Libraries, submitted the following report:

**MR. PRESIDENT**—Your Committee on Public Libraries, to whom was referred Senate file No. 169, a bill for an act entitled an act authorizing the state librarian to classify and catalogue the books in the state library and making an appropriation 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 do pass. But inasmuch as the said bill, in addition to other matters, relates to and requires an appropriation of money, the committee recommends that the bill be referred to the Committee on Appropriations for its consideration.

C. S. RANCK,  
*Chairman.*

Report of committee adopted and bill referred to Committee on Appropriations.

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

**MR. PRESIDENT**—Your Committee on Claims, to whom was referred Senate file No. 30, a bill for an act to compensate A. T. Burchard as acting commandant of the Iowa 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 accompanying substitute be adopted and when so adopted the bill do pass.

## SUBSTITUTE FOR SENATE FILE NO. 30.

A BILL for an act to compensate A. T. Birchard as acting commandant of the Iowa soldiers' home.

WHEREAS, A. T. Birchard acted as commandant of the Iowa soldiers home from September 28, 1897, the date of the resignation of J. H. Ratekin, as such commandant, to November 11, 1897; and,

WHEREAS, Doubts have arisen as to the legal right of the board of trustees to pay for such service, he being during said time a trustee of said Home,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That the trustees of the Iowa soldiers' home are hereby authorized to pay to A. T. Birchard from funds appropriated for salaries and wages to said home, such amount as shall compensate him while acting commandant of said home for the period named, provided that the whole amount paid for services as commandant during the year shall not exceed eighteen hundred dollars.

SEC. 2. This act being deemed of immediate importance shall take effect on and after its publication in the Iowa State Register and Des Moines Leader, newspapers published in Des Moines, Iowa.

C. J. A. ERICSON,

*Chairman.*

Substitute read first and second time and passed on file.

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

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred House file No. 21, a bill for an act to repeal section 1661, chapter 3, title 9 of the code and enact a substitute therefore, in relation to state aid to district and county agricultural societies, beg leave to report 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 for Senate file No. 16, being Senate Calendar No. 3, be substituted for same and that said substitute do pass, said substitute being hereto attached and made a part hereof:

## SUBSTITUTE FOR HOUSE FILE NO. 21.

A BILL for an act to repeal section sixteen hundred sixty-one (1661), chapter three (3) of the code, relating to agricultural and horticultural societies, etc., and enacting a substitute therefor.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section sixteen hundred sixty-one (1661) of the code be and is hereby repealed and the following enacted in lieu thereof:

“Any county or district agricultural society upon filing with the auditor of state affidavits of its president, secretary and treasurer, showing what sum has actually been paid out during the current year for premiums, not including races, and that no gambling devices or other violations of law were permitted, together with a certificate from the secretary of the state society showing that it has reported according to law, shall be entitled to receive from the state treasury a sum equal to forty per cent of the amount

so paid in premiums, but in no case shall the amount paid to any society exceed the sum of two hundred dollars; and where two or more societies entitled to receive aid from the state are located within the same county the amount to be paid to all of said societies shall not exceed the sum of three hundred dollars, and shall be divided among them in proportion to the amount of premiums, not including races, paid by each during the current year."

W. F. HARRIMAN,  
*Chairman.*

Substitute read first and second time and ordered passed on file.

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

**MR. PRESIDENT**—Your Committee on Judiciary to whom was referred Senate file No. 80, a bill for an act to amend section four hundred and seven (407) of the code, relating to the redemption of county bonds, beg leave to report 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.

J. H. TREWIN,  
*Chairman pro tem.*

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 conveyances of real property by executors under foreign wills, beg leave to report 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 substituted therefor, and that the substitute do pass:

SUBSTITUTE FOR SENATE FILE NO. 102.

A BILL for an act to legalize conveyances of real property by executors or trustees under foreign wills.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. All conveyances of real property heretofore executed by executors or trustees under foreign wills and prior to the expiration of three months after the recording of a duly authenticated copy of the will, original record of appointment, qualification and bond, as required by chapter 162, acts of the Eighteenth General Assembly, are hereby legalized and declared as valid and effectual in law as though the provisions of said chapter had been strictly followed, provided the proper proof of authority was a matter of record in the county where the real property is situated, at the time the conveyance was executed, or was made a matter of record prior to the passage of this act.

Provided, nothing in this act shall in any manner affect pending litigation.

J. H. TREWIN,  
*Chairman pro tem.*

Substitute read first and second time and passed on file.



Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate file No. 111, a bill for an act relating to the punishment of criminals who have been convicted three or more times, beg leave to report 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 substituted therefor.

And that the substitute do pass.

SUBSTITUTE FOR SENATE FILE NO. 11.

A BILL for an act relating to the conviction and punishment of persons who have been convicted three or more times.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. Whenever any person has been twice convicted of either of the crimes of burglary, robbery, forgery, counterfeiting larceny where the value of the property stolen exceeded twenty dollars, or of breaking and entering with intent to commit a public offense any dwelling house, office, shop, store, warehouse, railroad car, boat, vessel, or building, in which goods, merchandise, or valuable things, were kept for use, sale or deposit, and shall thereafter be convicted of any one of such crimes, committed after such second conviction, he shall be imprisoned in the penitentiary for any term not less than fifteen years, provided such former judgments shall be referred to in the indictment, stating the court, date and place of rendition.

SEC. 2. Any person over the age of eighteen years who has been three times convicted of larceny where the value of the property stolen did not exceed twenty dollars, upon being convicted the fourth time of said offense shall be imprisoned in the penitentiary not exceeding three years, provided such former judgments shall be referred to in the indictment, stating the court, date and place of rendition.

SEC. 3. On the trial of any of said offenses named in this act a duly authenticated copy of the record of the former judgment in any court wherein said conviction was had, for either of said crimes against the party indicted, shall be *prima facie* evidence of such former conviction and may be used in evidence against said party.

SEC. 4. Upon any trial when the indictment refers to former convictions of the defendant, the jury, if it finds the defendant guilty, and the court, if the defendant is convicted on a plea of guilty, must also find and determine specially whether the defendant had previously been convicted of either of the crimes referred to in the indictment and the number of times so convicted.

J. H. TREWIN,  
*Chairman pro tem.*

Substitute read first and second time and passed on file.

SPECIAL ORDER.

The hour of 10 o'clock having arrived, on motion of Senator McArthur House file No. 81, a bill for an act to prevent the

adulteration of linseed oil, with report of Committee on Manufactures recommending that the same do pass, was taken up, considered, and the report of the committee adopted.

On request of Senator McArthur, the bill was read for information.

Senator Carney offered the following amendment and moved its adoption:

I move to strike out all after the word "county" in the tenth line of the bill and place a period after "county."

Adopted.

Senator McArthur moved that the rule be suspended, and that the bill be 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 Allyn, Bell, Blanchard, Bolter, Carney, Carroll, Craig, Druet, Eaton, Emmert, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Wallace, Wilson, Young of Delaware, Young of Lee—40.

The nays were:

None.

Absent or not voting:

Senators Alexander, Berry, Byers, Cheshire, Ellison, Everall, Lothrop, Ranck, Titus, Trewin—10.

The bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Unanimous consent being granted, on motion of Senator Mullan, Senate file No. 63, a bill for an act to prevent the adulteration of linseed oil, with report of committee recommending that the same be indefinitely postponed, was taken up, considered, and the report of the committee adopted, and the bill was indefinitely postponed.

Senator Trewin moved to take up for consideration, bills reported for indefinite postponement in their regular order on the Calendar.

Senator Garst raised the point of order that Senate file No. 3, under the motion of Senator Harriman, had been made a special order for to-day.

The President sustained the point of order.

## SPECIAL ORDER.

Senate file No. 3, a bill for an act to protect public health and the health of domestic animals, was taken up for further consideration.

Senator Harriman moved that the bill be recommitted to the Committee on Public Health

Senator Garst moved as an amendment to the motion that the bill be committed to the Committee on Agriculture.

On the amendment a roll call was demanded.

On the question, "Shall the bill be referred to the Committee on Agriculture?" the yeas were:

Senators Allyn, Bell, Bolter, Byers, Eaton, Everall, Finch, Funk, Garst, Gilbertson, Hospers, Hotchkiss, Kilburn, Lothrop, Mitchell, Penrose, Titus, Trewin, Wilson—19.

The nays were:

Senators Berry, Carney, Craig, Druet, Emmert, Ericson, Gorrell, Hayward, Healy, Junkin, Lewis, Lyons, Malloy, McArthur, Mullan, Palmer, Perrin, Ranck, Young of Delaware, Young of Lee—20.

Absent or not voting:

Senators Alexander, Blanchard, Carroll, Cheshire, Ellison, Harriman, Hobart, Hurst, McIntire, Pusey, Wallace—11.

The amendment was lost.

Senator Pusey stated that as he was a member of the Committee on Public Health, he declined to vote on the amendment.

The question being on the original motion to recommit, the motion prevailed, and the bill was recommitted to the Committee on Public Health.

## BILLS ON THIRD READING.

On motion of Senator Carney, Senate file No. 49, a bill for an act to establish and maintain a fire department in cities of the second class, with report of committee recommending certain amendments, was taken up for further consideration.

Senator Carney offered the following amendment and moved its adoption:

I move to strike out "two" and insert "one" and strike "s" from the word "mills."

Senator Carney 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 Allyn, Blanchard, Byers, Carney, Carroll, Druet, Ellison, Emmert, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Perrin, Ranck, Titus, Trewin, Wilson, Young of Delaware—35.

The nays were.

Senators Bell, Berry, Healy, Kilburn, Mitchell, Wallace, Young of Lee—7.

Absent or not voting:

Senators Alexander, Bolter, Cheshire, Craig, Eaton, Everall, Penrose, Pusey—8.

The bill having received a constitutional majority, was declared to have passed the Senate and title agreed to.

President Milliman signed, in the presence of the Senate, Senate file No. 57 and Senate file No. 64.

#### REPORT OF COMMITTEE ON ENROLLED BILL.

Senator Titus, 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. 57, a bill for an act to amend section one thousand three hundred and seventy-one of the code, in relation to the duty of township, city and town assessors.

Also, Senate file No. 64, a bill for an act to legalize a conveyance by the independent school district of Ottumwa, Iowa, to John F. Rugg.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Enrolled Bills respectfully report that they have this day sent to the governor for his approval, Senate file No. 57, a bill for an act to amend section one thousand three hundred and seventy-one of the code, in relation to the duty of township, city and town assessors.

Also, Senate file No. 64, a bill for an act to legalize a conveyance by the independent school district of Ottumwa, Iowa, to John F. Rugg.

G. M. TITUS,  
*Chairman.*

Passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 57, a bill for an act to amend section 1371 of the code, in relation to the duty of township, city and town assessors.

Also, Senate file No. 64, a bill for an act to legalize a conveyance by the independent school district of Ottumwa, Iowa, to John F. Rugg.

Also, House file No. 35, a bill for an act to legalize the acts of the board of directors of the independent school district of Stuart in the levying of taxes for school purposes.

Also, House file No. 133, a bill for an act to legalize the act of the board of supervisors of Appanoose county, Iowa, in authorizing the transfer of money from the swamp land fund to the general county fund, and the act of the treasurer in making such transfer.

G. M. TITUS,

*Chairman Senate Committee.*

I. B. SANTEE,

*Chairman House Committee.*

Ordered passed on file.

Senator Trewin moved that the Senate take up bills reported for indefinite postponement for consideration, in their order on the Calendar.

Carried.

#### BILLS ON THIRD READING.

Senate file No. 33, a bill for an act to amend section 5314 of the code, relating to the fee to be paid by the county for defending criminals, with majority and minority reports, was taken up for consideration.

The majority report and the minority report were read for information.

Senator Malloy moved that the minority report be substituted for the majority report and adopted.

Senator Malloy, in the course of a speech, passed to the secretary a letter of Senator Hurst to Mr. G. L. Johnson of Maquoketa, with reply, favoring passage of the bill, and same was read.

Senator Finch offered the following amendment and moved its adoption:

Amend by striking out of line 2 all after the word "amended" and all of line 3 up to the word "by."

Senator Young of Lee moved that the time of adjournment be extended five minutes for the purpose of correcting the Journal.

Carried.

Journal of Wednesday was taken up, considered, and approved.

Senator Byers asked leave to file the following motion:

I desire to file a motion to reconsider the vote by which the Senate voted to adjourn from Saturday until Wednesday.

Senator Garst moved that the time of adjournment be extended till Senator Byers motion be disposed of.

Senator Berry raised the point of order that the time of adjournment had arrived.

The President ruled that the time had been extended five minutes.

Senator Blanchard raised the point of order that the time had been extended for the purpose of correcting the Journal only.

The President sustained the point.

Senator Berry rose to inquire of Senator Byers as to which side of the question he had voted on.

Senator Junkin raised the point of order that, as the time of adjournment had been extended for correction of the Journal only, Senator Berry could not raise a question on the motion to reconsider.

At this point the doorkeeper announced a message from the House.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

**MR. PRESIDENT**—I am directed to inform your honorable body that the House has amended and concurred in the following concurrent resolution, in which the concurrence of the House was asked: Relative to adjournment.

JAS. D. ROWEN,  
*Chief Clerk.*

The hour of adjournment having arrived, the President declared the Senate stood adjourned until 9:30 o'clock A. M. Friday.

SENATE CHAMBER,  
DES MOINES, Iowa, Friday, February 18, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. George I. Findley, of Goldfield, Iowa.

#### INTRODUCTION OF BILLS.

By Senator Wilson, Senate file No. 198, a bill for an act relating to the manner of making assessments in townships.

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

By Senator Carney, Senate file No. 199, a bill for an act amending section 2608 of the code, relating to support for the Iowa soldiers' home.

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

By Senator Ellison, Senate file No. 200, a bill for an act to provide for the deputy warden a house, heat and light.

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

By Ways and Means Committee, Senate file No. 201, a bill for an act to provide for a state board of control and to provide for the management and control of the soldiers' home, the charitable, reformatory and the penal institutions of the state, and to make an appropriation therefor and for the defining of certain offenses and providing penalties therefor.

Read first and second time and ordered placed on the Calendar.

Senator Funk moved that 1,200 extra copies of the bill be printed.

Carried.

Senator Funk moved that Senate file No. 201 be made a special order for Thursday, February 24, at 10 o'clock A. M.

Senator Trewin moved to amend by extending the time until Thursday, March 8, at 10 o'clock A. M.

Adopted.

On the question of making Senate file No. 201 a special order for Thursday, March 3, at 10 o'clock A. M., the motion prevailed.

By Senator Harriman, Senate file No. 202, a bill for an act to create the department of agriculture, to repeal sections of the code and to amend other sections.

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

#### HOUSE MESSAGES.

Amended concurrent resolution in relation to adjournment was read.

Senator Berry moved that we do not concur in the House amendments.

Senator Junkin moved that the resolution lie on the table.

On this a roll call was demanded.

On the question, "Shall the resolution lie on the table?" the yeas were:

Senators Bell, Bolter, Byers, Carney, Emmert, Ericson, Everall, Finch, Funk, Garst, Hayward, Healy, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Malloy, McArthur, McIntire, Mitchell, Mullan, Perrin, Pusey, Titus, Trewin, Young of Delaware, Young of Lee—28.

The nays were:

Senators Allyn, Berry, Blanchard, Carroll, Craig, Ellison, Gilbertson, Gorrell, Harriman, Hobart, Lothrop, Palmer, Penrose, Wallace, Wilson—15.

Absent or not voting:

Senators Alexander, Cheshire, Druet, Eaton, Hurst, Lyons, Ranck—7.

The motion to lie on the table prevailed.

#### RESOLUTION.

Senator Berry offered the following resolution:

*Resolved*, That when the Senate adjourn on Saturday, February 19, 1898, it shall be until Tuesday, February 22, 1898, at 2 o'clock P. M.

Laid over under the rule.

#### 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 a resolution relating to the publication of text-books for schools in the state 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 the same be indefinitely postponed.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 181, a bill for an act to amend sections 2736 and 2737 of the code, relating to county superintendents and the examination of applicants for teachers' certificates, beg leave to report 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.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 145, a bill for an act to repeal section 2634 of the code, and to enact a substitute therefor, relating to the state board of educational examiners, and authorizing it to employ a secretary, beg 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, with the recommendation that the substitute do pass.

SUBSTITUTE FOR SENATE FILE NO. 145.

A BILL for an act to repeal section twenty-six hundred and thirty-four (2634) of the code, and to enact a substitute therefor, relating to the state board of educational examiners, and authorizing it to employ a secretary.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section twenty-six hundred and thirty-four of the code be, and the same is hereby repealed, and the following enacted in lieu thereof:

"Each member of the board, and person appointed to assist in conducting examinations, shall receive for the time actually employed in such service his actual necessary expenses, and those not salaried officers shall be paid in addition three dollars a day. The board shall have power to employ a secretary and prescribe his duties. He shall receive a salary of not exceeding \$75 a month and actual necessary expenses while engaged in the performance of his duties at places other than his residence. All expenditures authorized by this section shall be certified by the superintendent of public instruction to the auditor of state, who shall draw warrants therefor upon the treasurer, but not to exceed the fees paid into the treasury by the board. The aggregate amount to be paid in any one year by the board for all purposes shall not exceed \$1,500.

J. H. TREWIN,  
*Chairman.*

Substitute read first and second time and ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 118, a bill for an act to amend chapter 2, title 13 of the code, relating to school text-books, to appoint a commission to select the same, and to provide that they shall be printed within the state of Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 85, a bill for an act to prohibit agents for schoolbooks and supplies from securing signatures of individual members of boards of directors to contracts for such books and supplies, beg leave to report 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.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Senator Blanchard, from the Committee on Constitutional Amendments and Suffrage, submits the following report:

MR. PRESIDENT—Your Committee on Constitutional Amendments and Suffrage, to whom was referred joint resolution No. 1, proposing to amend the constitution so as to provide biennial elections, beg leave to report 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 substitute for joint resolution No. 1 be substituted therefor, and that such substitute be adopted.

SUBSTITUTE FOR SUBSTITUTE FOR JOINT RESOLUTION NO. 1.

JOINT RESOLUTION proposing to amend the constitution of the state of Iowa so as to provide for biennial elections.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

That the following amendment to the constitution of the state of Iowa be, and the same is hereby proposed:

Add as section 16, to article 12 of the constitution, the following:

SECTION 16. The first general election after the adoption of this amendment shall be held on the Tuesday next after the first Monday in November in the year one thousand nine hundred and two, and general elections shall be held biennially thereafter.

In the year one thousand nine hundred and two there shall be elected a governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney-general, two judges of the supreme court, the successors of the judges of the district court whose terms of office expire

December thirty-first one thousand nine hundred and two, state senators who would otherwise be chosen in the year one thousand nine hundred and one, and members of the house of representatives.

The terms of office of the judges of the supreme court which would otherwise expire in odd numbered years, and all other elective, state, county and township officers whose terms of office would otherwise expire in the year one thousand nine hundred and one, and members of the general assembly, whose successors would otherwise be chosen at the general election in the year one thousand nine hundred and one, are hereby extended one year and until their successors are elected and qualified.

The terms of office of senators whose successors would otherwise be chosen in the year one thousand nine hundred and three, are hereby extended one year and until their successors are elected and qualified

The general assembly shall make such changes in the law governing the time of election and terms of office of all other elective officers as shall be necessary to make the time of their election and terms of office conform to this amendment, and shall provide which of the judges of the supreme court shall serve as chief justice.

The general assembly shall meet in regular session on the second Monday in January, one thousand nine hundred and three, and biennially thereafter.

*Resolved further,* That the foregoing proposed amendment to the constitution of the state of Iowa be, and the same is hereby referred to the legislature, to be chosen at the next general election for members of the general assembly, and that the secretary of state cause the same to be published for three months previous to the day of such election as provided by law.

L. C. BLANCHARD,  
*Chairman.*

Substitute for substitute read first and second time and ordered passed on file.

Senator Blanchard moved that substitute for substitute for joint resolution No. 1 be printed.

Carried.

Senator Healy, from the Committee on Corporations, submitted the following report:

**MR. PRESIDENT**—Your Committee on Corporations, to whom was referred Senate file No. 104, a bill for an act to repeal section 1617 of the code, relating to the dissolution of corporations and to enact a substitute 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 do pass upon being amended as follows:

By striking from the ninth and tenth lines of said bill the following words: "or by unanimous consent of the stockholders."

THOS. D. HEALY,  
*Chairman.*

Ordered passed on file

Also:

**MR. PRESIDENT**—Your Committee on Corporations, to whom was referred Senate file No. 182, a bill for an act to amend section 1610 of title 9, chapter 1, of the code, in relation to corporations for pecuniary profit, beg leave to report 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 after the same is amended as follows:

Strike out from line two of section 1 thereof the following words: "of title nine (9), chapter one (1)."

THOS. D. HEALY,  
*Chairman.*

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 102, a bill for an act to legalize the ordinances passed by the incorporated town of Arion, Crawford county, Iowa.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

BILLS ON THIRD READING.

By unanimous consent, on motion of Senator Trewin, committee substitute for Senate file No. 172 and House file No. 55, a bill for an act to amend sections 2744 and 2754 of the code, relating to the names of school corporations and the election of directors therein, with report of committee recommending that the substitute do pass, was taken up, considered, and the report of the committee adopted.

Senator Trewin moved to amend the bill by inserting a publication clause.

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 Allyn, Bell, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Craig, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hespers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan,

Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson.  
Young of Delaware, Young of Lee—44.

The nays were:

None.

Absent or not voting:

Senators Alexander, Cheshire, Druet, Harriman, Lyons,  
Palmer—6.

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 has passed the following bill, in which the concurrence of the  
House was asked:

Substitute for Senate file No. 68, a bill for an act to amend section 859,  
title 5, chapter 9 of the code, relating to park commissioners and board of  
public works and the term of park commissioners, and providing for the  
extension of the terms of such commissioners as expires in a year in which  
there is a biennial election.

JAS. D. ROWEN,

*Chief Clerk.*

Passed on file.

Also:

**MR. PRESIDENT**—I am directed to inform your honorable body that  
the House has amended and passed the following bill, in which the concu-  
rence of the House was asked:

Substitute for Senate file No. 15, a bill for an act to furnish relief to  
certain county and district agricultural societies.

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  
Senate is asked:

House file No. 98, a bill for an act to amend section 1752, chapter 4, title  
9 of the code, relative to insurance other than life.

JAS. D. ROWEN,

*Chief Clerk.*

Passed on file.

BILLS ON THIRD READING.

On motion of Senator Junkin, Senate file No. 56, a bill for  
an act to amend section 1898 of the code, relating to building  
and loan associations, with report of committee recommending

a substitute, was taken up, considered and the report of the committee adopted.

Senator Junkin 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, Bolter, Byers, Carney, Craig, Ellison, Emmert, Ericson, Funk, Gilbertson, Gorrell, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Malloy, McIntire, Palmer, Penrose, Perrin, Titus, Trewin, Wilson, Young of Delaware, Young of Lee—30.

The nays were:

Senators Blanchard, Carroll, Druet, Everall, Finch, Garst, Healy, Lewis, Lothrop, Lyons, McArthur, Mitchell, Mullan, Ranck—14.

Absent or not voting:

Senators Alexander, Cheshire, Eaton, Harriman, Pusey, Wallace—6.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Kilburn moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

Senate file No. 15, a bill for an act to furnish relief to certain county and district agricultural societies, was read.

Senator Kilburn moved that the Senate concur in House amendment.

On the question, "Shall the Senate concur in the House amendment?" the yeas were:

Senators Allyn, Bell, Berry, Bolter, Byers, Carney, Carroll, Craig, Druet, Eaton, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wilson, Young of Delaware, Young of Lee—44.

Senator Blanchard voted in the negative.

Absent or not voting:

Senators Alexander, Cheshire, Ellison, Pusey, Wallace—5.

The House amendment was concurred in.

House file No. 98, a bill for an act to amend sections 1700 and 1752, chapter 4, title 9 of the code, relative to insurance other than life.

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

Substitute for Senate file No. 68, a bill for an act to amend section 859, title 5, chapter 9, of the code, relating to the terms of park commissioners and providing for the extension of the terms of such commissioners as have been elected in odd numbered years.

Read first and second time and passed on file.

Senator Kilburn moved that the time of adjournment be extended ten minutes.

Carried.

Journal of yesterday was taken up, read, corrected and approved.

Senator Lothrop moved that when the Senate adjourn it be to meet at 2:30 this afternoon.

Carried.

Senator Kilburn moved that the Senate do now adjourn

Carried.

Senate adjourned.

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#### AFTERNOON SESSION.

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

Senator Ellison asked leave of absence for Senator Allyn until Wednesday.

On motion of Senator Berry same was granted.

#### BILLS ON THIRD READING.

On motion of Senator Trewin, House file No. 29, a bill for an act to provide for the printing of the deaf and dumb alphabet in readers and spellers, with report of committee recommending indefinite postponement, was taken up, considered, and the report of the committee adopted.

On motion of Senator Carney, Senate file No. 40, a bill for an act to amend section 2692 of the code, relating to soldiers' orphan children, with report of committee recommending indefinite postponement, was taken up, considered, and the report of the 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 House was asked:

Substitute for Senate file No. 172 and House file No. 55, a bill for an act to amend section 2744 and 2754 of the code, relating to the name of school corporations and election of directors therein.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

Senator Trewin moved to take up House messages.

Carried.

HOUSE MESSAGES.

Substitute for Senate file No. 172 and House file No. 55, a bill for an act to repeal section 2754 of the code, relating to elections in independent school districts and to enact a substitute therefor, was read and passed on file.

Senator Hotchkiss moved to take from the table the resolution relative to adjournment.

On the question, "Shall the concurrent resolution be taken from the table?" the yeas were:

Senators Allyn, Berry, Carroll, Carney, Craig, Ellison, Gilbertson, Harriman, Hobart, Hospers, Hotchkiss, Lewis, Lothrop, McIntire, Mullan, Palmer, Penrose, Perrin, Pusey, Trewin, Wallace, Young of Delaware—22.

The nays were:

Senators Bell, Ericson, Everall, Finch, Funk, Garst, Gorrell, Hayward, Hurst, Junkin, Malloy, Mitchell, Ranck, Titus, Young of Lee—15.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Byers, Cheshire, Druet, Eaton, Emmert, Healy, Kilburn, Lyons, McArthur, Wilson—13.

The motion to take concurrent resolution from the table was lost.



Senator Mullan moved to take up and consider No. 24, on the Calendar, House file No. 132.

On this a roll call was demanded.

On the question, "Shall the bill be taken up for consideration?" the yeas were:

Senators Bell, Byers, Carney, Ericson, Everall, Finch, Funk, Garst, Hayward, Hospers, Hurst, Junkin, Lewis, Lothrop, Malloy, Mitchell, Mullan, Palmer, Penrose, Pusey, Titus, Trewin, Wallace, Young of Lee—24.

The nays were:

Senators Berry, Blanchard, Bolter, Carroll, Craig, Ellison, Gilbertson, Gorrell, Harriman, Hobart, Hotchkiss, Kilburn, McIntire, Ranck, Young of Delaware—15.

Absent or not voting:

Senators Alexander, Allyn, Cheshire, Druet, Eaton, Emert, Healy, Lyons, McArthur, Perrin, Wilson—11.

Senator Berry raised the point of order that on account of rule 36 of the general assembly it required a two-thirds vote.

The point of order was sustained by the President and the motion declared lost.

#### BILLS ON THIRD READING.

Senate file No. 33, a bill for an act to amend section 5314 of the code, relating to the fee to be paid by the county for defending criminals, was taken up for further consideration.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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, substitute for Senate file No. 172 and House file No. 55, a bill for an act to amend sections two thousand seven hundred and forty-four (2744) and two thousand seven hundred and fifty-four (2754) of the code, relating to the names of school corporations and the election of directors therein.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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, substitute for

Senate file No. 172, and House file No. 55, a bill for an act to amend sections two thousand seven hundred and forty-four (2744) and two thousand seven hundred and fifty-four of the code, relating to the names of school corporations and the election of directors therein.

G. M. TITUS,

*Chairman Senate Committee.*

I. B. SANTEE,

*Chairman House Committee.*

Ordered passed on file.

The President signed, in the presence of the Senate, substitute for Senate file No. 172 and House file No. 55.

Senator Lothrop moved that the Senate do now adjourn.

On this a roll call was demanded.

On the question, "Shall the Senate now adjourn?" the yeas were:

Senators Blanchard, Bolter, Byers, Craig, Ericson, Everall, Funk, Garst, Gorrell, Healy, Hospers, Hurst, Junkin, Lewis, Lothrop, Malloy, McIntire, Penrose, Pusey, Titus—20.

The nays were:

Senators Bell, Berry, Carney, Carroll, Eaton, Ellison, Finch, Gilbertson, Harriman, Hayward, Hobart, Hotchkiss, Kilburn, Mullan, Ranck, Trewin, Wallace, Young of Delaware, Young of Lee—19.

Absent or not voting:

Senators Alexander, Allyn, Cheshire, Druet, Emmert, Lyons, McArthur, Mitchell, Palmer, Perrin, Wilson—11.

The motion to adjourn prevailed.

The Senate adjourned until 9:30 o'clock to-morrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Saturday, February 19, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. Allen Judd, of Des Moines, Iowa.

On request of Senator Blanchard leave of absence was granted Senators Mitchell and McIntire.

On request of Senator Malloy leave of absence was granted Senator Lyons.

#### PETITIONS AND MEMORIALS.

President Milliman presented memorial of the department of the G. A. R. encampment of the state of Iowa relative to the soldiers' monument at Lookout Mountain and Missionary Ridge.

Referred to Committee on Military.

Senator Penrose presented remonstrance of teachers and school board of Gladbrook against passage of Ray bill, House file No. 122.

Referred to Committee on Schools.

Senator Mullan presented two remonstrances of members of school boards of Cedar Falls and Waterloo against passage of Ray bill, House file No. 122, relative to state publication of school text-books.

Referred to Committee on Schools.

Senator Lewis presented a petition of E. D. Narnsian and seventeen others favoring amendment of section 5040 relating to observance of the Sabbath.

Referred to Committee on Judiciary.

#### INTRODUCTION OF BILLS.

By Senator Hayward, Senate file No. 203, a bill for an act to amend section 1850 of the code, in relation to the investment of funds by savings banks.

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

## CONCURRENT RESOLUTION.

Senator Berry offered the following resolution:

*Resolved by the Senate, the House concurring, That when the Senate and House adjourn it be until Wednesday, February 23, 1898, at 2 o'clock P. M.*

Senator Garst moved to amend by fixing the time at 10:30 o'clock A. M., February 23d.

On this a roll call was demanded.

On the question, "Shall the amendment prevail?" the yeas were:

Senators Berry, Blanchard, Bolter, Byers, Carney, Carroll, Druet, Ericson, Funk, Garst, Gorrell, Healy, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Palmer, Penrose, Perrin, Pusey, Trewin, Young of Lee—24.

The nays were:

Senators Bell, Everall, Finch, Hayward, Lothrop, Malloy, Ranck—7.

Absent or not voting:

Senators Alexander, Allyn, Cheshire, Craig, Eaton, Ellison, Emmert, Gilbertson, Harriman, Hospers, Lyons, McArthur, McIntire, Mitchell, Mullan, Titus, Wallace, Wilson, Young of Delaware—19.

So the amendment was adopted.

The question recurring on the original concurrent resolution as amended, the roll was demanded.

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

Senators Berry, Blanchard, Byers, Carney, Carroll, Druet, Ericson, Funk, Garst, Gorrell, Hayward, Healy, Hobart, Hotchkiss, Hurst, Junkin, Lothrop, Mullan, Palmer, Penrose, Perrin, Pusey, Trewin, Young of Lee—24.

The nays were:

Senators Bell, Bolter, Everall, Finch, Kilburn, Lewis, Malloy, Ranck—8.

Absent or not voting:

Senators Alexander, Allyn, Cheshire, Craig, Eaton, Ellison, Emmert, Gilbertson, Harriman, Hospers, Lyon, McArthur, McIntire, Mitchell, Titus, Wallace, Wilson, Young of Delaware—18.

The amended concurrent resolution was adopted.

Senator Garst offered the following motion and asked that it be placed on file:

MR. PRESIDENT—I move to reconsider the vote by which Senate file No. 201 was made a special order for Thursday, March 3d, at 10 A. M.

WARREN GARST.

Senator Trewin raised the point of order that the record did not show how Senator Garst had voted on the question.

The point of order was not sustained.

#### REPORT OF STANDING COMMITTEE.

Senator Ellison, from the Committee on Educational Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred Senate file No. 76, a bill for an act authorizing the board of trustees of the state college of agriculture and mechanic arts to purchase land for purposes of agricultural experimentation, beg leave to report 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 by striking out the word "eighty (80)" in section 1, line three, and inserting in lieu thereof the word "forty (40)," and by striking out all of section two, and when so amended that the bill do pass.

F. O. ELLISON,  
*Chairman.*

Ordered passed on file.

#### BILLS ON THIRD READING.

Senate file No. 33 was taken up for further consideration, the motion of Senator Malloy that the minority report be substituted for the majority report, being under discussion, Senator Blanchard having the floor.

Senator Pusey moved that the bill and two reports be recommitted to Committee on Judiciary.

On this the yeas and nays were demanded.

On the question, "Shall the bill be recommitted?" the yeas were:

Senators Bell Berry, Blanchard, Bolter, Carroll, Craig, Ellison, Everall, Finch, Funk, Garst, Healy, Hotchkiss, Junkin, Lewis, Lothrop, McArthur, Mullan, Penrose, Perrin, Pusey, Ranck, Trewin—23.

The nays were:

Senators Byers, Carney, Druet, Eaton, Ericson, Gorrell, Hayward, Hobart, Hunt, Kilburn, Malloy, Palmer, Young of Lee—14.

Absent or not voting:

Senators Alexander, Allyn, Cheshire, Emmert, Gilbertson, Harriman, Hospers, Lyons, McIntire, Mitchell, Titus, Wallace, Wilson, Young of Delaware—14.

The motion to recommit prevailed.

Senator Hurst moved that the bill retain its place on the Calendar.

Carried.

On motion of Senator Pusey, Senate file No. 160, a bill for an act to amend section 742 of the code, relating to the purchase and construction of waterworks, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Pusey moved that section 1 be amended by striking out the word "an" in the eighth line and inserting in lieu thereof the words "a general."

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 Bell, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gorrell, Hayward, Healy, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Young of Lee—34.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Cheshire, Emmert, Gibertson, Harriman, Hobart, Hospers, Lyons, McIntire, Mitchell, Titus, Trewin, Wallace, Wilson, Young of Delaware—16.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Mullan moved that time of adjournment be extended ten minutes.

Carried.

By unanimous consent, on motion of Senator Carney, House file No. 132, a bill for an act to amend section 2392 of the code, relating to change of place of conducting pharmacy, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Carney moved that the bill be amended by inserting after the word "shown" in the fifth line of the bill the following: "consent in writing of the bondsmen having been obtained therefor, or a new bond given."

Adopted.

Senator Mullan moved that the rule be suspended, and that the bill be 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 Bell, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Hayward, Healy, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Trewin, Young of Lee—33.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Cheshire, Emmert, Garst, Gilbertson, Gorrell, Harriman, Hobart, Hospers, Lyons, McIntire, Mitchell, Titus, Wallace, Wilson, Young of Delaware—17.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Senator Carroll moved that when the Senate adjourn it be until 10:30 o'clock A. M. Monday, February 21.

Senator Lothrop moved to amend by adding thereto the following: That when the Senate adjourn Monday it be until 10 o'clock A. M. Wednesday.

The amendment was lost.

The question recurring on the original motion the motion prevailed.

Senator Ericson moved that the Senate adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Monday, February 21, 1898. }

Senate met pursuant to adjournment, at 10:30 o'clock A. M.,  
President *pro tem* Funk presiding.

Prayer was offered by Rev. Fred E. Morgan of Des Moines.

PETITIONS AND MEMORIALS.

Senator Malloy presented remonstrance of A. E. Imholtz,  
secretary of the board of education of Dyersville, Iowa, against  
passage of the Ray school book bill.

Referred to Committee on Schools.

Senator Bolter presented remonstrance of A. B. Warner,  
superintendent of Missouri Valley public schools, on same  
subject.

Referred to Committee on Schools.

INTRODUCTION OF BILLS.

By Senator Lewis, Senate file No. 204, a bill for an act for  
the compensation of attorneys appointed for the defense of  
indigent persons charged with crime, and for the repeal of sec-  
tion 5814 of the code.

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

By Senator McArthur, Senate file No. 205, a bill for an act  
to amend section 2503 of the code, relating to the inspection of  
petroleum products.

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

Senator Lewis offered the following resolution and requested  
that it be read and laid over under the rules:

*Resolved*, That the Senate Committee on Printing be and it is hereby  
instructed and authorized to take evidence and to compel the attendance  
of witnesses and the production of books and papers, and report such evi-  
dence to the Senate as to.

*First*.—Whether there is now provided by law any additional compen-  
sation to the state printer for night work.



*Second.*—What is the reasonable compensation to the state printer for night work, in addition to compensation now provided by law for day work.

*Third.*—What, if any, necessary night work is now required of the state printer.

Read and laid over under the rules.

Senator Garst moved that when the Senate adjourn to-day, it be until 10:30 o'clock A. M., Wednesday.

Senator Malley moved to amend by making the hour 2 o'clock P. M.

Lost.

The question recurring on the original motion, the motion prevailed.

Journal of Saturday was taken up, corrected and approved.

On demand of Senator Bolter a roll call was taken to establish a quorum.

On the call, those present were:

Senators Bell, Bolter, Byers, Craig, Emmert, Everall, Finch, Funk, Garst, Hotchkiss, Kilburn, Lewis, Malloy, McArthur, Mitchell, Mullan, Palmer, Perrin, Trewin, Young of Lee—20.

No quorum being present, Senator Garst moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Wednesday, February 23, 1898. }

Senate met pursuant to adjournment at 10:30 o'clock A. M.,  
President Milliman presiding.

Prayer was offered by Rev. W. W. Giest of Osage, Iowa.

PETITIONS AND MEMORIALS.

Senator Everall presented remonstrance of county officers and 1,385 citizens of Clayton county, against the pardon of J. Wesley Elkins, a life convict for murder.

Referred to Committee on Penitentiaries and Pardons.

Senator Cheshire presented petition of forty-four citizens of Polk county, in favor of equal suffrage.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Cheshire presented petition of forty-five members of Des Moines Ministerial association on same subject.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Cheshire presented petition of thirty-six members of Willard W. C. T. U. on same subject.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Cheshire presented petition of Methodist Protestant church of East Des Moines on same subject.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Cheshire presented petition of John F. Blagburn and fifty-three other citizens of Polk county asking for compulsory reformatory for women.

Referred to Committee on Charitable Institutions.

Senator Cheshire presented petition of Methodist Protestant church of East Des Moines on same subject.

Referred to Committee on Charitable Institutions.

Senator Cheshire presented petition of forty-four citizens of Polk county in favor of raising age of consent to eighteen.

Referred to Committee on Judiciary.

Senator Cheshire presented petition of thirty-six members of Willard W. C. T. U. on same subject.

Referred to Committee on Judiciary.

Senator Cheshire presented petition of Methodist Protestant church of East Des Moines on same subject.

Referred to Committee on Judiciary.

Senator Titus presented remonstrance of R. B. Hampton and other citizens of West Liberty against passage of House file No. 48, relating to adulteration of food.

Referred to Committee on Public Health.

Senator Ranck presented memorial of Cardiff Grange, No. 175, of Patrons of Husbandry of North English, Iowa, asking for the enactment of laws preventing the adulteration of food and drugs.

Referred to Committee on Public Health.

Senator Malloy presented memorial of trades and labor congress of Dubuque asking repeal of the poll tax law, and in favor of the Ray bill.

Referred to Committee on Highways.

Senator Hoppers presented petition of citizens of Sheldon for the repeal of section 2992 of the code, relative to landlord's lien.

Referred to Committee on Judiciary.

Senator Finch presented remonstrance of G. S. Garfield, of Humboldt, Iowa, against passage of the Ray schoolbook bill.

Referred to Committee on Schools.

Senator Lewis presented a memorial of Bi-County Teachers' association, of Keokuk and Iowa counties, against passage of the Ray bill.

Referred to Committee on Schools.

Senator Hoppers presented a remonstrance of over 275 married and unmarried women of Orange City, Sioux county, Iowa, against granting the right of suffrage to women.

Referred to Committee on Constitutional Amendments and Suffrage.

#### INTRODUCTION OF SENATE BILLS.

By Senator Lewis, Senate file No. 206, a bill for an act to appropriate \$494 to reimburse Poweshiek county for expenses of the extradition from Mexico, Mexico, of Richard Rowe.

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

BILLS ON THIRD READING.

On motion of Senator Everall, Senate file No. 51, a bill for an act to amend section 1312 of the code, relating to the assessment and listing of property for taxation, and to provide for listing and taxing mortgages on real estate, with report of committee recommending indefinite postponement, the minority recommending that the bill do pass, was taken up for consideration.

Senator Everall moved that the minority report be substituted for the report of the majority.

Senator Titus moved that the bill be recommitted to the Committee on Judiciary.

By unanimous consent, Senator Titus withdrew his motion.

Senator Young of Lee moved that time of adjournment be extended for correction of the Journal of Monday.

Carried.

Journal of Monday was taken up, corrected and approved.

The hour of adjournment having arrived, the President declared the Senate stood adjourned till 9:30 o'clock A. M. to-morrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Thursday, February 24, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. John M. Baugh of Oskaloosa, Iowa.

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

PETITIONS AND MEMORIALS.

Senator Ericson presented remonstrance of school directors of Ames, Iowa, against passage of Ray bill, House file No. 122.

Referred to Committee on Schools.

Senator Lothrop presented petition of Knights of Labor of Sioux City favoring passage of House file No. 122.

Referred to Committee on Schools.

Senator Blanchard presented remonstrance of Farmers' institute of Makaska county against uniting state agricultural society and other societies and state institutions under one head.

Referred to Committee on Agriculture.

Senator Blanchard presented petition of cigarmakers' union of Oskaloosa in favor of House file No. 122, and also in favor of bill abolishing poll tax.

Referred to Committee on Schools.

Senator Blanchard presented remonstrance of G. W. Schockley, president of board of education of Oskaloosa, against passage of Ray bill, House file No. 122.

Referred to Committee on Schools.

Senator Finch presented remonstrance of A. D. Cromwell, professor of teaching and history, of Humboldt college, against passage of Ray bill, House file No. 122.

Referred to Committee on Schools.

Senator Emmert presented a letter from William Wilcox, superintendent of public schools of Atlantic, Iowa, in opposition to House file No. 122.

Referred to Committee on Schools.

#### INTRODUCTION OF BILLS.

By Senator Pusey, Senate file No. 207, a bill for an act to legalize the levy and collection of a tax for school house fund in the year 1896, in the independent school district of Lincoln Center No. 5, Pottawattamie county, and the diversion and use of such a tax to the teachers' and contingent funds of said independent school district.

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

By Senator Mullan, Senate file No. 208, a bill for an act to amend subdivisions five (5), six (6) and nine (9), and to repeal subdivision ten (10) of section eight hundred and ninety-four (894) of the code relating to taxation in cities and towns.

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

By Senator Mullan, Senate file No. 209, a bill for an act to legalize the organization of the Grundy County Agricultural society of Grundy county, Iowa.

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

By Senator Cheshire, Senate file No. 210, a bill for an act to amend section 853 of chapter 9, of title 5 of the code, and to grant additional powers to boards of park commissioners.

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

By Senator Wilson, by request, Senate file No. 211, a bill for an act for the relief of Wm. M. Desmond.

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

By Senator Hayward, Senate file No. 212, a bill for an act to amend section 496, chapter 5 of the code, in relation to the employment of deputies and assistants in the office of county recorders.

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

#### RESOLUTIONS.

Senator Lewis called up the resolution offered by him Monday, authorizing the Committee on Printing to subpoena wit-

nesses to obtain information as to night work done by state printer.

Senator Garst moved to amend by striking out the word "instructed" and inserting the word "authorized" in lieu thereof.

The amendment was accepted by Senator Lewis.

The question being on the adoption of the resolution, same was adopted.

#### REPORTS OF STANDING COMMITTEES.

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

**MR. PRESIDENT**—Your Committee on Insurance, to whom was referred Senate file No. 185, a bill for an act to amend section 1744 of the code, relating to the proofs of loss under contracts of 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:

Strike out section one and substitute the following: That section seventeen hundred and forty-four of the code be amended by striking out the words "the preceding" in the second line, and insert after the word "section" in the third line the words "seventeen hundred and forty-two hereof."

And when so amended that the same do pass.

G. M. CRAIG,  
*Chairman.*

Ordered passed on file.

Senator Berry, from the Committee on Charitable Institutions, submits the following report:

**MR. PRESIDENT**—Your Committee on Charitable Institutions, to whom was referred substitute for House file No. 93, a bill for an act to amend sections 2708, 2709 and 2711 of title 13, chapter 8 of the code, in relation to discharge of boys and girls from industrial 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 the same be indefinitely postponed.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

Senator Kilburn, from the Committee on Highways, submitted the following report:

**MR. PRESIDENT**—Your Committee on Highways to whom was referred Senate file No. 79, a bill for an act to amend the road laws and sections 1482, 1483, 1493, 1496, 1504, 1512, 1528, 1529 and 1532 of the code and require the board of supervisors to fix the grades of all highways, beg leave to report 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 enclosed bill be substituted therefor, and that the substitute do pass.

L. M. KILBURN,

*Chairman.*

On request, substitute was read first and second time and was ordered printed and report ordered passed on file.

Senator Druet, from the Committee on Public Health, submits the following report:

**MR. PRESIDENT**—Your Committee on Public Health, to whom was referred Senate file No. 31, a bill for an act amendatory to the act prohibiting marriage within certain degrees of consanguinity or relationship, beg leave to report 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:

Amend the title so as to read as follows: A bill for an act to amend section four thousand nine hundred and thirty-six (4936), prohibiting marriage within certain degrees of consanguinity or relationship.

That section one (1), line one (1), be amended by striking out the word "of." That when so amended the same do pass.

S. DRUET,

*Chairman.*

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Public Health, to whom was referred Senate file No. 113, a bill for an act to amend chapter 11, title 12 of the code, 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 same be amended as follows: That the title be amended by striking out the words and figures "chapter 14, title 12," and insert in lieu thereof the word and figures "section" "(2508)," the figures "(2508)" spelled out, the figures "(2508)" in parentheses. That section one (1), line one (1), be amended after the word "eight" by inserting the figures "(2508)," the figures in parentheses. That section one (1) be further amended in line seven (7) by adding after the word "dollars" the words "and shall be." That when so amended the bill do pass.

S. DRUET,

*Chairman.*

Passed on file.

#### SPECIAL ORDER.

On motion of Senator Berry, substitute for joint resolution No. 1, a bill for an act to amend the constitution, providing for biennial elections, with report of Committee on Constitutional Amendments recommend a substitute for the substitute and that the same do pass, was taken up for consideration.

On motion of Senator Titus, the report of the committee was adopted.

Substitute was read for information.



Senator Titus moved that the rule be suspended, and that the resolution be considered engrossed and the reading just had be considered the third reading, which motion prevailed.

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

Senators Alexander, Allyn, Bell, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Emmert, Ericson, Everall, Finch, Funk, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—43.

The nays were:

Senators Hurst and Malloy—2.

Absent or not voting:

Senators Blanchard, Byers, Ellison, Garst, Ranck—5.

So the joint resolution having received the constitutional majority, was declared to have passed the Senate, and 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 bill in which the concurrence of the Senate is asked:

House file No. 211, a bill for an act to legalize the incorporation of the town of Bondurant, Polk county, Iowa, the election of the officers and all the official acts done and ordinances passed by the council of said town in contravention with the laws of the state of Iowa.

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:

Substitute for Senate file No. 23, a bill for an act to amend section 2942 of chapter 6 of the code, relating to the conveyance of real estate and providing for the acknowledgment of deeds and other instruments in writing:

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 Senate is asked:

House file No. 161, a bill for an act to amend section 4606, chapter 1, title 23, of the code, in relation to husband and wife as witnesses.

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 Senate is asked:

House file No. 96, a bill for an act to protect the meandered lakes of Iowa, and to give the executive council the control of certain lakes and lake beds.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

Also:

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

Relative to adjournment on February 23, 1898.

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 Senate is asked:

House file No. 66, a bill for an act to legalize the incorporation of the town of Havelock, Pocahontas county, Iowa, the election of its officers and all acts done and ordinances passed by the council of said town.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

#### BILLS ON THIRD READING.

Senate file No. 51, a bill for an act, was taken up for further consideration, Senator Berry having the floor.

Senator Garst moved that the bill be recommitted to the Committee on Ways and Means.

On the question to recommit a roll call was demanded.

On the question, "Shall the bill be recommitted?" the yeas were:

Senators Alexander, Allyn, Berry, Blanchard, Byers, Carney, Carroll, Cheshire, Craig, Eaton, Finch, Garst, Gilbertson, Harriman, Healy, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, McArthur, Mullan, Palmer, Penrose, Pusey, Titus, Trewin, Wallace—28.

The nays were:

Senators Bell, Bolter, Druet, Emmert, Ericson, Everall, Gorrell, Hayward, Hurst, Lewis, Lothrop, Lyons, Malloy, McIntire, Mitchell, Perrin, Ranck, Wilson, Young of Delaware, Young of Lee—20.

Absent or not voting:

Senators Ellison and Funk—2.

So the bill was recommitted.

Senator Ranck moved that the bill retain its place on the Calendar.

On this a roll call was demanded.

On the question, "Shall the bill retain its place on the Calendar?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Byers, Carney, Craig, Druet, Eaton, Emmert, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Penrose, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—42.

Senator Perrin voted in the negative.

Absent or not voting:

Senators Bolter, Carroll, Cheshire, Druet, Ellison, Funk, Mitchell—7.

The motion for bill to retain its place on the Calendar prevailed.

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

Senators Blanchard, Byers and Garst asked to have the Journal show that had they been present, they would have voted "aye" on the substitute for the substitute for the Joint Resolution No. 1.

#### HOUSE MESSAGES.

Concurrent resolution as to time of adjournment on February 23 was read and passed on file.

Substitute for Senate file No. 23, a bill for an act to author-

ize certain officers to take and certify acknowledgments of written instruments and to legalize acknowledgments heretofore made by them, was read first and second time and referred to Committee on Judiciary.

House file No. 211, a bill for an act to legalize the incorporation of the town of Bondurant, Polk county, Iowa, the election of the officers, and all official acts done and ordinances passed by the council of said town in contravention with the laws of the state of Iowa, was read first and second time and referred to Committee on Judiciary.

House file No. 161, a bill for an act to amend section 4606, title 1, chapter 23, of the code, in relation to husband and wife as witnesses, was read first and second time and referred to Committee on Judiciary.

House file No. 96, a bill for an act to protect the meandered lakes of Iowa and to give the executive council the control of certain lakes and lake beds, was read first and second time and referred to Committee on Judiciary.

House file No. 66, a bill for an act to legalize the incorporation of the town of Havelock, Pocahontas county, Iowa, the election of its officers and all acts done and ordinances passed by the council of said town, was read first and second time and referred to Committee on Judiciary.

The hour of adjournment having arrived the Senate adjourned until 9:30 o'clock A. M. to-morrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Friday, February 25, 1898. }

Senate met in regular session at 9:30 A. M., President Milliman presiding.

Prayer was offered by Rev. Bourland D. Smith of Osage, Iowa.

PETITIONS AND MEMORIALS.

Senator Finch presented remonstrance of druggists of Fiftieth senatorial district of Iowa against the passage of House file No. 48, known as the Van Houten bill, relative to "adulterated food."

Referred to Committee on Public Health.

Senator Hobart presented remonstrance of citizens of Cherokee county against the passage of Senate file No. 125.

Referred to Committee on Suppression of Intemperance.

Senator McIntire presented memorial of officers of the independent school district of Eldon against passage of the Ray schoolbook bill.

Referred to Committee on Schools.

Senator Druet presented a petition of J. Phillips and 180 others relative to management of industrial home for the blind.

Referred to Committee on Charitable Institutions.

Senator McIntire presented a memorial of Wapello County Medical society against lowering the standard of requirements fixed by our present law for the practice of medicine.

Referred to Committee on Public Health.

Senator Blanchard presented a remonstrance of H. L. Spencer company, of Oskaloosa, against change in the law regarding landlords' liens.

Referred to Committee on Judiciary.

Senator Healy presented a memorial of Fort Dodge Jobbers' and Manufacturers' association against change in the law relating to landlords' liens.

Referred to Committee on Judiciary.

Senator Malloy presented a telegram from a number of business firms of Dubuque, Iowa, protesting against change in the law relating to landlords' liens.

Referred to Committee on Judiciary.

#### INTRODUCTION OF BILLS.

By Senator Palmer, Senate file No. 213, a bill for an act to quiet the title to certain real estate situated in Washington county, Iowa, and confirm and establish the title in fee simple thereto, in A. B. Rogers in said county.

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

By Senator Finch, Senate file No. 214, a bill for an act to amend section 3988 of the code, relating to the levy of attachment or execution on mortgaged personal property.

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

By Senator Kilburn, Senate file No. 215, a bill for an act to amend section 2836 of the code, in relation to the petition for vote upon the proposition for free text-books in the public schools.

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

By Senator Mullan, Senate file No. 216, a bill for an act to amend section 1898 of the code, relating to building and loan associations.

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

By Senator Funk, Senate file No. 217, a bill for an act to legalize the organization of the independent school corporation of Arnold's Park, Dickinson county, state of Iowa, and of the election of the directors thereof.

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

By Senator McIntire, Senate file No. 218, a bill for an act to amend section 814 of chapter 7, title 5 of the code, relating to street improvements, sewers and special assessments, and to contractors' bonds.

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

By Senator Cheshire, Senate file No. 219, a bill for an act appropriating money to defray the expenses of the inauguration ceremonies.

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

By Senator Berry, Senate file No. 220, a bill for an act to make an appropriation to the Iowa State Agricultural society.

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

By Senator Berry, joint resolution No. 4, proposing to amend the constitution so as to provide for trial by a jury of a less number than twelve men, and for a verdict to be rendered by less than the unanimous vote of the jury.

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

#### REPORTS OF COMMITTEES.

Senator Blanchard, from the Committee on Constitutional Amendments and Suffrage, submits the following report:

**MR. PRESIDENT**—Your Committee on Constitutional Amendments and Suffrage, to whom was referred House joint resolution No. 1, for amendment to the constitution of the state of Iowa, proposing the repeal of sections 34, 35 and 36 of article three (3) of the constitution, and the substitute hereinafter proposed be adopted in lieu thereof, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate without recommendation.

L. C. BLANCHARD,  
*Chairman.*

Ordered passed on file.

Senator Pusey, from the Committee on Cities and Towns, submits the following report:

**MR. PRESIDENT**—Your Committee on Cities and Towns, to whom was referred Senate file No. 192, a bill for an act to amend sections seven hundred and forty-two (742), seven hundred and forty-four (744), seven hundred and forty-five (745) and seven hundred and forty-seven (747), chapter five (5), title five (5), of the code, relating to the purchase and construction of waterworks, beg leave to report that they have had the same under consideration and have amended the same as follows:

That section 1 be amended by striking out the words "of Iowa" in line 2 thereof.

That section 4 of said bill be stricken out and the following substituted in lieu thereof:

**SECTION 4.** That section seven hundred and forty-seven of said chapter and title is hereby amended by adding after the word "works" in line one thereof, the words "now owned or hereafter." Also by adding after the word "upon" in line 5 of said section the words, "the taking effect of this act, in cities now owning such waterworks, or upon." Also by striking out the words "such city" in line 6 of said section and inserting in lieu thereof the words "cities as herein provided."

And have instructed me to report said Senate file No. 192, as amended, back to the Senate with the recommendation that the same, when so amended, do pass.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Senator Lewis, from the Committee on Public Buildings, submits the following report:

MR. PRESIDENT—Your Committee on Public Buildings, to whom was referred Senate file No. 126, a bill for an act to put a partition in room number nineteen and to make certain changes in the capitol, beg leave to report 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.

W. R. LEWIS,  
*Chairman.*

Ordered passed on file.

Senator Carney obtained unanimous consent to the consideration of Senate file No. 30, a bill for an act to compensate A. T. Birchard as acting commandant of the Iowa soldiers' home, but on request of Senator Garst, waived consideration for the purpose of having action taken upon the motion filed by Senator Garst Saturday, February 19th, to reconsider the vote by which Senate file No. 201, a bill for an act to provide for a state board of control, was made a special order for Thursday, March 3rd, at 10 A. M.

Senator Garst called up his motion filed to reconsider the vote by which the consideration of Senate file No. 201 was made a special order for Thursday, March 3d, at 10 o'clock A. M.

Senator Blanchard moved the previous question.

On this a roll call was demanded.

On request of Senator Berry, leave of absence was granted Senator Carroll.

On request of Senator Allyn, leave of absence was granted Senator Emmert.

On the question, "Shall the main question be now put?" the yeas were:

Senators Allyn, Blanchard, Byers, Eaton, Gorrell, Hayward, Hospers, Hotchkiss, Mitchell, Palmer, Penrose, Perrin, Wallace—13.

The nays were:

Senators Alexander, Bell, Berry, Bolter, Carney, Cheshire, Craig, Druet, Ericson, Everall, Finch, Funk, Garst, Gilbert-



son, Harriman, Healy, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Pusey, Ranck, Titus, Trewin, Wilson, Young of Delaware, Young of Lee—83.

Absent or not voting:

Senators Carroll, Ellison, Emmert, Hobart—4.

The motion was lost.

Senator Garst asked unanimous consent to withdraw the motion to reconsider.

No objection being made, motion was withdrawn.

#### 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. 136, a bill for an act to amend section 1752 of the code of Iowa, relating to fees of insurance companies operating under chapter 4, title 9, of the code.

JAS. D. ROWEN,

*Chief Clerk.*

Passed on file.

#### BILLS ON THIRD READING.

Senator Carney now called up Senate file No. 30, a bill for an act to compensate A. T. Birchard as acting commandant of the Iowa soldiers' home, for consideration.

Senator Mitchell objected on the ground that the time had now come when the Calendar should be taken up in its regular order.

The President ruled that unanimous consent had already been granted to the consideration of Senate file No. 30.

The report of committee recommending a substitute for the original bill was taken up, considered and the report of the committee adopted.

Senator Carney moved that the substitute be substituted for the original bill.

Carried.

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, which motion prevailed.

On the question, "Shall the substitute for Senate file No. 30 pass?" the yeas were:

Senators Allyn, Bell, Carney, Carroll, Cheshire, Craig, Druet, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McIntire, Mullan, Palmer, Penrose, Perriu, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—39.

The nays were:

None.

Absent or not voting:

Senators Alexander, Berry, Blanchard, Bolter, Byers, Eaton, Ellison, Emmert, Funk, McArthur, Mitchell—11.

The bill, having received a constitutional majority, was declared to have passed the Senate.

Senator Carney offered the following amendment to the title of the bill:

I move to strike from the title the words "substitute for."

Adopted.

The title as amended was agreed to.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 132, a bill for an act to amend section two thousand three hundred and ninety-two of the code, relating to change of place of conducting pharmacy.

G. M. TITUS,

*Chairman Senate Committee.*

I. B. SANTEE,

*Chairman House Committee.*

Ordered passed on file.

#### BILLS ON THIRD READING.

By unanimous consent, Senator Young of Lee, called up Senate file No. 16 and House file No. 21, bills for acts to repeal section 1661 of the code, relating to state aid for agricultural societies, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

Senator Young of Lee moved that Senate substitute be adopted for the original House bill.

Senator Lewis moved to amend the substitute by striking out all after the word "dollars" in the ninth line of the substitute and change the semicolon after the word "dollars" to a period.

Senator Hayward moved that time of adjournment be extended ten minutes for the purpose of correcting the Journal.

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

The time of adjournment having arrived the President declared the Senate adjourned until 9:30 o'clock A. M. to-morrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Saturday, February 26, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. T. C. McIntire of Nora Springs, Iowa.

#### PETITIONS AND MEMORIALS.

Senator Finch presented a letter from Clarence Messer, principal of Humboldt school, relative to the Ray bill, House file No. 122, and in opposition to its passage.

Referred to Committee on Schools.

#### INTRODUCTION OF BILLS.

By Senator Lyons, Senate File No. 221, a bill for an act to amend section 441 of the code, relating to county official newspapers, the matter to be published therein and their compensation.

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

By Senator Gilbertson, Senate file No. 222, a bill for an act relating to dividend and surplus of savings and state banks.

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

By Senator Funk, Senate file No. 223, a bill for an act authorizing the executive council to issue and negotiate warrants in anticipation of the revenues of the state.

Read first and second time and placed on the Calendar.

#### HOUSE MESSAGES.

House file No. 136, a bill for an act to amend section 1752 of the code of Iowa, relating to fees of insurance companies operating under chapter 4, title 9, of the code, was read first and second time and referred to Committee on Insurance.

## REPORTS OF STANDING COMMITTEES.

Senator Bell, from the Committee on Military, submits the following report:

**MR. PRESIDENT**—Your Committee on Military, to whom was referred concurrent resolution in regard to a military park at Vicksburg, Miss., beg leave to report 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 after the word "Iowa," in third line of the second section of the resolution, and that when so amended the concurrent resolution be adopted.

THOS. BELL,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Military, to whom was referred Senate file No. 162, a bill for an act to amend section 434 of the code, in regard to burial and furnishing headstones for indigent soldiers, sailors or marines, beg leave to report 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 by striking out the publication clause, and when so amended the bill do pass.

THOS. BELL,  
*Chairman.*

Ordered passed on file.

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. 163, a bill for an act to repeal section 1311, chapter 1, title 7 of the code, relating to the collection of taxes, beg leave to report 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.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Ways and Means, to whom was referred Senate file No 119, a bill for an act to amend section 1321 of the code of 1897, relative to private bankers, beg leave to report 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.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Ways and Means, to whom was recommitted Senate file No. 51, a bill for an act to amend section 1312, chapter 1, title 2 of the code, relating to the assessment and listing of property for taxation and to provide for listing and taxing mortgages on real estate, beg leave to report 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

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

Senator Cheshire, from the Committee on Judiciary, submitted the following majority and minority reports:

MAJORITY REPORT.

**MR. PRESIDENT**—A majority of your Committee on Judiciary, to whom was referred House file No. 2, a bill for an act to amend section 3095 of the code of 1897, in relation to priority of 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 it be indefinitely postponed.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

MINORITY REPORT.

**MR. PRESIDENT**—The undersigned members of the Committee on Judiciary desire to make a minority report on House file No. 2, a bill for an act to amend section 3095 of the code in relation to priority of mechanics' liens. We believe the principle of the bill is just, and that it should be reported back to the Senate with the recommendation that it do pass, and we so recommend.

F. E. MALLOY,  
THOS. A. CHESHIRE,  
L. C. BLANCHARD.

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary to whom was referred Senate file No. 209, a bill for an act to legalize the organization of the Grundy county agricultural society of Grundy 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.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 139, a bill for an act amending section twenty-nine hundred and forty-five (2945) and twenty-nine hundred and forty-six (2946), chapter six (6), title fourteen (14), of the code, in relation to the conveyance of real estate, beg leave to report 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:

That section 2 of said bill be struck out and the following adopted in lieu thereof:

"Sec. 2. That section twenty-nine hundred and forty-six be amended by striking out the words, "a notary public (or other officer)," in line 13 thereof, and inserting in lieu thereof the following; "an officer (naming him by his official title) of such state, territory or district." And that said section be further amended by striking out the words, "and that said conveyance and the acknowledgment thereof are in due form of law," in lines 15 and 16 thereof.

That said bill be further amended by adding thereto as section 3 the following:

"Sec. 3. This act being deemed of immediate importance shall be in force and effect from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published in Des Moines, Iowa."

That when so amended the bill be passed.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 144, a bill for an act to amend section twenty-nine hundred and forty-five (2945), chapter six (6), title fourteen (14) of the code, relating to the conveyance of real estate, and to repeal section twenty-nine hundred and forty-six (2946) of said chapter and title of the code, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed, for the reason that the subject matter of said bill is fully covered by Senate file No. 139, which has been reported for passage.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 54, a bill for an act to amend section twenty-nine hundred and forty-three (2943) of the code in regard to the taking and certifying acknowledgments of written instruments, beg leave to report 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 substitute for House file No. 12 covers the same ground and has been recommended for passage.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 64, a bill for an act to legalize acknowledgments of deeds and conveyances of land, beg leave to report 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: That section 1 be amended by inserting after the words "notary public," in the third line, the words "or other official authorized by law to take acknowledgments."

That said section be further amended by inserting in the fifth line, after the word "conveyance," the words "or otherwise interested therein."

That it be further amended by striking out of the seventh and eighth lines the words "a notary public not an officer or stockholder in such corporation," and inserting in lieu thereof the words, "an officer not interested therein."

That said section be further amended by striking out of lines thirteen and fourteen the words, "a notary public having no interest in such corporation," and inserting in lieu thereof the words, "an officer having no interest therein."

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 174, a bill for an act to amend section 1441 of the code of 1897, relating to service of notice of expiration of right of redemption from tax sales, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred the substitute for House file No. 12, a bill for an act to amend sections 2943 and 2946 of the code, relating to the taking and certifying of acknowledgments by notaries public, beg leave to report 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:

That the title of the substitute for House file No. 12, be amended by adding before the figures "2943," the words, "twenty-nine hundred and



forty-three," and by striking out the word "and" in line one, and the figures "2946," and that the figures "2943" be enclosed in parentheses.

That section one thereof be amended by striking out the figures "2943," in line one, and inserting the words, "twenty-nine hundred and forty-three." in lieu thereof.

That said bill be further amended by striking out section 2 and changing section 3 so that it will read "section 2."

That when so amended the bill be reported back to the Senate with the recommendation that it do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary to whom was referred Senate file No. 204, a bill for an act relating to the compensation of attorneys appointed for defense of indigent persons charged with crime, and for repeal of section 5314 of the code, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be amended as follows:

That the title to said bill be amended as follows: That the words "five thousand three hundred and fourteen" be inserted after the word "section" and before the figures "5314," and that the figures "5314" be enclosed in parentheses.

That section one of the bill be amended by adding at the end of said section the words: "The person for whom such services are rendered shall be liable to such attorney for the reasonable value thereof."

That said bill be further amended by adding thereto, as section two, the following:

"SEC. 2. Section five thousand three hundred and fourteen, of title twenty-five, of chapter eighteen of the code is hereby repealed."

That section two of the original bill be amended by striking out the figure "2" after the words "section" and inserting in lieu thereof the figure "3."

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

REVENUE REPORT OF COMMITTEES ON WAYS AND MEANS OF SENATE AND HOUSE.

**MR. PRESIDENT**—In accordance with the joint action of the Ways and Means Committees of the Senate and House, we hereby submit a report of the state's finances:

The following is an estimate of the transactions of the treasury in the general revenue fund for the year 1898:

## RECEIPTS.

Actual during January.....	\$ 148,198.10
Estimated for the remainder of the year.....	2,083,156.63
<b>Total</b> .....	<b>\$ 2,231,354.73</b>
There was a balance on hand January 1st of.....	108,645 27
Making a total of available funds of.....	2,340,000.00
The expenditures for the same period (as indicated by warrants drawn) may be estimated as follows:	
Actual for January (including \$125,000 for Cherokee hospital). \$	265,691.21
Estimated for remainder of year for ordinary expenses, including the cost of the session and minor items usually found in the general appropriation bill, and \$30,000 for interest on warrants redeemed.....	1,680,308.79
Warrants for extraordinary appropriations that may be drawn during the year estimated.....	90,000.00
<b>Total</b> .....	<b>\$ 2,036 000.00</b>
Resources in excess.....	304,000.00
With which to reduce the volume of outstanding warrants, January 31.....	717,326 50
Leaving an estimated indebtedness at the end of the year of	413,326.50
The following is an estimate for the year 1899:	
Expenditures, ordinary.....	1,660,000 00
Cherokee hospital appropriation.....	125,000.00
Interest on warrants.....	30,000.00
<b>Total</b> .....	<b>\$1,815,000.00</b>

With an income about the same in amount as that of the present year, the proportion of it that would come into the treasury in the first half of the year, which experience shows to be 58 per cent or ..... \$1,305,000 00 would meet the outlay of that part of the year, which would be about \$975,000, and reduce the outstanding indebtedness to the neighborhood of \$83,000, which the receipts of the remainder of the year would nearly liquidate.

It will be observed that the figures are based on the ordinary expenditures of the state, and without a dollar of extraordinary appropriation to be made by the present general assembly. Whatever may be thought advisable to appropriate for such purposes must be met by that much of a levy, collectible during the year 1899, if the state is to be gotten entirely out of debt. A levy equivalent to three mills on the valuation of 1897, to be collected in 1899, would give a little over \$100,000 of a surplus after paying all debts. For the year 1900, the debt having been paid off, a levy made to yield \$1,100,000 would meet ordinary expenses alone, not taking into account extraordinary appropriations made by the Twenty-eighth General Assembly.

## EXPLANATORY.

Of the estimated revenues for the year 1898, the state levy of 2.8 mills is assumed to yield \$1,535,000. This is \$135,000 more than is estimated by the auditor of state. But, as a levy of 2.7 mills on a valuation only a little in excess of that on which the tax of 1897 is being collected in this year,

yielded last year \$1,485,409.17, it is believed to be entirely safe to assume that the additional tenth of a mill will produce the amount above indicated. The other sources of revenue are estimated to yield \$696,000. This is believed to be fully justified by the receipts of the six months that had already elapsed of the present fiscal term when the general assembly met.

The expenditures for the current fiscal term are estimated by the auditor of state at \$3,784,348. This aggregate includes, however, \$250,000 appropriated for the building of the Cherokee hospital, \$34,000 of an additional allowance for the normal school not yet made, and \$30,000 for the payment of interest on warrants redeemed. Deducting these sums from the aggregate, and also \$36,000 paid out before January 1, 1898, of the item of \$40,000 estimated for the expense of getting out the "Code," we have left for ordinary expenses the sum of \$3,443,348. To this, however, should be added about \$14,000 for the support of the Industrial Home for the Blind, not otherwise provided for, making a new aggregate of \$3,448,348. From this, if there be deducted the sum of \$130,000, the estimate cost of the present session, the remainder, \$3,318,348, may be accepted as the probable sum of the ordinary expenses of the two years, one-half being chargeable to each of the years, or, in round numbers.....\$ 1,660,000.00

To which is added for the year 1898 the cost of the legislative session and the sum of sundry small items usually found in the general appropriation bill.....	130,000.00
The allowance for Cherokee hospital.....	125,000.00
Interest on warrants redeemed.....	30,000.00
Appropriations made by former general assemblies that may be drawn, as above.....	90,000.00
<b>Total.....</b>	<b>\$ 2,035,000.00</b>

The auditor has kindly furnished the committees with a complete list of the special appropriations of former general assemblies that are yet undrawn. These aggregate \$244,921.94. But of this amount \$125,000.00 is unavailable before the year 1899. Of the remaining twelve items, aggregating \$12,935.45 represent balances of appropriations which have done their work without exhausting the amounts allowed, and may therefore be considered obsolete.

The item of providential contingencies will lapse on the first day of April, except as to any accidents to the public property which may occur between this time and that date; and furthermore the estimate of ordinary expenses included an item of \$10,000.00 for that purpose. The item of railroad prosecutions is the remainder of an appropriation made in 1888, for the purpose of defraying the expenses of enforcing the railroad regulation act. The expenditures under that act have averaged less than \$450.00 a year from the first and less than \$300.00 a year during the last two fiscal terms. These two items aggregate \$14,858.64, and may therefore be eliminated from the calculation.

Doubtless a portion of the remaining items will not be called for. It is therefore thought safe to estimate the amount that may be drawn of these appropriations as low as \$90,000.

The income of the year 1899 from sources other than the tax levy may be put at \$720,000.00, leaving it necessary to raise by the levy in that year, in order to get the state entirely out of debt, \$1,538,000.00, or nearly the

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. 16, a bill for an act to amend section 2488 of the code, relating to the ventilation of mines.

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. 53, a bill for an act to amend section 2071 of the code, relating to liability for injuries to employes.

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 Senate is asked:

House file No. 30, a bill for an act to amend section 2490 of the code, relative to screening coal and adding a penalty for the violation of said section.

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 Senate is asked:

House file No. 77, a bill for an act authorizing the board of trustees of the state college of agriculture and mechanic arts to purchase land for purposes of agricultural experimentation.

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 Senate is asked:

House file No. 250, a bill for an act making appropriation to provide a special teacher for Linnie Haguewood.

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 Senate is asked:

Committee substitute for House file No. 183, a bill for an act to amend section 100, chapter 3, title 2 of the code, to define qualifications for office of auditor of state.

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 Senate is asked:

House file No. 200, a bill for an act to provide for the publishing the road laws in pamphlet form.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

#### BILLS ON THIRD READING.

Senate file No. 2, a bill for an act to repeal a part of section 2992 of the code, in relation to landlord's lien, with report of committee recommending indefinite postponement, was taken up, considered, and the report of the committee adopted.

House file No. 19, a bill for an act to amend and revise the code, in relation to distribution of public documents, with report of committee recommending amendments, was taken up, considered and the report of the committee adopted.

Senator Cheshire moved that the title of the bill be amended so as to read as follows: "A bill for an act to amend section one hundred and twenty-six (126) in chapter 5 of the code, relating to public printing and binding and distribution of documents."

Adopted.

Senator Cheshire moved that the bill be further amended by striking out at the end of the enacting clause and at the end of line one of the original bill the word and number "section 1," and that this word and number be inserted in a separate paragraph below the enacting clause and before the word "that."

Adopted.

Senator Cheshire moved that the bill also be further amended by striking out the small letter "t" in the word "that" and inserting a capital letter "T" in lieu thereof.

Adopted.

Senator Cheshire moved that the bill be further amended by inserting after the word "section," where it occurs after the word "That," the words "one hundred and twenty-six," and by enclosing the figures "126" in parentheses.

Adopted.

Senator Cheshire moved that the bill be further amended by inserting after the word "subdivision" and before the figure "3" the word "three" and by enclosing the figure "3" in parentheses.

Adopted.

Senator Cheshire moved to further amend the bill by adding a publication clause as an additional section.

Adopted.

The bill was read for information.

Senator Cheshire moved to amend the title by adding after the words and figures "chapter 5" the words "title two (2)."

Adopted.

Senator Cheshire moved that the rule be suspended, and that the bill be considered engrossed, and the reading just had be considered the third reading.

Senator Cheshire withdrew his motion to put the bill upon its passage.

Senator Lothrop offered the following amendment:

I move that the bill be amended by adding at the end of section 1 the words "and insert in lieu thereof the words 'at the expense of the state.'"

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

Senator Blanchard moved that the bill be recommitted to the Committee on Schools.

Lost.

The bill, as amended, was read.

Senator Cheshire moved that the rule be suspended, and that the bill be considered engrossed, and that the reading just had be the third reading.

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

Senator Trewin moved to reconsider the vote by which the amendment by Senator Lothrop was adopted.

Carried.

Senator Lothrop asked unanimous consent to withdraw his amendment.

Consent granted.

Senator Pusey offered the following amendment:

That section 1 be further amended by placing a period after the word "fit" in the next to the last line of subdivision 3 of section 126 of the code, and adding the words "the transportation charges on all matter distributed under this section shall be paid for by the state."

Adopted.

So the bill as amended was read.

Senator Cheshire 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, Bolter, Byers, Carroll, Cheshire, Druet, Eaton, Ericson, Finch, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wilson, Young of Delaware, Young of Lee—43.

The nays were:

None.

Absent or not voting:

Senators Carney, Craig, Ellison, Emmert, Everall, Funk, Wallace—7.

The bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Ericson moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

House file No. 77, a bill for an act authorizing the board of trustees of the state college of agriculture and mechanic arts to purchase land for the purpose of agricultural experimentation, was read first and second time and referred to Committee on Educational Institutions.

House file No. 350, a bill for an act making appropriation to provide a special teacher for Linnie Haguewood, was read first and second time and referred to Committee on Appropriations.

House file No. 174, a bill for an act to amend section 1508 of the code, relative to roads in cities or towns, was read first and second time and referred to Committee on Highways.

House file No. 200, a bill for an act to provide for the publishing of the road laws in pamphlet form, was read first and second time and referred to Committee on Judiciary.

Concurrent substitute for House file No. 183, a bill for an act to define certain qualifications for the office of auditor of state, was read first and second time and referred to Committee on Corporations.

Joint resolution No. 5, granting application for pardon of James Johnson, was read first and second time and referred to Committee on Penitentiaries and Pardons.

Senate file No. 53, a bill for an act to amend section 2071 of the code, relating to liability for injuries to employes, was read and placed on file.

House file No. 30, a bill for an act to amend section 2490 of the code, relative to screening coal and adding a penalty for the violation of said section, was read first and second time and referred to Committee on Mines and Mining.

House file No. 16, a bill for an act to amend section 2488 of the code, relating to the ventilation of mines, was read first and second time and referred to Committee on Mines and Mining.

#### BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Ericson, House file No. 77, a bill for an act authorizing the board of trustees of the state college of agriculture and mechanic arts to purchase land for purpose of agricultural experimentation, was taken up and considered.

The bill was read for information.

Senator Ericson 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, Bolter, Byers, Carroll, Cheshire, Eaton, Ericson, Finch, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Perrin, Pusey, Titus, Trewin, Wilson, Young of Delaware—37.

The nays were:

None.



Absent or not voting:

Senators Blanchard, Carney, Craig, Druet, Ellison, Emmert, Everall, Funk, Garst, Penrose, Ranck, Wallace, Young of Lee—13.

The bill having received a constitutional majority, was declared to have passed the Senate, and title agreed to.

Senator Ericson moved that Senate file No. 76 be indefinitely postponed for the reason that it is the same as House file No. 77, just passed.

Carried.

Senator Cheshire moved that the time of adjournment be extended ten minutes.

Carried.

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

Senator Harriman moved that the Senate do now adjourn.

Carried.

The Senate adjourned until 9:30 o'clock A. M. Monday.

SENATE CHAMBER,  
DES MOINES, Iowa, Monday, February 28, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. A. L. Golden, B. D., Des Moines, Iowa.

On request of Senator Penrose leave of absence was granted Senator McArthur.

On motion of Senator Carroll leave of absence was granted Senator Berry.

#### PETITIONS AND MEMORIALS.

Senator Everall presented memorial of Monona independent school district, Clayton county, against the Ray bill.

Referred to Committee on Schools.

Senator Hobart presented remonstrance of fifteen voters and seventeen ladies of Cherokee county against the passage of Senate file No. 125.

Referred to Committee on Suppression of Intemperance.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 10, a bill for an act to amend section fourteen hundred and fifty-seven (1457) of the code, relating to the security of the revenue, and to permit counties to receive interest on moneys deposited in banks.

Also, substitute for Senate file No. 68, a bill for an act to amend section eight hundred and fifty-nine (859), title 5, chapter 9 of the code, relating to park commissioners and board of public works and the terms of park commissioners, and providing for the extension of the terms of such commissioners as expire in a year in which there is no biennial election.

Also, substitute for Senate file No. 15, a bill for an act to furnish relief to certain county and district agricultural societies.

Also, substitute for Senate file No. 23, a bill for an act to amend section two thousand nine hundred and forty-two (2942) of chapter 6 of the

code, relating to the conveyance of real estate and providing for the acknowledgment of deeds and other instruments in writing.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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, substitute for Senate file No. 23, a bill for an act to amend section two thousand nine hundred and forty-two (2942) of chapter 6 of the code, relating to the conveyance of real estate and providing for the acknowledgment of deeds and other instruments in writing.

Also, Senate file No. 10, a bill for an act to amend section fourteen hundred and fifty-seven (1457) of the code, relating to the security of the revenue, and to permit counties to receive interest on moneys deposited in banks.

Also, substitute for Senate file No. 68, a bill for an act to amend section eight hundred and fifty-nine (859) title 5, chapter 9, of the code, relating to park commissioners and board of public works, and the terms of park commissioners, and providing for the extension of the terms of such commissioners as expire in a year in which there is no biennial election.

Also, substitute for Senate file No. 15, a bill for an act to furnish relief to certain county and district agricultural societies.

Also, House file No. 77, a bill for an act authorizing the board of trustees of the state college of agriculture and mechanic arts, to purchase land for purposes of agricultural experimentation.

Also, House file No. 162, a bill for an act relating to certain fines and penalties provided for by section two thousand and eighty-three (2083) of the code, pertaining to automatic couplers.

G. M. TITUS,  
*Chairman Senate Committee.*  
J. L. GIESLER,  
*Chairman House Committee.*

Ordered passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day sent to the governor for his approval, Senate file No. 10, a bill for an act to amend section fourteen hundred and fifty-seven (1457) of the code, relating to the security of the revenue, and to permit counties to receive interest on moneys deposited in banks.

Also, substitute for Senate file No. 68, a bill for an act to amend section eight hundred and fifty-nine (859), title 5, chapter 9, of the code, relating to park commissioners, and the board of public works, and the terms of park commissioners, and providing for the extension of the terms of such commissioners as expire in a year in which there is no biennial election.

Also, substitute for Senate file No. 15, a bill for an act to furnish relief to certain county and district agricultural societies.

Also, substitute for Senate file No. 25, a bill for an act to amend section two thousand nine hundred and forty-two (2942), of chapter six (6), of the code, relating to the conveyance of real estate, and providing for the acknowledgment of deeds and other instruments in writing.

Also, substitute for Senate file No. 172, a bill for an act to amend sections two thousand seven hundred and forty-four (2744) and two thousand seven hundred and fifty-four (2754) of the code, relating to the names of school corporations and the election of directors therein.

G. M. TITUS,  
*Chairman.*

Passed on file.

President Milliman signed the following bills in the presence of the Senate: Senate file No. 15, Senate file No. 68, Senate file No. 23, Senate file No. 10, House file No. 162 and House file No. 67.

#### REPORTS OF STANDING COMMITTEES.

Senator Kilburn, from the Committee on Highways, submits the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred House file No. 174, a bill for an act to amend section fifteen hundred and eight (1508) of the code, relative to roads in cities or 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 same do pass.

L. M. KILBURN,  
*Chairman.*

Ordered passed on file.

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

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred Senate file No. 107, a bill for an act to indemnify owners of sheep, for injuries to, or destruction of, such sheep by dogs, beg leave to report 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 when amended as follows:

Amend section two (2) by striking out the words "for ten days," in line nine (9), of the original bill, being line seven (7) of the printed bill.

Further amend section two (2) by inserting the words, "not to exceed 75 per cent of the amount allowed," after the word "same," in line twenty-two (22) of the original bill, being line sixteen (16) of the printed bill.

W. F. HARRIMAN,  
*Chairman.*

Ordered passed on file.

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

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 157, a bill for an act imposing a tax in addition to other taxes and penalties now provided by law, upon any person, partnership or corporation keeping a house of ill fame or place resorted to for the purpose of prostitution or lewdness, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 196, a bill for an act to amend section 4939, title 24 of chapter 9, in relation to keeping of houses of ill fame, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 140, a bill for an act amending section 2959, chapter 6, title 14 of the code, in relation to the conveyance of real estate, beg leave to report 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 the word "deed" in line 11 of section 1 and insert the words "foregoing instrument" in lieu thereof.

Also amend same section by inserting the word "thereof" after the word "execution" in the same line.

Strike out the words "notary public in and for said county" in the fourteenth line of section 1.

Insert the word "foregoing" between the words "the" and "instrument" in line 19 of section 1.

And when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred House file No. 211, a bill for an act to legalize the incorporation of the town of Bondurant, Polk county, Iowa, the election of officers and all the official acts done and ordinances passed by the council of said town,

not in contravention with the laws of Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 207, a bill for an act to legalize the levy and collection of a tax for a schoolhouse fund in the year 1896, in the independent school district of Lincoln Center No. 5, Pottawattamie county, and the diversion and use of such tax to the teachers' and contingent funds of said independent school district, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 156, a bill for an act imposing a tax, in addition to the taxes and penalties now provided by law, upon any person, partnership or corporation keeping a house, shop or place resorted to for the purpose of gambling, or where any person is permitted to play at cards, dice, faro, roulette, equality, or other game for money or other thing, beg leave to report 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.

THOS. A. CHESHIRE,  
*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 legalize the incorporation of the town of Havelock, Pocahontas county, Iowa, the election of its officers, and all 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 same do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 208, a bill for an act to amend subdivision five, six and nine

and to repeal subdivision ten of section 894 of the code, relating to taxation in 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 same be referred to the Committee on Cities and Towns.

THOS. A. CHESHIRE,  
*Chairman.*

On motion of Senator Cheshire, report of Committee was adopted and bill referred to Committee on Cities and Towns.

Senator Garst, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 219, a bill for an act appropriating money to defray the expenses of the inauguration ceremonies, beg leave to report 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.

WARREN GARST,  
*Chairman.*

#### BILLS ON THIRD READING.

On motion of Senator Garst, unanimous consent having been granted, Senate file No. 219, a bill for an act appropriating money to defray the expenses of the inauguration ceremonies, with report of committee recommending its passage, was taken up and considered and the report of the committee adopted.

Senator Cheshire moved that the rule be suspended, and that the bill be considered engrossed 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, Blanchard, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Emmert, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Young of Lee—35.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Berry, Carney, Ellison, Ericson, Harriman, Healy, McArthur, McIntire, Mullan, Trewin, Wallace, Wilson, Young of Delaware—15.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Hotchkiss offered the following resolution and moved its adoption:

*Resolved*, That hereafter the Senate hold afternoon sessions on Mondays, Wednesdays and Fridays, from 2 o'clock until 4.

Objection being made to its consideration, same was laid over under the rule.

#### REPORT OF SPECIAL COMMITTEE.

Senator Eaton, from the special committee on the contested election case from the eighteenth senatorial district, submitted the following report:

THOMAS H. SMITH, Contestant. }  
 v.  
 J. M. EMMERT, Contestee and incumbent. }

MR. PRESIDENT—Your special committee, to whom was referred, by a resolution of the Senate, passed on the 19th day of January, 1898, the election contest in the eighteenth senatorial district of the state of Iowa, wherein Thomas H. Smith is contestant and J. M. Emmert is contestee and incumbent, beg leave to report:

That it has made a careful and complete canvass of all the ballots cast for the office of state senator, in said district, at the general election held therein on the 2nd day of November, 1897, and has carefully considered the questions involved in such contest.

That there were cast by the electors, in said senatorial district at such general election, for the office of senator, eight thousand two hundred and thirty-nine (8,239) ballots.

Your committee finds that the incumbent, J. M. Emmert, received a majority of all the ballots cast for the office of senator in the eighteenth senatorial district of Iowa, which should be counted, and was duly elected, and is entitled to represent said district in the Senate for the present senatorial term.

Your committee therefore recommends that J. M. Emmert be declared the duly elected senator from the eighteenth senatorial district of the state of Iowa, which is composed of the counties of Cass and Shelby therein, and that his right to represent said district in this body be confirmed for the term to which he is elected, and that the contest of Thos. H. Smith be dismissed.

Your committee also commends R. H. Shifflet and S. G. Dunmore, auditors of Cass and Shelby counties, for their faithful and efficient aid to the committee in making canvass and count of the ballots of said senatorial district.

Your committee also recommends that said auditors be allowed three dollars (\$3) each, per day, for the time they were present with the committee and their expenses incurred in making three trips from their homes to Des Moines, which were necessary in bringing and returning the ballots, and in giving necessary assistance to your committee.

That said auditors were in attendance upon your committee twenty days, and should, as your committee believes, be paid therefor:



B. H. Shifflet, per diem.....	\$ 60.00
Railroad fare, express and box for ballots.....	28.20
Total.....	\$ 88.24
S. G. Dunmore, per diem.....	\$ 60.00
Railroad fare.....	29.20
Express.....	4 05
Total.....	\$ 93.25

Your committee further reports that it appointed Frank Van Pelt stenographer and clerk of the committee, and as such stenographer and clerk he has been in attendance upon the committee twenty-three days and has kept a complete record of the case for the committee, and extended such portions thereof as directed.

We therefore recommend that he be paid in full for his services the sum of one hundred and five dollars and eighty cents (\$105.80).

All of which is respectfully submitted this 28th day of February A. D. 1898, for such action as the Senate may deem proper.

WILLIAM EATON,  
S. DRUET,  
C. W. MULLAN,  
A. HURST,  
C. S. MANCK,  
*Committee.*

#### BILLS ON THIRD READING.

Unanimous consent having been granted, on motion of Senator Hayward substitute for Senate file No. 6, a bill for an act to amend the title of chapter 6, title 13, of the code, relative to the orphans' home, with report of committee recommending that it do pass, was taken up and considered.

On request of Senator Hayward, the report of the committee and the substitute were read.

On motion of Senator Hayward, the report of the committee was adopted.

Senator Hayward moved that entry be made in the Journal to-day to show that the substitute was read first and second time on February 11, as Journal of that date failed to show same.

Carried.

Senator Hayward offered the following amendment and moved its adoption:

I move to amend section 5 by striking out the word "orphans" in the third line.

Senator Mitchell moved that further consideration of the bill be postponed until to-morrow.

Carried and so ordered.

Senator Penrose moved that bills on the Calendar recommended for indefinite postponement be taken up and disposed of.

Carried.

Senate file No. 108, a bill for an act to amend the code, in relation to public health districts, with report of Committee on Public Health, recommending its indefinite postponement, was taken up, considered, and on motion of Senator Druet, the report of committee was adopted and the bill indefinitely postponed.

Senate file No. 61, a bill for an act to amend sections 2580 and 2570 of the code, in relation to the state board of health, with report of Committee on Public Health recommending that the same be indefinitely postponed, was taken up, considered, and on motion of Senator Emmert, report of committee was adopted and the bill indefinitely postponed.

House file No. 17, a bill for an act to amend sections 2683, 2685, 2688 and 2691 of the code, relating to home for soldiers' orphans, with report of Committee on Charitable Institutions recommending that the same be indefinitely postponed, was taken up, considered, and on motion of Senator Hayward, the report of committee was adopted and the bill indefinitely postponed.

□ Senate file No. 105, a bill for an act to repeal a portion of section 678 of the code, relating to fees of marshals, with report of Committee on Cities and Towns recommending that same be indefinitely postponed, was taken up, considered, and on motion of Senator Pusey, the report of the committee was adopted and the bill was indefinitely postponed.

Senate file No. 71, a bill for an act to amend section 3089 of the code, relating to liens, with report of Committee on Judiciary, recommending that it be indefinitely postponed, was taken up for consideration, but objection being made, consideration of same was postponed.

Senate file No. 46, a bill for an act to amend section 2583 of the code, in relation to the practice of medicine, with report of Committee on Public Health, recommending that same be indefinitely postponed, was taken up, considered, and on motion of Senator Emmert the report of the committee was adopted, and the bill was indefinitely postponed.

Concurrent resolution relating to the publication of textbooks for schools in the state penitentiaries, with report of

Committee on Schools recommending that the same be indefinitely postponed, was taken up, considered, and on motion of Senator Wilson the report of the committee was adopted, and the concurrent resolution was indefinitely postponed.

Senate file No. 118, a bill for an act to amend chapter 2, title 13, of the code, relating to school text-books, with report of Committee on Schools, recommending that same be indefinitely postponed, was taken up, considered, and on motion of Senator Wilson the report of the Committee was adopted and the bill indefinitely postponed.

Senate file No. 85, a bill for an act to prohibit agents for schoolbooks and supplies from securing signatures of individual members of boards of directors, with report of Committee on Schools, recommending that same be indefinitely postponed, was taken up, considered, and on motion of Senator McIntire the report of committee was adopted and the bill indefinitely postponed.

Substitute for House file No. 93, a bill for an act to amend sections 2708, 2709, 2711 of the code, relating to discharge of boys and girls from industrial home, with report of Committee on Charitable Institutions, recommending its indefinite postponement, was taken up for consideration, but objection being made, consideration of same was postponed.

Senate file No. 126, a bill for an act to put a partition in room 19, with report of Committee on Public Buildings, recommending that the bill be indefinitely postponed, was taken up for consideration, but objection being made, consideration was postponed.

Senate file No. 119, a bill for an act to amend section 1321 of the code, relating to private bankers, with report of Committee on Ways and Means, recommending that same be indefinitely postponed, was taken up, considered, and on motion of Senator Hospers, the report of the committee was adopted and the bill indefinitely postponed.

Senate file No. 144, a bill for an act to amend sections 2945 and 2946 of the code, relating to conveyance of real estate, with report of Committee on Judiciary, recommending indefinite postponement, was taken up, considered, and on motion of Senator Lothrop, the report of the committee was adopted and the bill indefinitely postponed.

Senate file No. 54, a bill for an act to amend section 2943 of the code, in regard to acknowledgment, with report of Committee on Judiciary, recommending that same be indefinitely postponed, was taken up, considered, and on motion of Senator Cheshire, the report of the committee was adopted and the bill was indefinitely postponed.

Senate file No. 174, a bill for an act to amend section 1441 of the code, relating to service of notice of expiration of right of redemption from tax sales, with report of Committee on Judiciary, recommending that same be indefinitely postponed, was taken up, considered, and on motion of Senator McIntire, the bill was recommitted to the Committee on Judiciary.

Senator Hayward filed the following motion:

MR. PRESIDENT—I move to reconsider the vote by which the report of committee on House file No. 17 was adopted, indefinitely postponing said bill.

W. C. HAYWARD.

Senator Cheshire moved that the report of the Committee on Judiciary on Senate file No. 156, a bill for an act imposing a tax in addition to the taxes and penalties now provided by law, upon any person, partnership or corporation, keeping a house, shop or place resorted to for the purpose of gambling, or where any person is permitted to play at cards, dice, faro, roulette, equality or other game for money, or other thing, recommending indefinite postponement, be adopted, and that the bill be indefinitely postponed.

Carried and so ordered.

Senator Cheshire moved that the report of the Committee on Judiciary on Senate file No. 157, a bill for an act imposing a tax in addition to other taxes and penalties now provided by law, upon any person, partnership or corporation, keeping a house of ill fame or place resorted to for the purpose of prostitution or lewdness, recommending indefinite postponement, be adopted, and that the bill be indefinitely postponed.

Carried and so ordered.

Senator Lewis moved that when Senate file No. 33, a bill for an act to amend section 5314 of the code, relating to the fee to be paid by the county for defending criminals, is reached Senate file No. 204 be considered in connection therewith.

Carried.

Senate file No. 37, a bill for an act to amend section 2308 of the code, relating to the rate of tax levy for county insane

fund, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

Senator Malloy moved that Journal show that the bill was read a first and second time on February 8th.

Carried.

The substitute was read for information.

Senator Malloy moved to amend section 1 of the bill by striking out the word "one" at the end of said section and substituting therefor the word "two."

Senator Garst moved that further consideration of the bill be postponed until to-morrow morning.

Carried.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Joint resolution No. 7, granting application for pardon of Thomas Kelly.

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 Senate is asked:

House file No. 234, a bill for an act to amend section thirteen hundred and forty-six of the code, relating the taxation of express companies.

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 Senate is asked:

House file No. 227, a bill for an act to legalize the incorporation of the town of Dumont, Butler county, Iowa, the election of its officers and certain ordinances passed by the council of said town.

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 Senate is asked:

House file No. 235, a bill for an act to legalize the ordinance of the town of Dows, Wright county, Iowa, and all the official acts of the officers.

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 Senate is asked:

House file No. 237, a bill for an act to legalize the organization of the independent school district of Eureka Woodbury county, Iowa.

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 Senate is asked:

House file No. 140, a bill for an act to repeal section 3912 of the code and to enact a substitute therefor, relating to the sale of perishable property when seized under a writ of attachment.

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 Senate is asked:

House file No. 220, a bill for an act to amend section 1815, chapter 8, title 9, of the code, relative to life insurance companies and associations.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

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. 13, a bill for an act relating to the use of notes of shorthand reporters as evidence.

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 Senate is asked:

House file No. 219, a bill for an act to amend section 3947 of the code, relating to notice to defendant in case of garnishment.

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. 99, a bill for an act to amend section 654 of the code relating to the appointment of Police Matron in cities having a population of 25 000 or over.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

Senator Garst moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

Senate file No. 13, a bill for an act relating to the use of notes of shorthand reporters as evidence, was read.

Senator Ranck moved that the Senate concur in House amendments to Senate file No. 13.

On the question, "Shall the House amendments be concurred in?" the yeas were:

Senators Alexander, Bell, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Eaton, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Lyons, Malloy, McIntire, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wilson, Young of Lee—39.

The nays were:

None.

Absent or not voting:

Senators Allyn, Berry, Blanchard, Druet, Ellison, Kilburn, McArthur, Mullan, Trewin, Wallace, Young of Delaware—11.

The House amendments were concurred in.

House file No. 234, a bill for an act to amend section 1346 of the code, relating to the taxation of express companies, was read first and second time and referred to Committee on Ways and Means.

House file No. 235, a bill for an act to legalize the ordinances of the town of Dows, Wright county, Iowa, and all the official acts of the officers, was read first and second time and referred to Committee on Judiciary.

House file No. 227, a bill for an act to legalize the incorpo-

ration of the town of Dumont, Butler county, Iowa, the election of its officers, and certain ordinances passed by the council of said town, was read first and second time and referred to Committee on Judiciary.

House file No. 220, a bill for an act to amend section 1815, chapter 8, title 9, of the code, relative to life insurance companies and associations, was read first and second time and referred to Committee on Insurance.

House file No. 219, a bill for an act to amend section 3947 of the code, relating to notice to defendant in case of garnishment, was read first and second time and referred to Committee on Judiciary.

Senate file No. 99, a bill for an act to amend section No. 654 of the code, relating to the appointment of police matrons in cities having a population of 25,000 or over, was read and passed on file.

Joint resolution No. 7, granting a pardon to Thomas Kelly, was read first and second time and referred to Committee on Penitentiaries and Pardons.

House file No. 140, a bill for an act to repeal section 3912 of the code and to enact a substitute therefor, relating to the sale of perishable property when seized under a writ of attachment, was read first and second time and referred to Committee on Judiciary.

House file No. 237, a bill for an act to legalize the organization of the independent school district of Eureka, Woodbury county, Iowa, was read first and second time and referred to Committee on Judiciary.

Senator Hayward moved that time of adjournment be extended ten minutes.

Carried.

Senator Cheshire moved that Senate file No. 19 be recalled from the House.

Carried.

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

Senator Cheshire filed the following motions:

**MR. PRESIDENT**—I move to reconsider the vote by which House file No. 19 passed the Senate.

Also, I move to reconsider the vote by which the amendment offered by Senator Pusey to House file No. 19 passed the Senate.

**THOS. A. CHESHIRE.**

The hour for adjournment having arrived, the President declared the Senate adjourned until 9:30 o'clock A. M. Tuesday.



SENATE CHAMBER,  
DES MOINES, IOWA, Tuesday, March 1, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. R. N. Hughes, of Des Moines, Iowa.

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

#### PETITIONS AND MEMORIALS.

Senator Finch presented remonstrance of E. A. Wilder and 19 other citizens of Humboldt against passage of House file No. 48, relating to adulterated food and drugs.

Referred to Committee on Public Health

Senator Emmert presented remonstrance of C. F. Swift against passage of House file No. 122, relating to state publication of school text-books.

Referred to Committee on Schools.

#### INTRODUCTION OF BILLS.

By Senator Alexander, Senate file No. 224, a bill for an act to increase the number of district judges in the eighteenth judicial district.

Read first and second time and referred to Committee on Congressional and Judicial Districts.

By Ways and Means Committee, Senate file No. 225, a bill for an act to amend chapter 4, title 7 of the code, relative to the assessment and collection of the collateral inheritance tax.

Read first and second time and placed on Calendar.

By Senator Hospers, by request, Senate file No. 226, a bill for an act to establish and maintain a department for women in connection with the Iowa industrial school at Mitchellville.

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

By Senator Funk, Senate file No. 227, a bill for an act making appropriations to be expended by the fish and game warden of the state of Iowa.

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

Senator Hotchkiss called up his resolution relative to holding afternoon sessions of the Senate.

Senator Lewis moved to amend by making the resolution read, "beginning Monday, March 8th"

On this a roll call was demanded.

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

Senators Allyn, Bell, Blanchard, Byers, Craig, Druet, Eaton, Everall, Finch, Harriman, Healy, Hospers, Hurst, Kilburn, Lewis, Lyons, Malloy, McIntire, Palmer, Pusey, Ranck, Wallace—22.

The nays were:

Senators Alexander, Bolter, Carney, Carroll, Emmert, Ericson, Funk, Garst, Gilbertson, Gorrell, Hayward, Hobart, Hotchkiss, Lothrop, Mitchell, Penrose, Perrin, Titus, Trewin, Wilson, Young of Lee—21.

Absent or not voting:

Senators Berry, Cheshire, Ellison, Junkin, McArthur, Mullan, Young of Delaware—7.

The amendment was adopted.

The question recurring on the amended resolution of Senator Hotchkiss, same was adopted.

President announced message from the governor requiring an executive session.

Senator Funk moved that the Senate go into executive session.

Carried.

At 10 o'clock A. M. the Senate went into executive session.

The Senate arose from executive session at 10:20 A. M.

Senator Gilbertson moved to make House joint resolution No. 1 a special order for Wednesday, March 2.

Lost.

Senator Trewin moved that Calendar No. 1, the special order for to-day, be made a special order for to-morrow.

Carried and so ordered.

## REPORT OF STANDING COMMITTEE.

Senator Mitchell, from the Committee on Penitentiaries and Pardons, submits the following report:

MR. PRESIDENT—Your Committee on Penitentiaries and Pardons, to whom was referred House joint resolution No. 5, a joint resolution recommending the granting of a pardon for James Johnson, beg leave to report 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.*

Ordered passed on file.

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

MR. PRESIDENT—Your Committee on Insurance to whom was referred House files No. 98 and 136, bills for an act to amend section 1752, chapter 4, title 9, of the code, relating to insurance other than life, beg leave to report 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, the substitute do pass.

SUBSTITUTE FOR HOUSE FILES NOS. 98 AND 136.

A BILL for an act to amend section seventeen hundred and fifty-two (1752), chapter four (4), title nine (9), of the code, relative to insurance other than life.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That subdivision No. five (5) of section seventeen hundred and fifty-two (1752) of the code be amended by inserting after the word "company" in the first line of said subsection the words "twenty dollars," and striking out the word "twenty" in the second line and insert in lieu thereof the word "two."

SEC. 2. Strike out subdivision No. eight (8) of said section and designate subdivision No. nine (9) as No. eight (8).

SEC. 3. That said section be amended by adding the following as subdivision No. nine (9) thereof:

For each certificate for publication of foreign companies, two dollars, and for each certificate for publication of Iowa companies, fifty cents.

SEC. 4. 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 in Des Moines Iowa.

GEO. M. CRAIG,  
*Chairman.*

Substitute read first and second time and ordered passed on file.

Senator Garst, from the Committee on Appropriations, submitted the following report:

**MR. PRESIDENT**—Your Committee on Appropriations, to whom was referred Senate file No. 170, a bill for an act to appropriate \$5000 to paint and fresco committee rooms and corridors; \$500 for repairing the plumbing and \$1000 for completing installation of Welsbach burners in capitol building, beg leave to report 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 referred to the Committee on Public Buildings.

WARREN GARST,  
*Chairman.*

Report of committee adopted on motion of Senator Garst.

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 House file No. 234, a bill for an act to amend section 1346 of the code, relating to the taxation of 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 same do pass.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

Senator Alexander, from the Committee on Banks and Banking, submits the following report:

**MR. PRESIDENT**—Your Committee on Banks and Banking, to whom was referred Senate file No. 203, a bill for an act to amend section eighteen hundred and fifty (1850) of the code, in relation to the investment of funds by savings banks, beg leave to report 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.

J. S. ALEXANDER,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 159, a bill for an act to legalize the election of town officers in the town of Matlock, Iowa.

Also, House file No. 81, a bill for an act to prevent the adulteration of and deception in the sale of linseed or flaxseed oil, and to regulate the sale thereof.

G. M. TITUS,

*Chairman Senate Committee.*

I. B. SANTEE,

*Chairman House Committee.*

Ordered passed on file.

Senator Eaton moved that the report of the special committee on contested elections in the case of Smith v. Emmert be taken up.

Carried.

Senator Eaton moved that the report of the committee be adopted.

On this a roll call was demanded.

On the question, "Shall the report of the Committee be adopted?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Lee—45.

The nays were:

None.

Absent or not voting:

Senators Berry, Ellison, Emmert, Mullan, Young of Delaware—5.

The report of the 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 passed the following bill, in which the concurrence of the Senate is asked:

House file No. 19, a bill for an act to amend and revise code of Iowa, 1897, in relation to distribution of public documents.

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. 109, a bill for an act to repeal section 3912 of the code, and to enact a substitute therefor, relating to the sale of perishable property, when seized under a writ of attachment.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the house herewith recalls the following bill:

House file No. 140, a bill for an act to repeal section 3912 of the code and to enact a substitute therefor, relating to the sale of perishable property when seized under a writ of attachment.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

#### BILLS ON THIRD READING.

Senate file No. 37, a bill for an act to amend section 2308 of the code, relating to the rate of tax levy for county insane fund, with amendment offered by Senator Malloy, was taken up for further consideration.

On the amendment offered by Senator Malloy a roll call was demanded.

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

Senators Blanchard, Cheshire, Druet, Gorrell, Hayward, Hurst, Lyons, Malloy, McArthur, Wilson—10.

The nays were:

Senators Alexander, Allyn, Bell, Bolter, Byers, Carney, Carroll, Craig, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Harriman, Healy, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, McIntire, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Lee—37.

Absent or not voting:

Senators Berry, Mullan, Young of Delaware—3.

The amendment was lost.

Senator Blanchard moved that time of adjournment be extended ten minutes.

Carried.

Senator Pusey offered the following substitute for section 1:

"SECTION 1. Section 2308 of the code is hereby amended by striking out the words 'one half mill' in lines two and three and inserting the following: 'one and one-half mills.'"

On this the yeas and nays were demanded:

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

Senators Blanchard, Cheshire, Druet, Everall, Gilbertson, Gorrell, Hayward, Hurst, Lyons, Malloy, McArthur, McIntire, Pusey, Wilson—14.

The nays were:

Senators Alexander, Allyn, Bell, Bolter, Byers, Carney, Carroll, Craig, Eaton, Ellison, Emmert, Ericson, Finch, Funk, Garst, Harriman, Healy, Hobart, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Mitchell, Palmer, Penrose, Perrin, Ranck, Titus, Wallace, Young of Lee—31.

Absent or not voting:

Senators Berry, Hoppers, Mullan, Trewin, Young of Delaware—5.

The substitute was lost.

Senator Lewis moved that time of adjournment be extended until the bill under consideration be disposed of and Journal of Monday be taken up and corrected.

Carried.

Senator Funk 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, Blanchard, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Wallace, Wilson, Young of Lee—38.

The nays were:

Senators Bolter, Byers, Eaton, Emmert, Hobart, Hotchkiss, Titus—7.

Absent or not voting:

Senators Berry, Hoppers, Mullan, Trewin, Young of Delaware—5.

The bill having received a constitutional majority, was declared to have passed the Senate and title agreed to.

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

Senator Gilbertson moved that House joint resolution No. 1 be made a special order for to-morrow at 11:30 o'clock A. M.

On this a roll call was demanded.

On the question, "Shall the joint resolution be made a special order?" the yeas were:

Senators Alexander, Allyn, Bell, Byers, Carney, Carroll, Eaton, Ellison, Ericson, Finch, Funk, Gilbertson, Harriman, Healy, Hobart, Hotchkiss, Lothrop, Lyons, Mitchell, Perrin, Pusey, Titus, Wallace, Young of Lee—24.

The nays were:

Senators Blanchard, Cheshire, Craig, Druet, Emmert, Everall, Hayward, Hurst, Kilburn, Lewis, Malloy, McArthur, McIntire, Palmer, Penrose, Ranck, Wilson—17.

Absent or not voting:

Senators Berry, Bolter, Garst, Gorrell, Hospers, Junkin, Mullan, Trewin, Young of Delaware—9.

The motion was lost.

Senator Lothrop moved that when we adjourn it be until 2 o'clock P. M. to-day.

Lost.

The hour of adjournment having arrived the Senate adjourned until 9:30 o'clock to-morrow morning.



SENATE CHAMBER,  
DES MOINES, Iowa, Wednesday, March 2, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. Thomas Johnson of Des Moines.

On request of Senator Hayward, leave of absence was granted Senator Titus.

On request of Senator Berry, leave of absence was granted Senator Carroll.

#### INTRODUCTION OF BILLS.

By Senator Junkin, by request, Senate file No. 228, a bill for an act to compensate Sherman Hill for injuries received while in the employ of the state and to make an appropriation therefor.

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

By Senator Blanchard, by request, Senate file No. 229, a bill for an act to amend section 2736 and section 2737, of chapter 13, title 13 of the code, relating to examinations of applicants for teachers' certificates.

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

By Senator Mitchell, Senate file No. 230, a bill for an act to legalize the acts, proceedings and ordinances of the incorporated town of Lenox, Iowa.

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

By Senator Trewin, Senate file No. 231, a bill for an act to amend section twenty-seven hundred and eighty-five (2785) of the code, relating to powers of directors of subdistricts in school townships.

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

## HOUSE MESSAGES.

Recalled House file No. 140, a bill for an act to repeal section 3912 of the code, and to enact a substitute therefor relating to the sale of perishable property when seized under a writ of attachment, was read.

Senator Blanchard moved that bill be returned.

Carried.

Bill ordered returned.

Returned House file No. 19, a bill for an act to amend and revise code of Iowa, 1897, in relation to distribution of public documents, was read.

Senate file No. 109, a bill for an act to repeal section 3912 of the code and to enact a substitute therefor, relating to the sale of perishable property when siezed under a writ of attachment, was read and passed on file.

## REPORT OF STANDING COMMITTEES.

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

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred House file No. 160, a bill for an act to legalize the ordinances and acts of the city council of Lehigh, Webster 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 accompanying bill be substituted therefor, and that the substitute do pass:

## SUBSTITUTE FOR HOUSE FILE NO. 160.

**A BILL for an act to legalize the ordinances and acts of the city council of Lehigh, Webster county, Iowa.**

**WHEREAS**, Doubts have arisen as to the legality of the ordinances of the incorporated town of Lehigh, Webster county, Iowa, being the ordinances passed since the first day of January, 1898; and,

**WHEREAS**, Doubts have arisen as to the legality of the acts of the city council of the incorporated town of Lehigh, Webster county, Iowa; and,

**WHEREAS**, the records of said town fail to show that the ordinances of said town have been properly adopted by the town council; therefore,

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:**

**SECTION 1.** That all ordinances of said town of Lehigh, in the county of Webster, and state of Iowa, passed since the first day of January, 1887, and all acts of the council of said town of Lehigh under the terms of said ordinances are hereby declared to be legal and valid in all respects and to the same extent as though all the provisions of law had been complied with, provided, however, that nothing in this act shall in any manner affect pending litigation.

THOS. A. CHESHIRE,  
*Chairman.*

Substitute read first and second time and ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was submitted Senate file No. 214, a bill for an act to amend section three thousand, nine hundred and eighty-eight (3988) of the code, relating to levy of attachment or execution on mortgaged personal 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 amended as follows:

That section 1, line 6, be amended by inserting between the words, "conditioned" and "for," the word "either."

That line 7, of said section, be amended by striking out the words, "or to be found."

That line 8, of said section, be amended by inserting after the word "upon," the words "as the party ordering the levy may elect."

And that when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 187, a bill for an act to allow non-residents of the state whose wages are garnished in this state, the same exception as is allowed them under the law of the state in which they reside, beg leave to report 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:

That lines four and five, section one, be amended by striking out the words, "and that the wages earned by him were earned outside of this state."

That said section be further amended by adding at the end thereof the following, "but this section shall not apply to causes of action arising within this state."

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was submitted House file No. 126, a bill for an act to legalize and make valid ordinances and resolutions passed and adopted by the city council of Cedar Rapids, Iowa, and which have not been signed by the mayor or clerk of said city as required by law, and to make valid all proceedings and rights accrued thereunder, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 227, a bill for an act to legalize the incorporation of the town of Dumont, Butler county, Iowa, the election of its officers and all acts done, and ordinances passed by the council of said town from March 27, 1896, to January 1, 1898, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate file No. 183, a bill for an act to repeal section three thousand and seventy-one (3071) of the code, relating to assignments for the benefit of creditors, and to enact a substitute 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 indefinitely postponed.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House file No. 237, a bill for an act to legalize the organization of the independent school district of Eureka, Woodbury 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 219, a bill for an act to amend section thirty-nine hundred and forty-seven (3947) of the code, relating to notice to defendant in case of garnishment, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred House file No. 235, a bill for an act to legalize the ordinances of the town of Dows, Wright county, Iowa, and all the official acts of its 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 same do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred House file No. 11, a bill for an act to amend section three thousand six hundred and seventy-five (3675) of the code, concerning the use of the original shorthand notes in an action or a transcript thereof as a deposition, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Senator Cheshire moved that the report of the committee on House file No. 11 be adopted and the bill be indefinitely postponed.

Carried and so ordered.

Senator Pusey, from the Committee on Cities and Towns, submits the following report:

**MR. PRESIDENT**—Your Committee on Cities and Towns, to whom was referred House file No. 39, a bill for an act to amend section 683 of the code, in relation to appropriation of money in towns, beg leave to report that they have had the same under consideration and have amended the same as follows:

That the title be amended by inserting after the word "section" the words: "six hundred and eighty-three," and that the figures "683" be enclosed in parentheses.

That section 1 be amended by striking out the figures "683" and inserting in lieu thereof the words "six hundred and eighty-three."

That section 1 be further amended by striking out the word "but" in line 2, and commencing the word "in" following with a capital "I."

And have instructed me to report said House file No. 39, with the above amendments, back to the Senate with the recommendation that when so amended it do pass.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Senator Carney, from the Committee on Pharmacy, submits the following report:

**MR. PRESIDENT**—Your Committee on Pharmacy, to whom was referred Senate file No. 135, a bill for an act to amend section twenty-four hundred and three (2403) of the code, relating to selling or giving to minor or intoxicated person, or person in the habit of becoming intoxicated, beg leave to report 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.

J. L. CARNEY,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Pharmacy, to whom was referred Senate file No. 134, a bill for an act to amend section twenty-four hundred (2400), relating to revocation of permit, beg leave to report 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.

J. L. CARNEY,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Pharmacy, to whom was referred Senate file No. 136, a bill for an act to amend section twenty-four hundred (2400) of the code, relating to revocation of permit, beg leave to report 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.

J. L. CARNEY,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Pharmacy, to whom was referred Senate file No. 103, a bill for an act to amend section two thousand three hundred ninety-two (2392) of the code, relating to change of place of conducting a 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 the same be indefinitely postponed, because of the passage of a similar bill from the House.

J. L. CARNEY,  
*Chairman.*

Senator Carney moved that the report of the committee be adopted.

Carried and the bill indefinitely postponed.

## 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 the following bill:

House file No. 17, a bill for an act to amend title to chapter 6, title 13 of the code, also sections 2683, 2685, 2688 and 2691 of said chapter, relating to the home for soldiers and orphans.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

## BILLS ON THIRD READING.

Senate file No. 16 and House file No. 21, bills for acts to repeal sections 1661 of the code, relating to state aid for agricultural societies, with report of committee recommending a substitute, with amendment offered by Senator Lewis, to strike out all after the word "dollars" in the ninth line of the substitute and change the semicolon after the word "dollars" to a period, was taken up for further consideration.

The question being on the adoption of the amendment, a roll call was demanded.

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

Senators Alexander, Byers, Carney, Cheshire, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, McArthur, McIntire, Penrose, Perrin, Pusey, Ranck, Trewin, Wilson, Young of Lee—33.

The nays were:

Senators Bell, Berry, Blanchard, Bolter, Craig, Harriman, Healy, Kilburn, Lyons, Malloy, Mitchell, Palmer, Wallace, Young of Delaware—14.

Absent or not voting:

Senators Carroll, Mullan, Titus—3.

So the amendment was adopted.

Senator Harriman moved that the substitute for House file No. 21 be now substituted for the substitute for Senate file No. 16, now under consideration.

Senator Malloy moved that further consideration of the whole matter be deferred.

Senator Trewin raised the point of order that Senator Malloy's motion to postpone consideration was not in order at this stage.

The President ruled that Senator Trewin's point of order was not well taken.

The question being on Senator Malloy's motion to postpone consideration, the motion was lost.

No objection being made, Senator Harriman withdrew his motion to substitute.

Senator Harriman moved that the substitute to Senate file No. 16 be indefinitely postponed.

On this motion, a division being called for, the motion was lost.

Senator Junkin moved that the substitute be adopted.

Carried.

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

Senator Lewis moved to extend the time of adjournment to 12:30 o'clock, or until the bill under consideration be disposed of, and the Journal of yesterday be completed.

Carried.

Senator Malloy offered as a substitute for Senator Harriman's motion that the bill be passed to engrossment.

Senator Trewin moved the previous question.

On the question, shall the main question be now put, the motion prevailed.

The question being on Senator Malloy's motion, to pass to engrossment, the motion was lost.

The question recurring on Senator Harriman's motion, that the rule be suspended, and that the bill be considered engrossed and read a third time now, a roll call was demanded.

On the question, "Shall the rule be suspended, and the bill be considered engrossed and read a third time now?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Carney, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—40.

The nays were:

Senators Bolter, Hurst, Malloy—3.

Absent or not voting:

Senators Berry, Byers, Carroll, Garst, Healy, Mullan, Titus—7.



So the motion prevailed, and the bill was read a third time  
On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Blanchard, Bolter, Byers, Carney  
Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson,  
Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman,  
Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin Kilburn,  
Lewis, Lothrop, Lyons, McArthur, McIntire, Mitchell, Palmer,  
Penrose, Perrin, Pusey, Ranck, Trewin, Wallace, Wilson,  
Young of Delaware, Young of Lee—43.

Senator Malloy voted in the negative.

Absent or not voting:

Senators Allyn, Berry, Carroll, Healy, Mullan, Titus—6.

J. C. Berkey, clerk of the Committee on Commerce, appeared  
at the bar of the Senate and took the oath of office.

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

The hour of adjournment having arrived, the Senate  
adjourned until 9:30 o'clock to-morrow morning.

SENATE CHAMBER,  
DES MOINES, Iowa, Thursday, March 3, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. Chancellor Craig, of Drake university.

On request of Senator Lewis, leave of absence was granted Senator Mullan.

#### PETITIONS AND MEMORIALS.

Senator Carroll presented petition of 175 citizens of Cincinnati, Iowa, in favor of two cent railway fare.

Referred to Committee on Railroads.

#### INTRODUCTION OF BILLS.

By Senator Carroll, Senate file No. 232, a bill for an act to provide for the payment of the claims of Appanoose county against the state of Iowa for expenses incurred in the care, restraint and transportation of insane persons not having a known residence in Iowa.

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

By Senator Berry, Senate file No. 233, a bill for an act to provide for and regulate the administration of trusts by banks and other corporations.

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

By Senator Garst, by request, Senate file No. 234, a bill for an act to amend section No. 2077, code of Iowa, 1897, relating to passenger fares on railways.

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

## HOUSE MESSAGES.

Returned House file No. 19, a bill for an act to amend and revise code of Iowa, 1897, in relation to distribution of public documents was read and passed on file.

Returned House file No. 17, a bill for an act to amend title to chapter 6, title 13, code; also sections 2683, 2685, 2688 and 2691 of said chapters, relating to home for soldiers and orphans, was read and passed on file.

## 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 Senate file No. 27, a bill for an act to repeal section 2812 of the code of Iowa for 1897, and to enact a substitute therefor relating to the issue of bonds for all school 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 a substitute, and with the recommendation that the substitute do pass.

## SUBSTITUTE FOR SENATE FILE NO. 27.

A BILL for an act to amend section twenty-eight hundred and twelve (2812) of the code, relating to the issuance of bonds by school corporations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section twenty-eight hundred and twelve of the code be amended by inserting after the word "bonds" in the eighteenth line thereof the following: "be deemed to be matured when the corporation exercises its option and elects to pay the same."

J. H. TREWIN,  
*Chairman.*

Read first and second time and ordered placed on the Calendar.

Senator Eaton, from the Committee on Elections, submits the following report:

**MR. PRESIDENT**—Your Committee on Elections, to whom was referred House file No. 31, a bill for an act to amend section 1096 of the code in relation to time of closing polls at election, beg leave to report 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.

WILLIAM EATON,  
*Chairman.*

Ordered passed on file.

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

**MR. PRESIDENT**—Your Committee on Claims, to whom was referred Senate file No. 211, a bill for an act for the relief of William M. Desmond, beg leave to report 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.

C. J. A. ERICSON,  
*Chairman.*

Ordered passed on file.

Senator Druet, from the Committee on Public Health, submits the following report:

**MR. PRESIDENT**—Your Committee on Public Health, to whom was referred substitute for Senate file No. 3, a bill for an act to protect the public health and the health of 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 same be amended as follows:

That section two (2), line eight (8), by adding after the word "surgeon" the following: "cattle shipped to stock yards in this state and there sold, consigned or shipped to points outside the state are exempt from the provisions of this act.

And when so amended the same do pass.

S DRUET,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Public Health, to whom was referred Senate file No. 131, a bill for an act to amend section four thousand nine hundred and forty-six (4946) of the code, relating to dispositions of bodies for medical purposes, beg leave to report 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.

S. DRUET,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Public Health, to whom was referred Senate file No. 205, a bill for an act to amend section twenty-five hundred and three (2503) of the code, relating 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 same be amended as follows: That section

one (1), line five (5), in the printed bill line three (3), by inserting after the word "may" the following: "with the approval of the governor."

That when so amended the same do pass.

S. DRUET,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Public Health, to whom was referred Senate file No. 8, a bill for an act to regulate the practice of barbering, the licensing of persons to carry on such practice, and to insure the better education of such practitioners in the state of Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

S. DRUET,  
*Chairman*

Ordered passed on file.

Senator Mitchell, from the Committee on Penitentiaries and Pardons, submitted the following report:

**MR. PRESIDENT**—Your Committee on Penitentiaries and Pardons, to whom was referred the application of Theodore Bushick for pardon, beg leave to report 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 concurrent resolution hereto annexed do pass.

*Resolved by the Senate, the House concurring,* That the governor be authorized and we hereby recommend that he grant to Theodore Bushick a pardon or parole upon the following conditions, to be accepted in writing by the said Bushick:

That he shall, in all respects, conduct himself honorably; avoid evil associations, obey the laws, and abstain from the use of all intoxicating liquors for a period of three years; that during said period he shall be in the legal custody of the warden of the Iowa state penitentiary at Anamosa; that he shall report to said warden either in person or by writing at least once every month.

He shall be liable to be retaken and again confined in said penitentiary for any reason that shall be satisfactory to the governor of the state of Iowa, and at his sole discretion until his final release.

That if he has for the period of three years conducted himself honestly and honorably, and not violated any of the conditions of his pardon or parole, and is then deemed a safe citizen, he shall be entitled to his final discharge and restored to all the rights of citizenship.

W. O. MITCHELL,  
*Chairman.*

Ordered passed on file.

## BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Lothrop, Senate file No. 192, a bill for an act to amend sections 742, 744, 745, 747 of the code, relating to the purchase and construction of waterworks, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

Senator Pusey moved that section 1 be amended by striking out the words "of Iowa" in line 2 thereof.

Adopted.

Senator Pusey moved that section 4 of said bill be stricken out and the following substituted in lieu thereof:

SEC. 4. That section 747 of said chapter and title is hereby amended by adding after the word "works" in line one thereof the words "now owned or hereafter." Also, by adding after the word "upon" in line 5 of said section the words "the taking effect of this act in cities now owning such waterworks or upon." Also, by striking out the words "such city" in line 6 of said section and inserting in lieu thereof the words "cities as herein provided."

Adopted.

The bill as amended was read.

Senator Lothrop 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 Bell, Berry, Blanchard, Bolter, Byers, Cheshire, Craig, Druet, Emmert, Ericson, Everall, Finch, Funk, Gilbertson, Gorrell, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—39.

The nays were:

Senators Carney, Eaton, Ellison—3.

Absent or not voting:

Senators Alexander, Allyn, Carroll, Garst, Harriman, Hobart, Mullan, Trewin—8.

The bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

SPECIAL ORDER.

The hour for the special order having arrived, Senate file No. 201, a bill for an act to provide for a state board of control, was taken up for consideration.

Senator Funk moved that the bill be read section by section and amendments, if any, offered to each section as read.

Carried.

Senator Perrin moved that all amendments offered be printed in the Journal before being acted upon.

Lost.

Senator Funk moved to amend line 13 of section 1 by inserting after the word "respectively" the following: "The membership of the board shall at all times be subject to the same qualification and limitation as herein provided;" also, change the letter "a" from a capital to a lower case letter in the word "all" in said line 10 of said section.

Adopted.

Senator Funk offered the following:

I move to amend line fourteen in section 1 by inserting after the words "shall be" and before the word "confirmed" the following words, "made by the governor and."

Adopted.

Senator Ranck offered the following amendment to section 1.

Strike out of second line of the bill the word "three" and insert in lieu thereof the word "five."

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. 203, a bill for an act to amend section 696, 700 and 737, chapter 4, title 5, of the code, in relation to the general powers of cities and towns.

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 Senate is asked:

House file No. 157, a bill for an act to amend section 1832 of the code, relative to the issuing of state auditors' certificates to fraternal beneficiary societies, orders or associations.

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 Senate is asked:

Substitute for House file No. 87, a bill for an act to provide for destruction of weeds and grass on public roads and highways.

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:

Substitute for Senate file No. 21, a bill for an act prohibiting members of boards of supervisors and township trustees from making contracts with their respective townships or counties.

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:

Substitute for Senate file No. 87, a bill for an act to amend section 4538, chapter 1, title 22, of the code, relating to the filing of transcripts.

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 Senate is asked:



House file No. 177, a bill for an act to amend section 2400 of the code, relating to revocation of pharmacist permits.

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 Senate is asked:

House file No. 15, a bill for an act to regulate the practice of barbering, the licensing of persons to carry on such practice and to insure the better education of such practitioners in the state of Iowa.

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 Senate is asked:

House file No. 178, a bill for an act to amend section 700 of the code, relating to the power of cities to regulate license and tax certain kinds of business.

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 Senate is asked:

House file No. 103, a bill for an act making an appropriation for the relief of private James Dally, company F, Fourth regiment, Iowa National guard, who was injured while in the discharge of his duty.

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 Senate is asked:

Insurance Committee substitute for House file No. 40, a bill for an act to amend section 1913, chapter 13, title 9 of the code of Iowa, in relation to building and loan associations.

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 Senate is asked:

House file No. 79, a bill for an act to amend section 5707 of the code relating to the disposal of stone at state quarries near Anamosa.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

BILLS ON THIRD READING.

The Senate here resumed consideration of Senate file No. 201. Senator Titus moved that the amendment go over one day.

Senator Ranck moved to amend by including the entire section.

Amendment accepted by Senator Titus.

Lost.

On the amendment offered by Senator Ranck to section 1 of the bill a roll call was demanded.

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

Senators Bell, Blanchard, Byers, Harriman, Hurst, McArthur, Palmer, Ranck, Titus, Wallace—10.

The nays were.

Senators Alexander, Allyn, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McIntire, Penrose, Perrin, Pusey, Trewin, Wilson, Young of Delaware, Young of Lee—38.

Absent or not voting:

Senators Mitchell and Mullan.

The amendment was lost.

Senator Pusey moved to amend section 1, by striking out the word "final," in line 10, of the original bill.

Adopted.

Senator Trewin moved that the amendments offered refer to the printed bill, but that clerks have the Journal show reference to the original bill.

Carried.

Senator Lewis moved to amend line 12 of section 1 of the bill, by inserting after the word "nomination" the words "or reference."

Adopted.

Senator Blanchard moved to amend section 1, as follows, strike out all after the word "session." in the seventh line, including the word "body," in the tenth line of original bill, and change comma to period after the word "session."

Senator Garst moved that time be extended for correction of Journal and taking up House messages.

Carried.

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

Senator Pusey asked that all amendments to bill under consideration be handed in and printed in the Journal.

#### HOUSE MESSAGES.

Substitute for Senate file No. 87, a bill for an act to amend section 4538 of the code, in relation to the filing of transcripts in the clerk's office, was read and passed on file.

Substitute for Senate file No. 21, a bill for an act prohibiting members of board of supervisors from personally contracting with the county, was passed on file.

House file No. 87, a bill for an act to provide for the destruction of weeds and grass on public highways, was read first and second time and referred to Committee on Highways.

House file No. 208, a bill for an act to amend sections 696, 700 and 737, chapter 4, title 5 of the code, in relation to the general power of cities and towns, was read first and second time and referred to Committee on Cities and Towns.

House file No. 108, a bill for an act making an appropriation for the relief of Private James Dally of Company F, Fourth regiment Iowa National guard, who was injured while in the discharge of his duty, was read first and second time and referred to Committee on Appropriations.

Committee substitute for House file No. 40, a bill for an act to amend section 1913, chapter 13, title 9, in relation to building

and loan, was read first and second time and referred to Committee on Building and Loan.

House file No. 79, a bill for an act to amend section 5707 of the code, relating to the disposal of stone at the state quarry near Anamosa, was read first and second time and referred to Committee on Penitentiaries and Pardons.

House file No. 157, a bill for an act to amend section 1832 of the code, relative to the issuing of state auditor's certificates to fraternal beneficiary societies, orders or associations, was read first and second time and referred to Committee on Insurance.

House file No. 178, a bill for an act to amend section 700 of the code, relating to the power of cities to regulate and tax certain kinds of business, was read first and second time and referred to Committee on Cities and Towns.

House file No. 177, a bill for an act to amend section 2400 of the code, relating to revocation of pharmacist's permits, was read first and second time and referred to Committee on Pharmacy.

House file No. 15, a bill for an act to regulate the practice of barbering, the licensing of persons to carry on such practice and to secure the better education of such practitioners in the state, was read first and second time and referred to Committee on Public Health.

Senator Pusey filed the following motions to amend sections one and two of Senate file No. 201, and requested that they be printed in the Journal:

Amend section 1 of the bill as follows:

After the word "appointments" in lines thirteen and fourteen (lines ten and eleven of the printed bill) insert "except to fill vacancies."

Amend section 1 of the bill as follows:

Strike out the period (.) after "nonfeasance" in line twenty (line sixteen of the printed bill) and insert a comma (,) and the following words "or for any cause that renders him ineligible to appointment to the office, or for any cause that renders him unfit or incapable to discharge his duties, in either of which events the member shall be regarded as disqualified, and his removal, when so made, shall be final."

Amend section 1 of the bill as follows:

Strike out "may" in line twenty-one (line seventeen of the printed bill) and insert "shall."

Strike out "such" in line 22 of the bill (line 17 of the printed bill) and insert "any," and after "member," line 22 of the bill (line 17 of the printed bill) insert "so disqualified;" and before "appoint" in line 22 of the bill (line 18 of the printed bill) insert "shall." After "created" in lines 22 and 23 of the bill (line 18 of the printed bill) strike out all in lines 23, 24, 25 and 26 (lines 18, 19, 20, 21 and 22 of the printed bill) and insert the following: "Appointments thus made and all other appointments to fill a vacancy occurring when the general assembly is not in session, shall be sent by the governor to the Senate of the next session of the general assembly within thirty days from its convening, and shall be confirmed in the manner hereinbefore provided for the confirmation of members of the board."

Amend section 2 of the bill as follows:

After "office" in line three (line three of the printed bill), strike out all in lines four and five (lines three and four of the printed bill).

Strike out "said" in line thirteen (line eleven of the printed bill).

After "reform" in line fifteen (line twelve of the printed bill), strike out "as" and insert "which shall have and exercise the powers--"

Amend section 2 of the bill as follows:

Add the letter "s" to "section" in line fifteen (line thirteen of the printed bill). Strike out "eighty-one" in line fifteen (line thirteen of the printed bill), and insert "eighty-two and one hundred and eighty-three."

Amend section 2 of the bill as follows:

After "code," in line fifteen (line thirteen of the printed bill), insert "The claim that any testimony or evidence sought to be elicited or produced on such examination may tend to criminate the person giving or producing it, or expose him to public ignominy, shall not excuse him from testifying or producing evidence, documentary or otherwise; but no person shall be prosecuted or subjected to penalty or forfeiture for and on account of any matter or thing concerning which he may testify

or produce such evidence, provided that he shall not be exempted from prosecution and punishment for perjury committed in so testifying."

The hour of adjournment having arrived, the President declared the Senate stood adjourned until 9:30 o'clock A. M. to-morrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Friday, March 4, 1898. }

Senate met in regular session at 9:30 o'clock, A. M., President Milliman presiding. □

Prayer was offered by Rev. Matilda B. McBride of Des Moines, Iowa.

#### PETITIONS AND MEMORIALS.

Senator Palmer presented memorial of I. G. White Post No. 108, department of Iowa, G. A. R., against putting the management of the soldiers' home, at Marshalltown, under the board of control.

Referred to Committee on Ways and Means.

#### INTRODUCTION OF BILLS.

By Senator Ellison, Senate file No. 235, a bill for an act to amend section 3849, chapter 16, title 18, of the code, relating to security for costs.

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

By Senator Ellison, from the Committee on Educational Institutions, Senate file No. 236, a bill for an act to amend section 2630, chapter, 2, title 13, of the code, relating to the board of educational institutions.

Read first and second time and placed on the Calendar and ordered printed.

By Senator Ranck, by request, Senate file No. 237, a bill for an act to amend chapter 7, of title 5, of the code of 1897, entitled "Street improvements, sewers and special assessments."

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

By Senator Ranck, by request, Senate file No. 238, a bill for an act to legalize the acts and proceedings of the late city of Lyons and to authorize the city of Clinton to do all necessary acts in relation thereto.

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

By Senator Eaton, Senate file No. 239, a bill for an act providing for the payment of witnesses summoned before special committee on election contest from eighteenth senatorial district, the clerks of said committee and the expenses of the parties to election contest.

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

By Senator Emmert, by request, Senate file No. 240, a bill for an act repealing section 510, and subdivision 23 of section 511, of the code, relating to sheriffs, their deputies, qualification and compensation thereof.

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

By Senator Emmert, by request, Senate file No. 241, a bill for an act to repeal section 3488 of the code, relating to the sheriff.

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

By Senator Hayward, Senate file No. 242, a bill for an act to amend section 2691 of chapter 6 of the code, in relation to the support of the orphans' home and home for destitute children.

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

By Senator Kilburn, Senate file No. 243, a bill for an act to amend section 1759, chapter 5, title 9 of the code, in relation to mutual fire, tornado and hailstorm assessment insurance associations.

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

#### REPORTS OF STANDING COMMITTEES.

Senator Garst, from the Committee on Appropriations, submitted the following report:



MR. PRESIDENT—Your Committee on Appropriations, to whom was referred House file No. 250, a bill for an act making an appropriation to provide a special teacher for Linnie Haguewood, beg leave to report 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred House file No. 202, a bill for an act making an appropriation for the purchase of twenty thousand railroad commissioner's maps, to be distributed by the members of the general assembly and also 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 same be amended as follows:

That section 1 be amended by striking out the word "twenty" in line two thereof, and that the word "fifteen" be inserted in lieu thereof.

That section 1 be further amended by striking out the words "one hundred" in line five thereof, and inserting the word "sixty" in lieu thereof.

And when so amended, that the same do pass

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Senator Kilburn from the Committee on Highways submitted the following report:

MR. PRESIDENT—Your Committee on Highways to whom was referred substitute for House file No. 87, a bill for an act to provide for the destruction of weeds and grass on public roads and highways, beg leave to report 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 after being amended as follows: Amend title by striking out of line one the word "destruction" and inserting in lieu thereof the word "cutting;" in line two strike out the words "and grass," also the words "and highways;" amend sections one and two of the bill by striking out the words "and grass" wherever they occur.

L. M. KILBURN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate file No. 168, a bill for an act to improve the public roads of the state by encouraging the use of wide tired wagons thereon, beg leave to report

that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass after amending, by inserting in the blank in line nine of section one of the bill the word "three" before the word "dollars."

L. M. KILBURN,  
*Chairman.*

Ordered passed on file.

Senator Ellison, from the Committee on Educational Institutions, submitted the following report:

**MR. PRESIDENT**—Your Committee on Educational Institutions, to whom was referred Senate file No. 45, a bill for an act to amend section 2630 of the code relating to the powers of the board of educational examiners and authorizing them to issue certificates and diplomas to graduates of universities or colleges under certain conditions, beg leave to report 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.

F. O. ELLISON,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Educational Institutions, to whom was referred Senate file No. 129, a bill for an act to amend section 2630 of the code, relating to the powers of the board of educational 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 the same be indefinitely postponed.

F. O. ELLISON,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Educational Institutions, to whom was referred Senate file No. 89, a bill for an act to amend section 2645 of the code, making the governor and superintendent of public instruction members *ex officio* of the board of trustees of 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 indefinitely postponed.

F. O. ELLISON,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Educational Institutions, to whom was referred Senate file No. 98, a bill for an act to amend section 2650 of the code so as to make the fiscal year of the state college of agriculture and

mechanic arts agree with the fiscal year of the state, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

F. O. ELLISON,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred substitute for House files Nos. 75 and 76, a bill for an act to amend sections 2646, 2647 and 2650 of the code of Iowa enlarging the board of trustees of state college of agriculture and mechanic arts, providing a chairman thereof, and for the time of meeting of said board and the dates of the college year, beg leave to report 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 the title and insert in lieu thereof the following: "A bill for an act to amend sections twenty-six hundred and forty-six (2646), and twenty-six hundred and fifty (2650) of chapter four, title thirteen of the code, enlarging the board of trustees of the state college of agriculture and mechanic arts, and providing for the time of meeting of said board, and making the fiscal year of said college agree with the fiscal year of the state."

Amend section 1 by striking from the last line thereof the words "and the governor chairman," and substitute a period (.) for the comma (,) after the word "office" in the last line of said section.

Strike out all of section 2 of said substitute.

Amend section 3 by substituting "chairman" for "governor" in the sixth line thereof, and by inserting after the word "the" and before the word "college" in the sixth line of said section, the word "fiscal."

Amend said substitute by changing the number of section 3 to section 2 and section 4 to section 3.

And that when so amended the bill do pass.

F. O. ELLISON,  
*Chairman.*

Ordered passed on file.

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 Senate file No. 173, a bill for an act to amend section twenty-four hundred and three (2403) of the code, relating 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 do pass.

WM. B. PERRIN,  
*Chairman.*

Ordered passed on file.

Senator Young of Delaware, from the Committee on Congressional and Judicial Districts, submitted the following report:

MR. PRESIDENT—Your Committee on Congressional and Judicial Districts, to whom was referred Senate file No. 184, a bill for an act to amend section 227 of the code, and to provide for an additional judge for the twelfth judicial district, beg leave to report 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.

D. H. YOUNG,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Congressional and Judicial districts, to whom was referred Senate file No. 101, a bill for an act to amend section 227 of the code, and reduce the number of judges in the Sixth Judicial District, beg leave to report 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.

D. H. YOUNG,  
*Chairman.*

Ordered passed on file.

#### MINORITY REPORT OF COMMITTEE.

Senators Blanchard and Ellison, from the Committee on Judiciary, submitted the following minority report:

MR. PRESIDENT—We, the undersigned members of your Committee on Judiciary, to whom was referred Senate file No. 71, a bill for an act to amend section 3089 of the code relating to liens beg leave to report we are unable to agree with a majority of the committee in recommending for indefinite postponement said bill, believing that the bill ought to pass and so recommend.

L. C. BLANCHARD,  
F. O. ELLISON.

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 bill in which the concurrence of the House was asked:

Substitute for House file No. 10, a bill for an act to amend section 891 of the code.

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:

Substitute for Senate file No. 56, a bill for an act to amend section 1898 of the code relating to building and loan associations.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

#### BILLS ON THIRD READING.

The Senate here resumed consideration of Senate file No. 201.

Senator Lothrop moved that when the Senate adjourn it be until 2 o'clock P. M. to-day.

Carried.

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

The hour of adjournment having arrived, the President declared the Senate adjourned until 2 o'clock P. M. to-day.

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#### AFTERNOON SESSION.

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Senate convened at 2 o'clock P. M., President Milliman presiding.

Senator Carney moved that the Senate take up House messages.

Carried.

#### HOUSE MESSAGES.

Substitute for Senate file No. 56, a bill for an act to amend section 1898 of the code, relating to building and loan associations, was read and passed on file.

Substitute for House file No. 10, a bill for an act to amend section 891 of the code of 1897, was read first and second time and referred to Committee on Cities and Towns.

#### SPECIAL ORDER.

Senate resumed consideration of Senate file No. 201, Senator Healy having the floor.

## 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. 199, a bill for an act to amend sections 1305, 1321, 1350, 1361 and 1373 of the code, and provide shorter forms for assessors' books and assessment rolls.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Senator Trewin moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:30 o'clock A. M. to-morrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Saturday, March 5, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. J. L. Brown, pastor Congregational church, Kellogg, Iowa.

On request of Senator Hurst, leave of absence was granted Senator Hayward.

On request of Senator Malloy, leave of absence was granted Senator Emmert.

Senator Berry, from the Committee on Charitable Institutions, requested leave to withdraw from the Senate, substitute for House file No. 93, and that same be allowed to retain its place on the Calendar.

Same was granted.

#### PETITIONS AND MEMORIALS.

Senator Lothrop presented petition of J. M. Cleland and other citizens of Sioux City, Iowa, asking for the passage of the barbering bill.

Referred to Committee on Public Health.

#### INTRODUCTION OF BILLS.

By Senator Blanchard, Senate file No. 244, a bill for an act to provide for the condemnation of a fishway, and for the erection of a fishway in the Bonaparte dam. Also making appropriation for the expenses thereof, and prescribing penalties for injuring or destroying such fishway.

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

By Senator Lothrop, Senate file No. 245, a bill for an act to amend section 298, chapter 8, title 3 of the code, relating to the clerk of the district court.

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

REPORT OF STANDING COMMITTEE.

Senator Kilburn, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate file No. 180, a bill for an act to place the road and highway tax, and working and maintaining the roads and highways, in the hands and under the supervision of the board of supervisors, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

L. M. KILBURN,  
*Chairman.*

Ordered passed on file.

HOUSE MESSAGES.

House file No. 199, a bill for an act to amend sections 1305, 1321, 1360, 1361 and 1372 of the code, and to provide shorter forms for assessors' book and assessment rolls, was read first and second time and referred to Committee on Ways and Means.

BILLS ON THIRD READING.

The Senate here resumed consideration of Senate file No. 201.

Senator Trewin moved that time of adjournment be extended until Senator Harriman completed his remarks and Senator Blanchard be allowed to speak.

Carried.

Senator Funk moved that time of adjournment be extended until the amendment under discussion is disposed of, and for correction of the Journal.

Carried.

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

Senators Alexander, Bell, Blanchard, Byers, Carroll, Cheshire, Eaton, Ellison, Harriman, Lewis, Lothrop, McArthur, Mullan, Palmer, Penrose, Ranck, Titus, Trewin, Wallace, Young of Delaware—20.

The nays were:

Senators Allyn, Berry, Bolter, Carney, Craig, Druet, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy,



Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lyons, Malloy, McIntire, Mitchell, Perrin, Pusey, Wilson, Young of Lee—27.

Absent or not voting:

Senators Emmert, Hayward, Hobart—3.

Senator Funk moved that further consideration of the special order, Senate file No. 201, be deferred until Monday at 2 o'clock, P. M.

Carried.

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

The hour of adjournment having arrived, the President declared the Senate stood adjourned until 9:30 o'clock, A. M., Monday.

SENATE CHAMBER,  
DES MOINES, IOWA, Monday, March 7, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

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

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

On request of Senator Alexander, leave of absence was granted Senator Young of Delaware.

#### PETITIONS AND MEMORIALS.

Senator Finch presented petition of G. H. Shellenberger and other citizens in relation to a two-cent fare bill.

Referred to Committee on Railroads.

Senator Perrin presented petition of A. E. Dye and seven other barbers of Nashua, asking passage of barber bill.

Referred to Committee on Public Health.

Senator Young of Lee presented petition of citizens of Keokuk, Iowa, on same subject.

Referred to Committee on Public Health.

Senator Titus presented remonstrance of grocers of Muscatine against the passage of the pure food bill.

Referred to Committee on Public Health.

#### INTRODUCTION OF BILLS.

By Senator Lewis, Senate file No. 246, a bill for an act to assign room No. 16 in the capitol building to the railroad commission, and to assign rooms Nos. 13 and 14 in the capitol

building to the attorney-general, and to make an appropriation to pay the expenses thereof.

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

By Senator Lewis, Senate file No. 247, a bill for an act to amend section 1305 and to repeal section 1306 in chapter 1 title 7, of the code, in relation to the valuation of property for purposes of taxation, and to the maximum of taxes permitted to be levied.

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

By Senator Lewis, Senate file No. 248, a bill for an act to assign rooms Nos. 11 and 12 in the capitol building to the adjutant-general, and to provide that the executive council shall assign the present occupants of said rooms to others in the capitol building, and to make an appropriation to pay the expenses thereof.

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

By Senator Lyons, Senate file No. 249, a bill for an act to legalize the acts of the board of directors of the independent school district of Elma, in the levying of taxes for schoolhouse purposes.

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

#### REPORTS OF STANDING COMMITTEES.

Senator Wallace, from the Committee on Horticulture and Forestry, submitted the following report:

MR. PRESIDENT—Your Committee on Horticulture and Forestry, to whom was referred Senate file No. 194, a bill for an act to prohibit the bringing into the state any nursery stock infested with San Jose scale and to prevent the spread of the scale within the state, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be amended by striking out the publication clause, and when so amended the same do pass.

JOSEPH WALLACE,  
*Chairman.*

Ordered passed on file.

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

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred Senate file No. 202, a bill for an act to create the department of agriculture, and repeal sections 1653, 1654, 1655 and 1656, and amend other sections of the code, and 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 recommendation that the same be amended as per amendments hereto attached and made a part of this report, and when so amended the same do pass.

Amend section 2 by inserting after the word "college" in the third line the following: "The state dairy commissioner and the state veterinarian."

Amend section 3 by striking out all after the word "association" in the tenth line thereof.

Amend by inserting as section 11 the following: "Sec. 11. The Iowa year book of agriculture shall be printed and bound in cloth and such number as the executive council shall direct, to be distributed as follows: One copy to each state officer and member of the general assembly; ten copies to the state library and ten copies to the libraries of the State university and the State Agricultural college; one copy to the president and secretary of each county and district agricultural society, and one copy to the board of supervisors of each county in which there is no such agricultural society, and the balance as may be directed by the board of agriculture."

Amend by inserting as section 12 the following: "Sec. 12. The present officers and directors of the state agricultural society, upon taking effect of this act, shall be, and they are hereby made and constituted officers and directors of the department of agriculture; who with the *ex-officio* members named in section 2 hereof, shall have full control and management of the department of agriculture until the members of the state board of agriculture are elected as provided in section 3 of this act," and amend by renumbering the sections.

Amend section 19 by inserting after the figures "1656" in the third line thereof, being line 2 of the printed bill, the following: "1657, 1674, 1682 and 1683."

W. F. HARRIMAN,  
Chairman.

Ordered passed on file.

Senator Bolter moved that substitute for Senate file No. 19 be made a special order next following special order No. 1, Senate file No. 201.

Carried.

#### BILLS ON THIRD READING.

On motion of Senator Hospers, Senate file No. 102, a bill for an act to legalize conveyances of real property by executors

under foreign wills, with report of committee recommending a substitute, was taken up for consideration.

The report of the Committee on Judiciary having been read, on motion of Senator Hospers, same was adopted.

Senator Finch offered the following amendment and moved its adoption:

Amend by inserting between "record" and "in" in the eighth line as follows: "In the office of the clerk of the district court." Also, in line 9, between "was" and "made," insert "so."

Adopted.

Senator Hospers moved the adoption of the substitute for the bill.

Adopted.

Senator Hospers 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, Bell, Berry, Bolter, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Byers, Carney, Ellison, Emmert, Harriman, Hobart, McIntire, Mitchell, Ranck, Wilson, Young of Delaware—13.

The bill having received a constitutional majority was declared to have passed the Senate and title agreed to.

On motion of Senator McArthur, Senate file No. 116, a bill for an act to amend sections 2539, 2540 and 2559 of the code, relating to the care and propagation of fish and the protection of birds and game, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator McArthur moved the adoption of the committee amendment as follows:

Amend section two (2), line four (4), by inserting after the words "wall-eyed pike" the word "or."

Also strike out of the same section and line the words "or crappie."

Adopted.

Senator McArthur offered the following amendment and moved its adoption:

I move to amend by adding as section 4 the following:

"Strike out in third line of section 2540 of the code the word "April" and insert in lieu thereof the word "November."

Also renumber section 4 of the bill to read section 5.

Adopted.

Senator McArthur asked that further consideration of the bill be deferred for thirty minutes.

Unanimous consent was granted.

Unanimous consent being granted, on motion of Senator Trewin Senate file No. 186, a bill for an act to empower boards of directors of school corporations to change boundary lines, was taken up for consideration and read.

Senator Trewin moved that the rule be suspended, and that the bill be considered engrossed 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 Alexander, Bell, Berry, Bolter, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lewis, Lyons, McArthur, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Trewin, Wallace, Young of Lee—32.

The nays were:

Senators Finch, Lotbrop, Malloy—3.

Absent or not voting:

Senators Allyn, Blanchard, Byers, Carney, Ellison, Emmert, Gorrell, Harriman, Healy, Kilburn, McIntire, Mitchell, Titus, Wilson, Young of Delaware—15.

So the bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

On motion of Senator Berry, Senate file No. 120, a bill for an act to require boards of school directors to fence school sites, with report of committee recommending that same do pass, was taken up, considered, and the report of the committee adopted on motion of Senator Trewin.

On request of Senator Berry the bill was read for information.

Senator Trewin offered the following amendment and moved its adoption:

I move to strike out of section 1, line 6, all after the word "fence" and insert the words "around the schoolhouse site."

Unanimous consent having been granted Senator Trewin withdrew the amendment offered by him.

Senator Druet moved to amend by striking out the words "cultivated or improved," and inserting in lieu thereof the word "fenced."

Lost.

Senator Berry moved that the rule be suspended, and that the bill be considered engrossed 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 Alexander, Berry, Carroll, Cheshire, Craig, Druet, Eaton, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, Mullan, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Young of Lee  
—34.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Blanchard, Bolter, Byers, Carney, Ellison, Emmert, Ericson, Finch, McIntire, Mitchell, Palmer, Trewin, Wilson, Young of Delaware—16.

So the bill, having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

The hour to which consideration of Senate file No. 16 was postponed having arrived, same was taken up for further consideration.

Senator McArthur offered the following amendment and moved its adoption:

Amend section 1 by striking out the last sentence thereof, to-wit: the words "such property to be either destroyed or become forfeit to the state as said fish and game warden may elect."

Adopted.

Senator McArthur offered the following amendment and moved its adoption:

Amend by inserting the following as section 5:

"The officer making seizure of any fish, game or property referred to herein, shall safely keep same until disposed of according to law. As soon as practicable after any seizure, he, or the fish and game warden, shall file an information under oath before any justice of the peace of the county where the seizure was made, alleging the facts warranting the forfeiture or destruction of such fish, game or property; naming the person, if known, from whom the seizure was made. A notice shall be served upon such person, or if the person who had possession of such property is unknown, such notice shall be posted in three public places in said county, not less than five nor more than fifteen days before the trial, stating the fact of seizure and the time and place of trial, and that if no appearance is made and the court shall so determine, that said fish, game or property will be adjudged forfeit to the state or destroyed."

Renumber section 5 as section 6.

Adopted.

Senator McArthur 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, Bell, Berry, Carroll, Cheshire, Druet, Eaton, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lewis,



Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Lee—32.

The nays were:

Senators Lothrop and Lyons—2.

Absent or not voting:

Senators Allyn, Blanchard, Bolter, Byers, Carney, Craig, Ellison, Emmert, Everall, Harriman, Kilburn, McIntire, Mitchell, Pusey, Wilson, Young of Delaware—16.

The bill having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Unanimous consent being granted, on motion of Senator Mullan, Senate file No. 80, a bill for an act to amend section 407 of the code, relating to the redemption of county boards, with report of committee recommending that same do pass, was taken up, considered, and the report of the committee adopted.

Senator Hayward moved that the time of adjournment be extended ten minutes.

Carried.

Senator Mullan 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, Bell, Berry, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Everall, Funk, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Lee—35.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Bolter, Byers, Carney, Ellison, Emmert, Finch, Garst, Hospers, McIntire, Mitchell, Pusey, Wilson, Young of Delaware—15.

The bill, having received a constitution majority, was declared to have passed the Senate and the title agreed to.

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

The time of adjournment having arrived, the President declared the Senate adjourned until 2 o'clock P. M. to-day.

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### AFTERNOON SESSION.

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Senate met at 2 o'clock as per adjournment, President Milliman presiding.

#### SPECIAL ORDER.

Senate resumed consideration of Senate file No. 201, a bill for an act to provide for a state board of control.

Senator Lewis moved the following substitute for section one (1) of Senate file No. 201, to-wit:

“SECTION 1. That there is hereby created a board to be known as “Board of Control,” consisting of three members to be selected from three different congressional districts, who shall possess the qualifications of an elector of the state and shall not all be of the same political party. The first election of the members of such board shall be by ballot in joint convention by the Twenty-seventh General Assembly at its regular session in the year 1898.

“One of the members chosen at such election shall hold his office for two, one for four and the other for six years, and until his successor is elected and qualified. The persons so elected shall, in the presence of the joint convention in such manner as it shall direct, cast lots to determine for what term each is to be declared elected, and the certificate of election of each shall state the term for which he is elected. Each succeeding regular session of the general assembly shall, as the terms of the members of the board expire, by ballot in joint convention, elect their successors, who shall hold office six years, and until their successors are elected and qualified.

“ At the first meeting of the board, after its creation and after the election of any new member or re-election of a member, the board shall elect one of the members chairman.

“ Each member of the board shall receive a salary of twenty-five hundred dollars (\$2500) per annum.

“ Should the governor find any member of the board guilty of malfeasance or nonfeasance in office, or should the governor find that any member, from physical or mental disease or other cause, has become unable to properly discharge the duties of his office the governor shall remove him and appoint another in his place, and shall, as soon as practicable, report such facts and his reasons therefor to both branches of the general assembly. As soon as practicable after such removal by the governor, the general assembly, if in session, shall meet in joint convention and by ballot “approve” or “disapprove” of such removal. If it shall be disapproved the member who has been removed shall at once be restored to his office. If it be approved the joint convention shall at once elect a successor for the unexpired term.

“ Should any office of member of the board of control become vacant when the general assembly is not in session the vacancy shall be filled by appointment by the governor and the facts reported to both branches of the general assembly on the first day of its next session, which shall, as soon as practicable, meet in joint convention and by ballot elect a member of the board for the unexpired term. Such vacancies occurring when the general assembly is in session shall be filled by it in like manner.”

Senator Ranck moved that the substitute for section 1, offered by Senator Lewis go over until to-morrow and that it be printed in the Journal, and that further consideration of section 1 be deferred until the substitute is printed.

The hour of adjournment having arrived the President declared the Senate adjourned until 9:30 o'clock A. M. to-morrow.

SENATE CHAMBER,  
DES MOINES, IOWA, Tuesday, March 8, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. Enoch Hill, Mitchellville, Iowa.

#### PETITIONS AND MEMORIALS.

Senator Hotchkiss presented remonstrance of citizens of Dallas and Madison counties, against pardon of Jasper Mason.

Referred to Committee on Penitentiaries and Pardons.

#### INTRODUCTION OF BILLS.

By Senator Harriman, Senate file No. 250, a bill for an act to repeal section 5274 of the code, in relation to indictments and to enact a substitute in lieu thereof.

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

#### REPORTS OF STANDING COMMITTEES.

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

**MR. PRESIDENT**—Your Committee on Insurance, to whom was referred Senate file No. 128, a bill for an act to amend section one thousand seven hundred and forty-three (1743), chapter four (4) of the code, relative to insurance other than life, and to conditions in applications or policies of 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 substitute filed herewith be adopted, and when so adopted the substitute do pass.

G. M. CRAIG,  
*Chairman.*

#### SUBSTITUTE FOR SENATE FILE NO. 128.

**A BILL** for an act to amend section one thousand seven hundred and forty-three (1,743), chapter four (4) of the code, relative to insurance other than life and to conditions in applications or policies of insurance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section one thousand seven hundred and forty-three of the code, be and the same is hereby amended by striking out the words "if such removal, change, or use, makes the risk more hazardous," in the fourteenth and fifteenth lines, and inserting the following in lieu thereof: "Unless the insured has given the company notice in writing of such removal or change in the occupancy or the use of the property insured."

Read first and second time and passed on file.

Senator Ranck, from the Committee on Public Libraries, submitted the following report:

**MR. PRESIDENT**—Your Committee on Public Libraries, to whom was referred Senate file No. 146, a bill for an act to amend section 2859 of the code, relating to the loan of books from 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 the same do pass.

C. S. RANCK,  
*Chairman.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 13, a bill for an act relating to the use of the notes of shorthand reporters as evidence.

Also, Senate file No. 109, a bill for an act to repeal section thirty-nine hundred and twelve (3912) of the code, and to enact a substitute therefor, relating to the sale of perishable property when seized under a writ of attachment.

Also, Senate file No. 53, a bill for an act to amend section two thousand and seventy-one (2071), chapter five (5), title ten (10), of the code, relating to liability for injuries to employes.

Also, Senate file No. 99, a bill for an act to amend section six hundred and fifty-four (654), title five (5), chapter two (2), of the code, relating to the organization and officers of cities and towns, and to the appointment of police matrons.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, substitute for Senate file No. 56, a bill for an act to amend section eighteen hundred and ninety-eight (1898) of the code, relating to building and loan associations.

Also, substitute for Senate file No. 87, a bill for an act to amend section four thousand five hundred and thirty-eight (4538), chapter one (1), title twenty-two (22) of the code, relating to the filing of transcripts.

Also, substitute for Senate file No. 21, a bill for an act prohibiting members of boards of supervisors and township trustees from making contracts with their respective townships or counties.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 13, a bill for an act relating to the use of notes of shorthand reporters as evidence.

Also, Senate file No. 109, a bill for an act to repeal section thirty-nine hundred and twelve (3912) of the code, and to enact a substitute therefor, relating to the sale of perishable property when seized under a writ of attachment.

Also, Senate file No. 53, a bill for an act to amend section two thousand and seventy-one (2071) chapter five (5) title ten (10) of the code, relating to liability for injuries to employes.

Also, Senate file No. 99, a bill for an act to amend section six hundred and fifty-four (654) title 5, chapter 2 of the code, relating to the organization and officers of cities and towns, and to the appointment of police matrons.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*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, substitute for Senate file No. 56, a bill for an act to amend section eighteen hundred and ninety-eight (1898) of the code, relating to building and loan associations.

Also, substitute for Senate file No. 87, a bill for an act to amend section four thousand five hundred and thirty-eight (4538) chapter one, title twenty-two of the code, relating to the filing of transcripts.

Also, substitute for Senate file No. 21, a bill for an act prohibiting members of boards of supervisors and township trustees from making contracts with their respective townships or counties.

G. M. TITUS,

*Chairman Senate Committee.*

I. B. SANTEE,

*Chairman House Committee.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

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

**MR. PRESIDENT**—Your Committee on Enrolled Bills respectfully report that they have this day sent to the governor for his approval, Senate file No. 13, a bill for an act relating to the use of the notes of shorthand reporters as evidence.

Also, Senate file No. 109, a bill for an act to repeal section thirty-nine hundred and twelve (3912) of the code, and to enact a substitute therefor, relating to the sale of perishable property when seized under a writ of attachment.

Also, Senate file No. 53, a bill for an act to amend section number two thousand and seventy-one (2071), chapter five (5), title ten (10), of the code, relating to liability for injuries to employes.

Also, substitute for Senate file No. 21, a bill for an act prohibiting members of boards of supervisors and township trustees from making contracts with their respective townships or counties.

G. M. TITUS,

*Chairman.*

Ordered passed on file.

#### BILLS ON THIRD READING.

Special order No. 1, Senate file No. 201, a bill for an act to provide for a state board of control was taken up for further consideration.

Senator Titus resumed his discussion of substitute for section 1, offered by Senator Lewis yesterday.

#### 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 recalls the following bill:

House file No. 235, a bill for an act to legalize the ordinances of the town of Dows, Wright county, Iowa, and all the official acts of its officers

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 Senate is asked:

Substitute for House file No. 54, a bill for an act to repeal section 1347 of the code, relating to peddlers.

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 Senate is asked:

House file No. 289, a bill for an act to legalize the official acts of L. B. Dunton, a notary public of Mitchell county, Iowa.

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 Senate is asked:

House file No. 279, a bill for an act to legalize the election and boundaries of the independent school district of Akron, and the boundaries of the independent school district of Portland township, and the division of the independent school district of Portland township, Plymouth county, Iowa, and the acts of the school board in relation thereto.

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 Senate is asked:

House file No. 300, a bill for an act to legalize certain acts of the school board of the independent district of Deep River, Iowa, in ordering the transfer of certain funds from the contingent fund to the schoolhouse fund, and the act of the treasurer of said district in making said transfer.

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 Senate is asked:

House file No. 204, a bill for an act to amend section 2792 of the code, relating to the restoration of territory to the territory to which it geographically belongs, which has been set off to an adjoining school township in the same or another county.

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 Senate is asked:

House file No. 147, a bill for an act prohibiting the adulterations of candy, and prescribing penalties for the violations of the provisions thereof.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

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. 60, a bill for an act to amend section 2979, chapter 8, title 14 of the code, relating to homesteads.

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. 49, a bill for an act to authorize the levy of taxes for fire purposes in cities of the second class.

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. 186, a bill for an act to empower boards of directors of school corporations to change boundary lines between such corporations in certain cases.

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. 219, a bill for an act appropriating money to defray the expenses of the inauguration ceremonies.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

Senator Trewin moved that the Senate take up House messages, and for correction of the Journal.

Carried.

#### HOUSE MESSAGES.

House file No. 289, a bill for an act to legalize the official acts of L. B. Dunton, a notary public of Mitchell county, Iowa, was read first and second time and referred to Committee on Judiciary.

Recalled House file No. 235, a bill for an act to legalize the ordinances of the town of Dows, Wright county, Iowa, and all the official acts of its officers, was read and bill ordered returned.

House file No. 279, a bill for an act to legalize the election and boundaries of the independent school district of Akron, and the boundaries of the independent school district of Portland township, and the division of the independent school district of Portland township, Plymouth county, Iowa, and the acts of the school board relative thereto, was read first and second time and referred to Committee on Judiciary.

House file No. 204, a bill for an act to amend section 2792 of the code, relating to the restoration of territory to the territory to which it geographically belongs, which has been set off to an adjoining school township in the same or another county, was read first and second time and referred to Committee on Schools.

House file No. 800, a bill for an act to legalize certain acts of the school board of the independent district of Deep River, Iowa,

in ordering the transfer of certain funds of the contingent fund to the schoolhouse fund, and the act of the treasurer of said district in making said transfer, was read first and second time and referred to Committee on Judiciary.

Senate file No. 49, a bill for an act to authorize the levy of taxes for fire purposes in cities of the second class, was read and passed on file.

Substitute for House file No. 54, a bill for an act to repeal section 1347 of the code, relating to peddlers, was read first and second time and referred to Committee on Ways and Means.

House file No. 147, a bill for an act prohibiting the adulteration of candy and prescribing penalties for the violation of the provisions thereof, was read and passed on file.

Senate file No. 219, a bill for an act appropriating money to defray the expenses of the inauguration ceremonies, was read and passed on file.

Senate file No. 186, a bill for an act to empower boards of directors of school corporations to change boundary lines between such corporations in certain cases, was read and passed on file.

Senate file No. 60, a bill for an act to amend section 2979, chapter 8, title 14 of the code, relating to homesteads.

Senator Finch moved that the Senate take up Senate file No. 60 for consideration.

Carried.

Senator Finch moved that the Senate concur in House amendments.

On the question, "Shall the Senate concur in the House amendments?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Carney, Carroll, Craig, Druet, Eaton, Emmert, Ericson, Finch, Funk, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—40.

The nays were:

None.

Absent or not voting:

Senators Berry, Byers, Cheshire, Ellison, Everall, Garst, Healy, Hurst, Lyons, McIntire—10.

So the Senate concurred in House amendments.

President Milliman announced that he had signed in presence of the Senate, Senate files No. 87, 13, 109, 21, 99, 56 and 53.

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

The hour of adjournment having arrived, the President declared the Senate adjourned until 9:30 o'clock A. M. to-morrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Wednesday, March 9, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. J. G. Aikman of Humeston, Iowa.

#### INTRODUCTION OF BILLS.

By Senator Young of Delaware, Senate file No. 251, a bill for an act to authorize the executive council to pass upon and pay certain claims, the payment of which was provided for by an act of the Twenty-sixth General Assembly, entitled an act to appropriate money to pay the claims of individuals and counties in Iowa, for making an exhibit at the World's Exposition in New Orleans.

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

By Senator Wallace, Senate file No. 252, a bill for an act to amend section 2419, chapter 6, title 12 of the code, relating to the transportation of intoxicants to one not holding a permit.

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

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

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

**MR. PRESIDENT**—Your Committee on Enrolled Bills respectfully report that they have this day sent to the Governor for his approval, Senate file No. 99, a bill for an act to amend section six hundred and fifty-four (654) title 5, chapter 2 of the code, relating to the organization and officers of cities and towns, and to the appointment of police matrons.

Also:

Substitute for Senate file No. 56, a bill for an act to amend section eighteen hundred and ninety-eight (1898) of the code, relating to building and loan associations.

Also:

Substitute for Senate, No. 87, a bill for an act to amend section four thousand five hundred and thirty-eight (4538), chapter one (1), title twenty-two (22), of the code, relating to the filing of transcripts.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### BILLS ON THIRD READING.

Senate file No. 201, a bill for an act to provide for a state board of control, was taken up for further consideration, the substitute to section 1, offered by Senator Lewis, being under discussion, Senator Junkin having the floor.

The hour of adjournment having arrived, the President declared the Senate adjourned until 2 o'clock P. M. to-day.

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#### AFTERNOON SESSION.

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Senate met at 2 o'clock, pursuant to adjournment, President Milliman presiding.

#### BILLS ON THIRD READING.

Senate resumed consideration of substitute to section 1 of Senate file No. 201, offered by Senator Lewis, Senator Junkin having the floor.

Senator Blanchard moved that further consideration of the special order be deferred until to-morrow, and that the Senate now proceed with the correction of the Journal, submission of committee reports, introduction of bills, etc.

Carried.

#### INTRODUCTION OF BILLS.

By Senator McArthur Senate file No. 253, a bill for an act to provide for the publication of the proceedings of the semi centennial celebration at Burlington, Iowa, in October, 1896.

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

## REPORTS OF STANDING COMMITTEES.

Senator Garst, from the Committee on Appropriations, submitted the following report:

**MR. PRESIDENT**—Your Committee on Appropriations, to whom was referred House file No. 103, a bill for an act making appropriation for the relief of Private James Dally, Company F., Fourth regiment, Iowa National Guards, who was injured while in discharge of his duty, beg leave to report 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

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

**MR. PRESIDENT**—Your Committee on Claims, to whom was referred Senate file No. 14, a bill for an act to indemnify J. M. T. Glenn, a guard in the penitentiary at Anamosa for injuries received by him, beg leave to report 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.

C. J. A. ERICSON,  
*Chairman.*

Ordered passed on file.

On request of Senator Druet, leave to absence was granted himself indefinitely for the purpose of attending the funeral of Hon. H. M. McCully.

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

Lost.

Journal of yesterday was taken up, corrected and approved.

The hour of adjournment arrived, the President declared the Senate adjourned until 9:30 o'clock to-morrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Thursday, March 10, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. E. G. Keith, of Lake City, Iowa.

INTRODUCTION OF BILLS.

By Senator Emmert, Senate file No. 254, a bill for an act to protect the interest of owners of standard bred, thoroughbred and pure bred registered domestic male animals, kept for public service.

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

REPORT OF STANDING COMMITTEE.

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

MR. PRESIDENT—Your Committee on Claims, to whom was referred Senate file No. 42, a bill for an act to appropriate money to pay the claims of counties in Iowa for making the exhibit of Iowa at the World's exposition in New Orleans, beg leave to report 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.

C. J. A. ERICSON,  
*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 bill, in which the concurrence of the Senate is asked:

House file No. 139, a bill for an act to amend sections 2728, 2730, 2731, 2732, and repeal section 2733 of the code of 1897, and enact a substitute therefor, in relation to county high schools.

JAS. D. ROWEN,  
*Chief Clerk.*



## BILLS ON THIRD READING.

Special order No. 1, Senate file No. 201, was here taken up for further consideration.

## 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. 194, a bill for an act to amend section 1436 of the code relating to redemption of land from tax sale.

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. 241, a bill for an act to amend section 2401 of the code, relative to conducting business under permits.

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. 164, a bill for an act to better protect deer, elk, and goats, and preventing injury thereto, and provide a penalty for such injuries.

JAS. D. ROWEN,  
*Chief Clerk.*

The Senate then resumed consideration of

## BILLS ON THIRD READING.

Senator Pusey moved that when the Senate adjourn, it be to meet at 2 o'clock this afternoon, pending the consideration of this motion.

The hour of adjournment having arrived, the President announced that the Senate stood adjourned until 9:30 o'clock to morrow morning.

SENATE CHAMBER,  
DES MOINES, Iowa, Friday, March 11, 1898. }

Senate met in regular session at 9:30 A. M., President Milliman, presiding.

Prayer was offered by Rev. Glen A. Taylor, of Stuart, Iowa.

#### INTRODUCTION OF BILLS.

By Senator Druet, Senate file No. 255, a bill for an act to legalize the acts of the board of school directors of the independent school district of Lincoln, Marion county, Iowa, and of the board of directors of the independent school district of Tracy, Marion county, Iowa, in relation to the transfer of territory from one district to the other for school purposes.

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

By Senator Emmert, by request, Senate file No. 256, a bill for an act relating to the powers and duties of highway officers and to provide for the construction and maintenance and improvement of highways.

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

By Senator Emmert, by request, Senate file No. 257, a bill for an act defining the duties of county surveyors and providing compensation for the same.

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

#### REPORTS OF COMMITTEES.

Mr. Palmer, from the Committee on Railroads, submitted the following report:

**MR. PRESIDENT**—Your Committee on Railroads, to whom was referred Senate file No. 171, a bill for an act to provide for connection by different lines and systems of telephones and for enforcing such connection, beg leave to report 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.

D. J. PALMER,  
*Chairman.*

Also:

**MR. PRESIDENT**—Your Committee on Railroads, to whom was referred House file No. 4, a bill for an act to amend section 2071 of the code of 1897, relating to liability for injuries to employes by negligence or wilful wrongs of employer or employes, beg leave to report 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 a similar bill has already passed both the Senate and House.

D. J. PALMER,  
*Chairman.*

Senator Palmer, by unanimous consent, moved that report of committee recommending indefinite postponement of House file No. 4 and Senate file No. 171, be adopted.

Carried.

House file No. 4 and Senate file No. 171 were indefinitely postponed.

Senator Cheshire, from the Committee on Judiciary, submitted the following report:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred House file No. 161, a bill for an act to amend section forty-six hundred and six (4606), chapter 1, title 23, of the code, in relation to husband and wife as witnesses, beg leave to report 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:

That the title be amended by inserting the word "one" after the word "chapter," and also by inserting the word "twenty-three" after the word "title," and by enclosing the figures "1" and "23" in parentheses.

That section one be amended by inserting the words "forty-six hundred and six" after the word "section" in line one, and by enclosing the figures "4606" in parentheses; and also, by inserting after the word "chapter" the word "one," and by enclosing the figure "1" in parentheses; and also, by inserting after the word "title" the word "twenty-three," and by enclosing the figures "23" in parentheses.

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred House file No. 289, a bill for an act to legalize the official acts of L. B. Dunton, a notary public of Mitchell 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.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 230, a bill for an act to legalize the acts, proceedings and ordinances of the incorporated town of Lenox, 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.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 249, a bill for an act to legalize the acts of the board of directors of the independent school district of Elma in the levying of taxes for schoolhouse purposes, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 245, a bill for an act to amend section two hundred and ninety-eight (298), chapter eight (8), title three (3), of the code, relating to the clerk of the district court, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred House file No. 279, a bill for an act to legalize the election and boundaries of the independent school district of Akron, and the boundaries of the

independent school district of Portland township, and the division of the independent school district of Portland township, Plymouth county, Iowa, and the acts of the school board relative 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 recommendation that the same do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred House file No. 300, a bill for an act to legalize certain acts of the school board of the independent district of Deep River, Iowa, in ordering the transfer of certain funds from the contingent fund to the schoolhouse fund and the act of the treasurer of said district in making said transfer, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 189, a bill for an act to legalize the election and proceedings of the town council of the town of Patterson, Madison 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.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred Senate file No. 235, a bill for an act to amend section thirty-eight hundred and forty-nine (3849), chapter sixteen (16), title eighteen (18) of the code, relative to security for costs, beg leave to report 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 therefor be adopted.

And when so adopted that the substitute do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

SUBSTITUTE FOR SENATE FILE NO. 235.

A BILL for an act to amend sections thirty-eight hundred and forty-seven (3847) and thirty-eight hundred and forty-nine (3849) of chapter fifteen (15), title eighteen (18) of the code, relative to security for costs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section thirty-eight hundred and forty-seven of the code be and is hereby amended by adding thereto the words "and a non-resident intervener shall be required in like manner to give a bond, on motion of any party required to answer his petition of intervention."

SEC. 2. That section thirty-eight hundred and forty-nine be amended by inserting after the word "plaintiff," in line one of said section, the words "or any intervenor," and by striking out of the fourth line thereof the words "and under the restrictions."

Read first and second time and passed on file.

Senator Alexander, from the Committee on Banks and Banking, submitted the following report:

MR. PRESIDENT—Your Committee on Banks and Banking, to whom was referred Senate file No. 222, a bill for an act in relation to dividends and surplus of savings and state banks, beg leave to report 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.

J. J. ALEXANDER,

*Chairman.*

Ordered passed on file.

#### HOUSE MESSAGES.

House file No. 139, a bill for an act to amend sections 2728, 2730, 2731, 2732, and repeal section 2733 of the code of 1897, and enact a substitute therefor, in relation to county high schools, was read first and second time and referred to Committee on Schools.

House file No. 164, a bill for an act to better protect deer, elk, and goats, and preventing injury thereto, and provide a penalty for such injuries, was read first and second time and referred to Committee on Fish and Game.

House file No. 241, a bill for an act to amend section 2401 of the code, relative to conducting business under permits, was read first and second time and referred to Committee on Pharmacy.

House file No. 194, a bill for an act to amend section 1436 of the code, relating to redemption of land from tax sale, was read first and second time and referred to Committee on Judiciary.

#### BILLS ON THIRD READING.

Senate file No. 201, a bill for an act to provide for a board of control, was taken up for further consideration, the substi-

tute for section 1 offered by Senator Lewis being under discussion, Senator Young of Lee having the floor.

Senator Hurst moved the previous question.

On the question, "Shall the main question be now put?" the motion prevailed.

On the question, "Shall the substitute be adopted?" a roll call was demanded.

On the question, "Shall the substitute to section one be adopted?" the yeas were:

Senators Alexander, Bell, Blanchard, Byers, Eaton, Ellison, Harriman, Hayward, Hurst, Lewis, Lothrop, McArthur, Mullan, Palmer, Penrose, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—21.

The nays were:

Senators Allyn, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lyons, Malloy, McIntire, Mitchell, Perrin, Pusey, Wilson—29.

So the substitute was lost.

Senator Hayward filed the following explanation of his vote:

MR. PRESIDENT—I desire to explain my vote, and in explanation will state that the substitute proposed does not meet with my unqualified approval, neither does the original section. Both, in my judgment, are faulty, but as a choice between two evils I vote for the substitute as the lesser evil of the two.

C. W. HAYWARD.

Senator Funk offered the following amendment to section 1, of Senate file No. 201:

Amend section one by striking out all after the word "institutions," in line four (4), down to and including the word "body," in line eight (8), and insert the following in lieu thereof:

"The members of said board shall be confirmed by two-thirds of the senators elected, after reference of nominations to a committee of five to be appointed by the President of the Senate, without the formality of a motion. Said committee shall report to the Senate in executive session."

Senator Trewin moved that it lie over and be printed in the Journal.

Carried.

Senator Harriman offered the following amendment to section 1 of the bill:

I move to amend section one by striking out the words and figures "thirty-five hundred dollars (\$3,500), in line 13, and inserting in lieu thereof the words and figures "twenty-five hundred dollars (\$2,500)."

And that line 14 be amended by striking out the words and figures "three thousand dollars (\$3,000)," and inserting in lieu thereof the words and figures "twenty-five hundred dollars (\$2,500) each."

Went over by request of Senate and ordered printed in the Journal.

Senator Druet offered the following motion:

"I move that while Senate file No. 201 is under consideration speeches on all amendments shall be limited to ten minutes; no senator shall be permitted to yield any part of his time to another, nor shall a senator speak more than once on any amendment until all who desire have spoken, but the mover of an amendment shall have ten minutes in which to close the debate."

Senator Pusey, offered the following amendment to the motion:

I move to strike out the words "until all who desire have spoken," in lines 4 and 5.

Adopted.

Senator Trewin moved to amend the amended motion by striking out the word "ten" where it appears first in the section and insert the word "fifteen" in lieu thereof.

On this a roll call was demanded.

Senator Trewin asked leave to withdraw his motion.

Consent granted.

The question recurring on the amended motion by Senator Druet a roll call was demanded.

On the question, "Shall the motion as amended prevail?" the yeas were:



Senators Alexander, Allyn, Bell, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—48.

The nays were:

None.

Absent or not voting:

Senators Gorrell and Ranck—2.

The motion prevailed.

Senator Pusey moved to amend section 1 as follows:

After the word "appointments" in lines thirteen and fourteen (lines ten and eleven of the printed bill) insert "except to fill vacancies."

Adopted.

Senator Pusey moved to amend section 1 of the bill as follows:

Strike out the period (.) after "nonfeasance" in line twenty (line sixteen of the printed bill) and insert a comma (,) and the following words: "in office or for any cause that renders him ineligible to appointment to the office, or for any cause that renders him unfit or incapable to discharge his duties, in either of which events the member shall be regarded as disqualified, and his removal, when so made, shall be final."

Adopted.

Senator Pusey moved to amend section 1 of the bill, as follows:

Strike out "such" in line twenty-two of the bill (line seventeen of the printed bill) and insert "any," and after "member," line twenty-two of the bill (line seventeen of the printed bill) insert "so disqualified," and before "appoint" in line twenty-two of the bill (line eighteen of the printed bill) insert "shall"

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:

Substitute for House file No. 265, a bill for an act to amend section 4850, of chapter 5, title 24, of the code, in relation to taking goods from the charge or custody of an officer.

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 Senate is asked:

House file No. 273, a bill for an act to amend section 2283 and to provide for the transfer and removal of state insane.

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 Senate is asked:

House file No. 308, a bill for an act to legalize the ordinances passed by the incorporated town of Danbury, Woodbury county, Iowa.

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 Senate is asked:

House file No. 228, a bill for an act to amend section 4045 of the code, in relation to redemption by debtor.

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 Senate is asked:

House file No. 255, a bill for an act to amend section 1333 of the code, relative to taxation of insurance companies.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

The following amendments to section 1 of Senate file No. 201, were filed and ordered printed in the Journal.

By Senator Trewin:

Amend section 1 by adding thereto the following: "The governor shall fill any vacancy existing during the session of the general assembly before the final adjournment thereof."

By Senator Byers:

Amend section 1 of the bill by striking out the words "the governor" at the beginning of line 1, and insert in lieu thereof the words "the executive council."

By Senator Lothrop:

Substitute for amendment offered by the Senator from Dickinson: I move to amend section 1 of the bill by striking out all after the word "committee" in line 6 thereof, down to and including the word "body" in line 8, and to insert after the word "Senate" in line 6, the words "special or standing."

Senator Hayward moved that section 1 of the bill, as amended at the close of to-day's session, be printed in the Journal.

Lost.

Senator Garst moved that the Senate take up House messages and for correction of the Journal and that time be extended for that purpose.

Carried.

#### HOUSE MESSAGES.

House file No. 255, a bill for an act to amend section 1333 of the code, relative to taxation of insurance companies, was read first and second time and referred to Committee on Ways and Means.

House file No. 228, a bill for an act to amend section 4045 of the code, in relation to redemption by debtor, was read first and second time and referred to Committee on Judiciary.

House file No. 308, a bill for an act to legalize the ordinances passed by the incorporated town of Danbury, Woodbury county, Iowa, was read first and second time and referred to Committee on Judiciary.

House file No. 273, a bill for an act to amend section 2283 and to provide for the transfer and removal of state insane, was read first and second time and referred to Committee on Judiciary.

Substitute for House file No. 265, a bill for an act to amend section 4850 of chapter 5, title 24, of the code, in relation to taking goods from the charge or custody of an officer, was read first and second time and referred to Committee on Judiciary.

Senator Emmert requested, and was granted, leave of absence for to-day and to-morrow to attend the funeral of a friend.

The Journals of the 9th and 10th were taken up, read, corrected and approved.

The time of adjournment having arrived, the President declared the Senate adjourned until 2 o'clock P. M. to-day.

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#### AFTERNOON SESSION.

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

Senator Lothrop moved that when the Senate adjourn it be to convene at 7:30 o'clock this evening for the purpose of considering the business on the Calendar other than the bill under consideration.

Senator Berry moved to amend by making the motion include only legalizing acts and bills recommended for indefinite postponement.

Adopted.

The question recurring on the amended motion, the motion prevailed.

## BILLS ON THIRD READING.

Senate file No. 201, under discussion at the time of adjournment, was taken up for further consideration, and section 2 was read for information.

Senator Fink offered the following amendment to section 2 of the bill:

Strike out the words "as provided in" in line fifteen and insert in lieu thereof the words "created by."

Senator Pusey moved to amend section 2 of the bill as follows:

After "code" in line fifteen (line thirteen of the printed bill) insert "The claim that any testimony or evidence sought to be elicited or produced on such examination may tend to criminate the person giving or producing it, or expose him to public ignominy, shall not excuse him from testifying or producing evidence, documentary or otherwise; but no person shall be prosecuted or subjected to penalty or forfeiture for and on account of any matter or thing concerning which he may testify or produce such evidence, provided that he shall not be exempted from prosecution and punishment for perjury committed in so testifying."

Adopted.

Senator Carroll offered the following amendment:

Strike out all in lines 4 and 5 of the bill.

Adopted.

Senator McArthur offered the following amendment to section 2 of the bill:

Insert after the figures "\$25,000," the following: "conditioned as provided by law."

Adopted.

Senator McArthur offered the following amendment to section 2:

Amend by inserting in line 11, before the word "office," the words "other lucrative," and after the word "office" the words "in the state," and after the word "or" the word "any" and strike out the words "under its charge."

On the adoption of the amendment a roll call was demanded.

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

Senators Alexander, Allyn, Berry, Blanchard, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, Mitchell, Mullan, Penrose, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—43.

Senator Carney voted in the negative.

Absent or not voting:

Senators Bell, Emmert, Gorrell, McIntire, Palmer, Perrin—6.

So the amendment was adopted.

Senator Mullan offered the following amendment to section 2: strike out the word "furnish" in line 7, and insert in lieu thereof the word "give."

Adopted.

Senator Mullan moved to amend section 2 by striking out the words "to be" in the seventh line thereof.

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. 249, a bill for an act to legalize the incorporation of the town of Grafton, Worth county, Iowa, the election of its officers and all 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 House was asked:

Substitute for Senate file No. 32, a bill for an act to amend section 1563 of the code, relating to the destruction of thistles.

JAS. D. ROWEN,  
*Chief Clerk.*

The Senate resumed consideration of

BILLS ON THIRD READING.

Section 3 was read for information.

Senator Trewin offered the following amendment to section 3 of the bill:

Strike out "etc." in line 7 and insert the words "and such other office supplies."

Adopted.

Senator Trewin moved to amend section 3, line 8, by striking out the words "the next" and inserting in lieu thereof the word "each," and by striking out the word "office" in the ninth line.

Adopted.

Senator Funk moved to amend section 3, line 4, by striking out the semicolon after the words "per annum" and inserting in lieu thereof a "comma."

Adopted.

Senator Lothrop moved to amend section 3 by adding the letter "a" before the word "suitably" in line 2, and by striking out the word "offices" in line 2 and inserting in lieu thereof the word "office."

Lost.

Section 4 was read for information.

Senator Pusey moved to amend section 4 of the bill as follows:

After "the" in line 2 of the bill insert "salaries and."

Adopted.

Senator Trewin moved to amend section 3, line 11, by adding the letter "s" to the word "expenditure."

Adopted.

Senator Lewis moved to substitute in section 3, line 4 (line 3 of printed bill), the words "fifteen hundred" for the words "two thousand," and the figures "1500" for the figures "2000."

Senator Ranck moved that consideration of this amendment be postponed until to-morrow.

Carried.

Senator Mullan offered the following amendment and moved its adoption:

Strike out the word "unexpended" in line 1 of section 4 of the bill, and insert after the word "treasury" in second line, the words "not otherwise appropriated."

Adopted.

Section 5 was read for information.

Senator Trewin offered the following amendment and moved its adoption:

Amend section 5, line twelve, after the word "approval, strike out period and insert a comma, and add "and if he does not approve the same such trip shall not be made at the expense of the state."

Adopted.

Senator Trewin offered the following amendment and moved its adoption:

Amend section 5, lines two and three, by striking out the words "the necessary traveling expenses" and inserting the words "actual necessary car fare, bus fare and livery hire" in lieu thereof.

#### 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. 145, a bill for an act to legalize a resolution of the city council of the city of Des Moines, Iowa, passed August, 1897, approving a contract with the McCaskey & Holcomb Co., for the construction, operation and maintenance of an electric lighting plant for said city.

JAS. D. ROWEN,

*Chief Clerk.*

Passed on file.

The Senate resumed consideration of

#### BILLS ON THIRD READING.

Senator Harriman moved that the amendment offered by Senator Trewin lie over until to-morrow.

Carried and so ordered.



Senator Pusey offered the following amendment to section 5 and moved its adoption:

Amend section 5 of the bill as follows:

After "board" in line two of the section insert "and the secretary or other employes."

Senator Carney moved to amend the amendment by striking out the words "or other employes."

Lost.

On Senator Pusey's amendment a roll call was demanded.

On motion of Senator Healy the time of adjournment was extended till the completion of the roll call.

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

Senators Allyn, Bell, Berry, Blanchard, Bolter, Byers, Cheshire, Craig, Druet, Ericson, Everall, Finch, Funk, Gilbertson, Harriman, Healy, Hobart, Hospers, Hurst, Junkin, Lewis, Lothrop, Lyons, Mailoy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Young of Delaware, Young of Lee—36.

The nays were:

Senators Carney, Carroll, Eaton, Ellison, Kilburn, Trewin, Wallace, Wilson—8.

Absent or not voting:

Senators Alexander, Emmert, Garst, Gorrell, Hayward, Hotchkiss—6.

The amendment was adopted.

The time of adjournment having arrived the President declared that the Senate stood adjourned until 7:30 o'clock this evening.

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#### EVENING SESSION.

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Senate convened at 7:30 o'clock, President *pro tem.* Funk presiding.

Senator Craig offered the following motion:

I move that report of committee recommending indefinite postponement of the following bills be adopted:

Senate file No. 24, Senate file No. 126, Senate file No. 203, Senate file No. 183, Senate file No. 129, Senate file No. 45, Senate file No. 88, Senate file No. 89, Senate file No. 180, Senate file No. 14.

Carried.

Senator Berry moved to reconsider the vote by which the motion by Senator Craig was carried.

Carried.

Senator Carney moved to amend motion of Senator Craig by excluding Senate file No. 24 from the list.

Carried.

On the motion to adopt report of committee to indefinitely postpone bills named in list, as amended, the same was adopted.

On motion of Senator Craig, Senate file No. 42, with report of committee recommending indefinite postponement, was taken up, considered, and the report of the committee adopted.

Senator Pusey moved to take up legalizing acts in the order in which they appear on the Calendar.

Carried.

On motion of Senator Mullan, Senate file No. 209, a bill for an act to legalize the organization of the Grundy county agricultural society, with report of committee recommending that it do pass, was taken up, considered, and the report of committee adopted.

Senator Mullan 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, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Everall, Finch, Funk, Giltertson, Hayward, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Malloy, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Ellison, Emmert, Garst, Gorrell, Harriman, Healy, Hospers, Lewis, McArthur, Wilson, Young of Delaware—13.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Cheshire, House file No. 64, a bill for an act to legalize the acknowledgment of deeds and conveyances of land, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

Senator Cheshire moved that section 1 be amended by inserting after the words "notary public" in the third line, the words "or other official authorized by law to take acknowledgments."

Adopted.

Senator Cheshire moved that said section be further amended by inserting in the fifth line, after the word "conveyance," the words "or otherwise interested therein."

Adopted.

Senator Cheshire moved that it be further amended by striking out of the seventh and eighth lines the words "a notary public not an officer or stockholder in such corporation," and inserting in lieu thereof the words "an officer not interested therein."

Adopted.

Senator Cheshire moved that said section be further amended by striking out of lines thirteen and fourteen the words "a notary public having no interest in such corporation," and inserting in lieu thereof the words "an officer having no interest therein."

Adopted.

The bill as amended was read.

Senator Cheshire 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, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Everall, Finch, Funk, Gilbertson, Hayward, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Malloy, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Ellison, Emmert, Garst, Gorrell, Harriman, Healy, Hospers, Lewis, McArthur, Wilson, Young of Delaware—18.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Cheshire, House file No. 211, a bill for an act to legalize the incorporation of the town of Bondurant, with report of committee recommending it 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 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, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Hayward, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Malloy, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Lee—38.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Emmert, Garst, Gorrell, Harriman, Healy, Hospers, Lewis, McArthur, Wilson, Young of Delaware—12.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Finch, House file No. 66, a bill for an act to legalize the incorporation of the town of Havelock, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Finch 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, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Hayward, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Malloy, McIntire, Mitchell, Mullan, Palmer, Penrose, Pusey, Ranck, Titus, Trewin, Wallace, Young of Lee—36.

The nays were.

None.

Absent or not voting:

Senators Berry, Blanchard, Bolter, Emmert, Garst, Gorrell, Harriman, Healy, Hospers, Lewis, McArthur, Perrin, Wilson, Young of Delaware—14.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Pusey, Senate file No. 207, a bill for an act to legalize the levy and collection of tax for a schoolhouse fund in the independent district of Lincoln Center, Pottawattamie county, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Pusey 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, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall,

Finch, Funk, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Malloy, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Lee—40.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Emmert, Garst, Healy, Hospers, Lewis, McArthur, Wilson, Young of Delaware—10.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Cheshire, House file No. 160, a bill for an act to legalize the ordinances of the incorporated town of Lehigh, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

The substitute 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.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Hayward, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Malloy, McIntire, Mitchell, Mullan, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Emmert, Garst, Gorrell, Harriman, Healy, Hospers, Lewis, McArthur, Palmer, Wilson, Young of Delaware—13.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Alexander, House file No. 126, a bill for an act to legalize ordinances passed by city of Cedar Rapids,

not signed by mayor or clerk, with report of committee recommending it 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 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, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Everall, Finch, Funk, Gilbertson, Hayward, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Malloy, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Ellison, Emmert, Garst, Gorrell, Harriman, Healy, Hospers, Lewis, McArthur, Wilson, Young of Delaware—13.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Craig, House file No. 227, a bill for an act to legalize the incorporation of the town of Dumont, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Craig 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, Byers, Carney, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Hayward, Hobart, Hotchkiss, Hurst, Kilburn, Lothrop, Lyons, Malloy, McIntire, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Lee—34.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Bolter, Carroll, Emmert, Garst, Gorrell, Harriman, Healy, Hospers, Junkin, Lewis, McArthur, Mullan, Wilson, Young of Delaware—16.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Lothrop, House file No. 287, a bill for an act to legalize the organization of the independent school district of Eureka, Woodbury county, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Lothrop 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, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Hayward, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Malloy, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Lee—38.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Emmert, Garst, Gorrell, Harriman, Healy, Hospers, Lewis, McArthur, Wilson, Young of Delaware—12.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Lyons, Senate file No. 249, a bill for an act to legalize the acts of the board of directors of the independent school district of Elmira in the levying of taxes for schoolhouse purposes, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.



The bill was read for information.

Senator Cheshire moved to amend section 2 by adding at the end thereof the words, "without expense to the state."

Adopted.

Senator Lyons 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, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Hayward, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Malloy, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Byers, Emmert, Garst, Gorrell, Harriman, Healy, Hospers, Lewis, McArthur, McIntire, Wilson, Young of Delaware—14.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Kilburn, Senate file No. 189, a bill for an act to legalize the election and the proceedings of the town council of the town of Patterson, Madison county, Iowa, with report of committee recommending that it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Kilburn, 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, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Hayward, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Malloy, McIntire, Mitchell,

Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Byers, Emmert, Garst, Gorrell, Harriman, Healy, Hospers, Lewis, McArthur, Wilson, Young of Delaware—13.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Mitchell, Senate file No. 230, a bill for an act to legalize the acts, proceedings and ordinances of the incorporated town of Lenox, Iowa, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Mitchell 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, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Hayward, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Malloy, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Lee—35.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Byers, Emmert, Garst, Gorrell, Harriman, Healy, Hospers, Lewis, Lyons, McArthur, Ranck, Wilson, Young of Delaware—15.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Cheshire, House file No. 800, a bill for an act to legalize the acts of the independent school district of

Deep River, Iowa, 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 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, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Hayward, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Malloy, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Wallace, Young of Lee—35.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Byers, Emmert, Garst, Gorrell, Harriman, Healy, Hospers, Lewis, McArthur, Ranck, Trewin, Wilson, Young of Delaware—15.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Hobart, House file No. 279, a bill for an act to legalize the election and boundaries of the independent school district of Akron, and of the independent school district of Portland, Iowa, with report of committee recommending it do pass, 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 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, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Hayward, Hobart, Hotchkiss, Hurst, Kilburn, Lothrop, Lyons, Malloy, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Wallace, Young of Lee—32.

Senator Berry voted in the negative.

Absent or not voting:

Senators Blanchard, Bolter, Byers, Emmert, Garst, Gorrell, Harriman, Healy, Hospers, Junkin, Lewis, McArthur, McIntire, Ranck, Trewin, Wilson, Young of Delaware—17.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Carney moved that the Senate do now adjourn.

Carried.

The Senate adjourned until 9:30 o'clock to-morrow morning.

SENATE CHAMBER,  
DES MOINES, Iowa, Saturday, March 12, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. Enoch Hill of Mitchellville, Iowa.

On request of Senator Carney, leave of absence was granted Senator Lewis on account of illness.

#### INTRODUCTION OF BILLS.

By Senator Young of Delaware, Senate file No. 258, a bill for an act to amend section 1530, chapter 2, title 8 of the code, in relation to the levy and disbursement of the county road fund.

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

By Senator Junkin, Senate file No. 259, a bill for an act defining corrupt practices in elections and providing penalties for violation thereof.

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

By Senator Alexander, Senate file No. 260, a bill for an act to amend section 2812 of the code, relating to the powers of school corporations to issue bonds.

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

#### HOUSE MESSAGES.

House file No. 249, a bill for an act to legalize the incorporation of the town of Grafton, Worth county, Iowa, the election of its officers and all acts done and ordinances passed by

the council of said town, was read first and second time and referred to Committee on Judiciary.

House file No. 145, a bill for an act to legalize a resolution of the city council of the city of Des Moines, Iowa, passed August, 1897, approving a contract with the McCaskey & Holcomb Co., for the construction, operation and maintenance of an electric lighting plant for said city, was read first and second time and referred to Committee on Judiciary.

Substitute for Senate file No. 32, a bill for an act to amend section 1562 of the code, relating to the destruction of thistles, was read and passed on file.

#### REPORT OF STANDING COMMITTEE.

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 House file No. 199, a bill for an act to amend sections 1305, 1321, 1360, 1361 and 1372 of the code, and provide shorter forms for assessors' book and assessment rolls, beg leave to report 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.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

#### BILLS ON THIRD READING.

Special order No. 1, Senate file No. 201, was taken up for further consideration, and section 6 was read for information.

Senator Trewin offered the following amendment and moved its adoption:

Amend section 6, line eleven, by striking out the word "and" before the words "its secretary;" by striking out the word "its" and inserting the word "the," and by inserting after the word "secretary" the words "and its other employes."

Adopted

Senator Pusy offered the following amendment and moved its adoption:

Amend section 6 of the bill as follows:

After "verified" in line ten insert "and duly audited."

Adopted.

Senator Trewin offered the following amendment and moved its adoption:

Amend section 6, line fourteen, by inserting after the word "secretary" the words "and other officers." Also strike out the words "the necessary clerical assistants" in lines fourteen and fifteen and insert in lieu thereof the word "employes."

Adopted.

Section 7 was read for information.

Senator Mullan offered the following amendment and moved its adoption:

Strike out the words "may under its direction," in lines 2 and 3, section 7, and insert the word "shall" in lieu thereof; also, insert the word "affixed," after the word "seal," in the third line of said section.

Senator Mullan moved that all of section 7 be stricken out of the bill.

Senator Cheshire raised the point of order that the amendment offered by Senator Mullan had not yet been disposed of, which point was sustained by the President.

On the adoption of Senator Mullan's admendment a roll call was demanded.

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

Senators Bell, Ellison, Hayward, Mullan, Palmer, Young of Delaware—6.

The nays were:

Senator Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Perrin, Pusey, Ranck, Wilson, Young of Lee—33.

Absent or not voting:

Senators Alexander, Allyn, Blanchard, Emmert, Ericson, Harriman, Lewis, Penrose, Titus, Trewin, Wallace—11.

So the amendment was lost.

Senator McArthur offered the following amendment and moved its adoption:

Strike out section 7, and renumber subsequent sections.

Lost.

Senator Ranck moved to strike out all of section 7 after the word "board" in the fourth line thereof.

Adopted.

Senator Mullan moved to amend section 7 by inserting in line 3, after the word "seal" the word "affixed."

Adopted.

Section 8 was read for information.

Senator Bell offered the following amendment:

Amend section 8, line 3 (line 2 in printed bill), by striking out the words "the soldiers' home."

On request, laid over until Monday.

Senator Pusey offered the following amendment:

Amend section 8 of the bill as follows: "Strike out all of lines 1, 2 and 3 (lines 1 and 2 in printed bill) down to and including the word "act" and insert the following: "The powers vested in the board of control by this act shall extend and apply to the management, control and government of."

On request, laid over until Monday.

Section 9 was read for information.

Senator Carroll offered the following amendment and moved its adoption.

Section 9, line ten, insert after the word "trustee" the word "the," and strike out of line 11 the word "and" and insert the words "or the."

Adopted.

Senator McArthur offered the following amendment and moved its adoption:

Amend section 9, line two, by striking out the words "said institutions" and insert "the institutions named in section 8 hereof.

Adopted.

Senator Pusey offered the following amendment and moved its adoption:



Amend section 9 of the bill as follows: Strike out "will be abolished on July 1, 1898, and shall after said date," in lines two and three, and insert "shall on and after July 1, 1898."

Adopted.

Senator Byers offered the following amendment:

Amend section 9, in line four (line three in printed bill), by inserting after the word "existence" the following: "All trustees now in office shall continue in office until July 1, 1898."

On request, laid over until Monday.

Senator Pusey moved to amend section 9 of the bill as follows:

Strike out "statute" in line 12 (line 9 of the printed bill), and down to and including "institution" in line 16 (line 12 of the printed bill), and insert "sections 158 and 159 of the code," also strike out the period (.) after "control" in line 17 (line 12 of the printed bill), and insert "in so far as they pertain to the institutions named in section eight (8) of this act, and to the officers or persons having charge of the same."

On request, laid over until Monday.

Senator Bell offered the following amendment to section 9:

Amend section 9, line 2 (line 2 in printed bill), by inserting after the word "institutions" the words "except the soldiers' home."

On request, laid over until Monday.

Senator Pusey offered the following amendment and moved its adoption:

Amend section 9 of the bill as follows:

Strike out "be taken from," line six, and insert "cease to exist in," and before "vested" in line seven, insert "shall become."

Adopted.

Senator Pusey offered the following amendment:

Amend section 9 of the bill as follows:

After "supervisory" in lines eighteen and nineteen (line thirteen in printed bill) insert "or examining."

Strike out the period (.) after "state" in line twenty (line fourteen in printed bill) and add ", or that are vested by him in any commissioner appointed by him."

On request, laid over till Monday.

Section 10 was read for information.

Senator Ranck offered the following amendment and moved its adoption:

Add at the end of subdivision one of section 10, the following:

"And it shall be the duty of the board to cause the testimony so taken to be transcribed and filed in the office of the secretary of the board at the seat of government within ten days after the same is taken, or as soon thereafter as practicable, and when so filed the same shall be open for the inspection of any person."

By unanimous consent laid over until Monday.

#### 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. 217, a bill for an act to repeal section 5016 of the code, relating to dead swine and to enact a substitute therefor.

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 Senate is asked:

House file No. 258, a bill for an act to provide for the consolidation of life and accident insurance companies or associations doing business under the law of Iowa and for transfer or reinsurance of their risks.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

The Senate resumed consideration of

#### BILLS ON THIRD READING.

Senator Pusey offered the following amendment and moved its adoption:

Amend section 10, subdivision 1 of the bill, as follows:

Strike out "And no witness shall be" in line 10, and all of lines 11, 12, 13 and 14, and insert:

"The claim that any testimony or evidence sought to be elicited or produced on such examination may tend to criminate the person giving or producing it, or expose him to public ignominy, shall not excuse him from testifying or producing evidence, documentary or otherwise; but no person shall be prosecuted or subjected to any penalty or forfeiture for and on account of any matter or thing concerning which he may testify or produce such evidence, provided that he shall not be exempted from prosecution and punishment for perjury committed in so testifying."

Adopted.

Senator Titus offered the following amendment:

Amend the bill by inserting after the word "institutions," in the third line of subdivision one, line 3 in printed bill, of section 10, the following:

"The board shall also inspect such county infirmaries, where insane patients are kept, as the governor shall from time to time order so inspected, but the board shall exercise no authority over county infirmaries except such as shall be necessary to properly conduct their examinations."

On request, laid over until Monday

Senator Eaton offered the following as a substitute for the amendment offered yesterday by Senator Funk to section 1:

Amend section 1 of the bill by striking out the following: "The members of said board shall be confirmed by two-thirds of the Senate in executive session, after reference of all nominations to a Senate committee, composed of the chairman of the Ways and Means, Judiciary, Appropriations, Charitable Institutions and Penitentiaries and Pardon Committees of such body," and insert in lieu thereof the following: "The members of said board shall be confirmed by a two-thirds vote of all the members of the Senate in executive session. When nominations are referred to the Senate for confirmation, it shall be the duty of the presiding officer, without the intervention of a motion, to refer each nomination to a committee of five, to be appointed by him, and such committee shall report to the

Senator Garst moved that when the Senate adjourn it be to meet at 10 o'clock A. M., Monday.

Senator Harriman moved to amend by making the hour 2 o'clock P. M.

Lost.

The question recurring on Senator Garst's motion the motion prevailed.

Senator Funk moved that consideration of the special order, Senate file No. 201 be deferred until 2 o'clock P. M., Monday.

Carried.

Senator Young of Delaware was granted permission to introduce a bill.

#### INTRODUCTION OF BILLS.

By Senator Young of Delaware, Senate file No. 261, a bill for an act to amend section No. 2528, chapter 14, title 12 of the code, and to grant additional powers to the dairy commissioner.

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

By unanimous consent, House messages were taken up.

#### HOUSE MESSAGES.

House file No. 217, a bill for an act to repeal section 5016 of the code, relating to dead swine and to enact a substitute therefor, was read first and second time and referred to Committee on Agriculture.

House file No. 256, a bill for an act to provide for consolidation of life and accident insurance companies or associations doing business under the laws of Iowa and for transfer or reinsurance of their risks, was read first and second time and referred to Committee on Insurance.

Concurrent resolution, relative to final adjournment of the legislature, was read and passed on file.

On request of Senator Mullan, leave of absence was granted Senator Harriman until Tuesday.

Senator Healy filed the following motion:

MR. PRESIDENT—I move to reconsider the vote by which the amendment to subdivision one of section 10, offered by the senator from Pottawattamie, was adopted, whereby the board is vested with power to punish for contempt.

THOS. D. HEALY.

Senator Carney moved to recommit Senate file No. 24 to the Committee on Judiciary and that it retain its place on the Calendar.

On this a division was called for and the motion prevailed.

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

The hour of adjournment having arrived, the President declared the Senate adjourned until 10 o'clock A. M. Monday.

SENATE CHAMBER,  
DES MOINES, IOWA, Monday, March 14, 1898. }

Senate met pursuant to adjournment at 10 o'clock A. M.,  
President Milliman presiding.

Prayer was offered by Rev. F. L. Johnston, Valley Junction, Iowa.

On request of Senator Mullan, leave of absence was granted  
Senator Alexander.

On request of Senator Funk, leave of absence was granted  
Senator Lewis indefinitely on account of illness.

#### PETITIONS AND MEMORIALS.

Senator Eaton presented petition of veteran soldiers, citizens  
of Hamburg, Iowa, favoring the appropriation of \$30,000 for  
the erection of an old people's building in connection with the  
soldiers' home at Marshalltown.

Referred to Committee on Appropriations.

Senator Trewin presented petition of citizens of Lansing on  
same subject.

Referred to Committee on Appropriations.

Senator Young of Lee presented memorial of Belknap post,  
No. 515, G. A. R., of Keokuk, Iowa, on same subject.

Referred to Committee on Appropriations.

Senator Young of Lee presented a letter from A. Scherfe,  
post commander of James B. Sample post, No. 170, G. A. R.,  
of Keokuk, Iowa, on same subject.

Referred to Committee on Appropriations.

#### INTRODUCTION OF BILLS.

By Senator Wilson, Senate file No. 262, a bill for an act to  
amend section 495, title 4, chapter 5, of the code, relating to  
the compensation of county recorders.

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

By Senator Mullan, Senate file No. 262, a bill for an act to legalize the acts of the mayor and city council of the city of Waterloo, in making a certain contract with one J. B. McGor-risk for paving certain streets in said city.

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

By Senator Funk, Senate file No. 264, a bill for an act to legalize the organization of the independent district of Everly, in Clay county, Iowa, and the acts of its board of directors.

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

#### THIRD READING OF BILLS.

Unanimous consent being granted, on motion of Senator McArthur, Senate file No. 205, by McArthur, a bill for an act to amend section 2503 of the code, relating to the inspection of petroleum products, with report of committee recommending certain amendments and that when so amended the bill do pass, was taken up, considered and the report of the committee adopted.

Senator Druet moved that section 1, line five of the bill be amended by inserting after the word "may" the following: "with the approval of the governor."

Adopted.

Senator McArthur moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Bolter, Byers, Craig, Druet, Eaton, Ellison, Emmert, Finch, Funk, Gilbertson, Gorrell, Hayward, Hobart, Hospers, Hurst, Kilburn, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Lee—31.

Senator Garst voted in the negative.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carney, Carroll, Cheshire, Ericson, Everall, Harriman, Healy, Hotchkiss, Junkin, Lewis, Mitchell, Penrose, Young of Delaware—18.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Unanimous consent being granted, on motion of Senator Trewin, Senate file No. 145, a bill for an act to repeal section 2634 of the code, relating to the educational board of examiners, with report of committee recommending a substitute, was taken up for consideration and the substitute was read.

On motion of Senator Trewin, the report of the committee was adopted.

Senator Trewin moved that the substitute be adopted.

Carried.

Senator Trewin moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Bell, Byers, Craig, Druet, Eaton, Ellison, Emmert, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Hobart, Hospers, Hurst, Kilburn, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Lee—33.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Berry, Blanchard, Bolter, Carney, Carroll, Cheshire, Ericson, Harriman, Healy, Hotchkiss, Junkin, Lewis, Mitchell, Penrose, Young of Delaware—17.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator Emmert House file No. 45, a bill for an act to amend section 2583 of the code, in relation to the practice of medicine, with report of committee recommending certain amendments, and that when so amended the bill do pass, was taken up, considered and the report of the committee adopted.

Senator Emmert moved the adoption of the first committee amendment as follows:



Amend section one (1), after the second word "section" in line one (1); the figures "(2583)" be spelled out; the figures "(2583)" in parentheses.

Adopted.

Senator Emmert moved the adoption of the second committee amendment as follows:

That section one (1) be further amended in line three (3); after the word "contingent" the word "office" be inserted.

Adopted.

Senator Emmert moved the adoption of the third committee amendment as follows:

That section two (2) in line two the word "Daily" be stricken out and the word "State" be inserted in lieu thereof.

Adopted.

Senator Emmert moved that the rule be suspended, and that the bill be 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 Bell, Byers, Craig, Druet, Eaton, Ellison, Emmert, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Hobart, Hospers, Hurst, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Lee—31.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Berry, Blanchard, Bolter, Carney, Carroll, Cheshire, Ericson, Harriman, Healy, Hotchkiss, Junkin, Kilburn, Lewis, Mitchell, Penrose, Trewin, Young of Delaware—19.

So the bill, having received a constitutional majority, was declared to have passed the Senate.

Senator Emmert moved to amend the title by spelling out the words "twenty-five hundred and eighty-three" and placing the figures "(2583)" in parentheses.

Adopted.

So the title, as amended, was agreed to.

Unanimous consent being granted, on motion of Senator Ellison, Senate file No. 111, a bill for an act relating to punishment of criminals who have been convicted three or more times, with report of committee recommending a substitute, was taken up, considered, the substitute read, and the report of the committee adopted.

On motion of Senator Ellison, the substitute was adopted.

Senator Ellison moved that the rule be suspended, and that the bill be considered engrossed and 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, Blanchard, Byers, Craig, Druet, Eaton, Ellison, Emmert, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hospers, Hurst, Kilburn, Lothrop, Lyons, McArthur, McIntire, Mullan, Palmer, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Lee—34.

The nays were:

Senators Bolter and Malloy—2.

Absent or not voting:

Senators Alexander, Allyn, Carney, Carroll, Cheshire, Ericson, Harriman, Hotchkiss, Junkin, Lewis, Mitchell, Penrose, Trewin, Young of Delaware—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator McIntire, Senate file No. 181, by McIntire, a bill for an act to amend sections 2736 and 2737 of the code, requiring all applicants for a teacher's certificate to pass an examination in didactics, with report of committee recommending that same do pass, was taken up, considered and the report of the committee adopted.

Senator McIntire moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Bell, Blanchard, Bolter, Byers, Craig, Druet, Ellison, Emmert, Funk, Garst, Gilbertson, Gorrell, Hayward,

Healy, Hobart, Hospers, Hurst, Kilburn, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Lee—32.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Berry, Carney, Carroll, Cheshire, Eaton, Ericson, Everall, Finch, Harriman, Hotchkiss, Junkin, Lewis, Mitchell, Penrose, Trewin, Young of Delaware—18.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Unanimous consent being granted, on motion of Senator Blanchard, House file No. 219, a bill for an act to amend section 3947 of the code, relating to notice to defendant in case of garnishment, with report of committee recommending that same do pass, was taken up, considered, and the report of the committee adopted.

Senator Blanchard 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, Blanchard, Bolter, Byers, Craig, Druet, Eaton, Emmert, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Lee—85.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Berry, Carney, Carroll, Cheshire, Ellison, Ericson, Everall, Harriman, Junkin, Lewis, Mitchell, Penrose, Young of Delaware—15.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator Blanchard, Senate file No. 176, a bill for an act to amend sec-

tion 8947 of the code, relating to garnishments, with report of committee recommending that it do pass, was taken up for consideration.

Senator Blanchard moved that same be indefinitely postponed, for the reason that same is identical with the bill just passed, House file No. 219.

Unanimous consent being granted, on motion of Senator Blanchard. Senate file No. 175, a bill for an act to amend section 8053 of the code, in relation to notes and bills, with report of committee recommending that it do pass, was taken up, considered, and the report of the committee adopted.

Senator Blanchard 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 Bell, Blanchard, Bolter, Byers, Craig, Druet, Eaton, Emmert, Everall, Finch, Funk, Garst, Gilbertson, Gorrill, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Berry, Carney, Carroll, Cheshire, Ellison, Ericson, Harriman, Junkin, Lewis, Mitchell, Penrose, Young of Delaware—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Unanimous consent being granted, on motion of Senator Garst, House file No. 202, a bill for an act making an appropriation for the purchase of 20,000 railroad commissioners' maps, with report of committee recommending certain amendments and that when so amended the bill do pass, was taken up, considered and the report of the committee adopted.

Senator Garst moved the adoption of the first committee amendment, as follows:

That section 1 be amended by striking out the word "twenty" in line two thereof, and that the word "fifteen" be inserted in lieu thereof.

Adopted.

Senator Garst moved the adoption of the second committee amendment, as follows:

That section 1 be further amended by striking out the words "one hundred" in line five thereof, and inserting the word "sixty" in lieu thereof.

Adopted.

Senator Garst offered the following amendment and moved its adoption:

Amend section 2 by striking out the words and figures "thirteen hundred (1300)" and insert in lieu thereof the words and figures "one thousand (1000)."

Adopted.

Senator Garst moved that the title be amended by striking out the word "twenty" and inserting in lieu thereof the word "fifteen."

Adopted.

Senator Garst moved that the rule be suspended, and that the bill be 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 Blanchard, Bolter, Byers, Craig, Druet, Eaton, Ellison, Emmert, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Carney, Carroll, Cheshire, Ericson, Harriman, Junkin, Lewis, Mitchell, Penrose, Young of Delaware—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator Craig, Senate file No. 185, a bill for an act to amend section 1744 of the code, relating to proofs of loss under contracts of insurance, with report of committee recommending certain amendments, and that when so amended the bill do pass, was taken up, considered, and the report of the committee adopted.

Senator Trewin moved the adoption of the following committee amendment:

Strike out section one and substitute the following: That section seventeen hundred and forty-four of the code be amended by striking out the words "the preceding" in the second line, and insert after the word "section" in the third line, the words "seventeen hundred and forty-two hereof."

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 Bell, Berry, Blanchard, Bolter, Byers, Carroll, Craig, Druet, Eaton, Ellison, Emmert, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Lee—38.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Carney, Cheshire, Ericson, Harri-man, Healy, Junkin, Lewis, Mitchell, Penrose, Young of Delaware—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator Emmert, Senate file No. 26, a bill for an act to amend chapter 16 of the code, in relation to the state board of health, with report of committee recommending certain amendments, and

that when so amended the bill do pass, was taken up for consideration.

On motion of Senator Druet the report of the committee was adopted.

Senator Emmert moved the adoption of the first committee amendment as follows:

That the title be amended by inserting after the word "amend" the words "two thousand five hundred and sixty-four (2564)," the figures "(2564)" in parentheses.

Adopted.

Senator Emmert moved the adoption of the second committee amendment as follows:

That section one (1) be amended in line one (1) after the second word "section," the figures "2564" be spelled out and the figures "(2564)" in parentheses.

Adopted.

Senator Emmert moved the adoption of the third committee amendment as follows:

That section one (1) be further amended in line two (2) by inserting after the word "office," the words "furniture and."

Adopted.

Senator Emmert moved the adoption of the fourth committee amendment as follows:

That section two (2), line two (2), the word "Daily" be stricken out and the word "Iowa" inserted in lieu thereof.]

Adopted.

Senator Emmert moved to amend the title of the bill by inserting the word "section" after the word "amend"

Adopted.

On request of Senator Emmert the bill was read for information.

Senator Blanchard moved that the time of adjournment be postponed till the bill under consideration be disposed of.

Carried.

Senator Emmert moved that section 1 of the bill be amended so as to read:

Section 1. That section two thousand five hundred and sixty-four (2564), of chapter sixteen (16), title twelve (12), of the code, be amended by adding after the word "rooms" in the eleventh line the words "office supplies and furniture except postage and stationery."

Adopted.

Senator Emmert 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 Bell, Berry, Blanchard, Bolter, Byers, Carroll, Craig, Druet, Ellison, Emmert, Finch, Funk, Gilbertson, Gorrell, Healy, Hobart, Hurst, Lothrop, Lyons, Malloy, McArthur, Mullan, Palmer, Perrin, Pusey, Trewin, Wallace, Wilson, Young of Lee—29.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Carney, Cheshire, Eaton, Ericson, Everall, Garst, Harriman, Hayward, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, McIntire, Mitchell, Penrose, Ranck, Titus, Young of Delaware—21.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

The hour of adjournment having arrived, the President declared the Senate stood adjourned until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

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Senate met in regular session at 2 o'clock, P. M., President Milliman presiding.



## INTRODUCTION OF BILLS.

By Senator McArthur, Senate file No. 265, a bill for an act to amend section 4285 of the code, relating to the sale of pledged property.

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

By Senator Hobart, from Committee on Compensation of Public Officers, Senate file No. 266, a bill for an act to amend section 2583 of the code, in relation to the practice of medicine.

Read first and second time and placed on the Calendar.

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

Senator Junkin moved that the morning session of the Senate begin at 9 o'clock hereafter.

Carried.

Senator Carroll filed the following statement and requested that the same be entered in the Journal:

MR. PRESIDENT—I desire to have the Journal show that had I been present at the time substitute for Senate file 111 was considered I should have voted "aye."

B. F. CARROLL.

## BILLS ON THIRD READING.

Special order No. 1, Senate file No. 201, was taken up for further consideration

Senator Carney offered the following amendment and moved its adoption:

I move to amend by inserting "the" before "board," in the ninth line of subdivision 2, of section 10.

Adopted.

Senator Carroll moved to amend line 11, of subdivision 2, of section 10, by striking out the words "insane hospitals," and inserting in lieu thereof the words "hospitals for the insane."

Adopted.

Senator Funk offered the following amendment and moved its adoption:

I move to amend line 1, of subdivision 4, of section 10, by striking the first word in said subdivision, to-wit: the word "to," and inserting in lieu thereof the words "it shall."

Adopted.

Senator Funk offered the following amendment and moved its adoption:

I move to amend line 3, of subdivision 4, of section 10, by striking out the semicolon after the word "thereat" and inserting in lieu thereof a comma.

Adopted.

Senator Ranck moved to amend line 6, of subdivision 3, of section 10, by striking out "October 1st" and inserting in lieu thereof "November 15th."

Adopted.

Senator Trewin offered the following amendment and moved its adoption:

Strike out the period at the end of subdivision 3, of section 10, and insert a comma and the following: "also a statement of visitations to the several institutions and when and by whom made."

Adopted.

Senator Funk offered the following amendment and moved its adoption:

I move to amend line twelve, subdivision 5 of section 10 by striking out the word "and" before the word "shall" and inserting in lieu thereof the words "the board."

Adopted.

Senator Mullan moved to transpose the words "kept" and "made" in the second line of subdivision 5 of section 10, so as to read "made and kept."

Senator Trewin offered the following amendment and moved its adoption:

I move to amend subdivision 5, line — by striking out the words "establish a proper dietary" and inserting the words "determine the kinds and quality of provisions and supplies."

Adopted.

Senator Trewin offered the following amendment and moved its adoption:

Strike out the period at the end of subdivision 7, insert a comma and the following:

“And furnish such committees such information in regard to its doings and the conduct of such institutions as may be demanded.”

Adopted.

Senator Trewin offered the following amendment and moved its adoption:

I move to amend subdivision 8, of section 10, line 17, by inserting after the word “eight” the words “one hundred and eighty-two.”

Adopted.

Senator Mullan offered the following amendment and moved its adoption:

Strike out the words “by imprisonment” in the twenty-third line of subdivision 8, of section 10, and insert “imprisoned in lieu thereof.

Adopted.

Senator Mullan offered the following amendment and moved its adoption:

Strike out the words “the specified statutes” in lines 20 and 21, subdivision 8, section 10, and insert in lieu thereof the words “either of the sections of the code above named.”

Adopted.

Senator Funk offered the following amendment and moved its adoption:

I move to amend line 15, of subdivision 8, of section 10, by striking out the semicolon after the word “statute” and inserting in lieu thereof a comma (,).

Adopted.

Senator Funk offered the following amendment and moved its adoption:

I move to amend line 23, of subdivision 8, of section 10, by striking out the semi colon after the word “court” and inserting in lieu thereof a comma (,).

Adopted.

Senator Carroll moved to amend subdivision 8 of section 10 by inserting the words "one thousand dollars" after the word "than" in the second line thereof and the figures put in parenthesis, (1000).

Adopted.

Senator Trewin offered the following amendment and moved its adoption:

Amend subdivision 8, line 3, by inserting after the word "made" the following: "there shall be," and striking out the words "shall be had;" also, by striking out the word "prepared" in line four and inserting the word "secured;" also, by inserting after the word "specifications" the word "prepared," and by inserting "and" after the word "architect" in line 4 of printed bill.

Adopted.

Senator Trewin moved to amend subdivision 8 of section 10 by striking out the word "its" before the word "completion" in the tenth line thereof.

Adopted.

Senator Mullan offered the following amendment and moved its adoption:

Strike out the word "their" in line three of subdivision 9 of section 10 and insert "its" in lieu thereof.

Adopted.

Senator Titus moved to amend section 10 by striking out all of subdivision 9.

On this amendment the yeas and nays were demanded.

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

Senators Bell, Palmer, Titus—3.

The nays were:

Senators Berry, Blanchard, Bolter, Byers, Carney, Carroll, Craig, Druet, Ellison, Emmert, Everall, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Malloy, McArthur, Mullan, Penrose, Perrin, Pusey, Ranck, Trewin, Wallace, Wilson, Young of Lee—36.

Absent or not voting:

Senators Alexander, Allyn, Cheshire, Eaton, Ericson, Finch, Harriman, Lewis, McIntire, Mitchell, Young of Delaware—11.

So the amendment was lost.

Senator Mullan offered the following amendment and moved its adoption:

Strike out the words "and submit the result of their findings to the proper officers to," in lines two and three of subdivision nine of section 10, and insert in lieu thereof the words "who shall," and insert after the word "institutions," in line two, the words "herein referred to."

Lost.

Senator Blanchard moved to strike out all after "institutions," in second line of subdivision nine of section 10, and insert in lieu thereof "referred to in this act."

Adopted.

Senator Carroll offered the following amendment and moved its adoption.

Strike out of subdivision ten of section 10 all down to and including the word "inspection," in line three, and insert the following: "The board, or any member thereof, in visiting any of the state institutions under its control shall make an inspection."

Senator Carroll asked leave to withdraw his amendment and that this part of the subdivision be passed till a proper amendment could be prepared, which was granted.

Senator Funk moved to amend subdivision 10, of section 10, by changing the semicolon after "dietary" in sixth line thereof to a comma (,).

Adopted.

Senator Funk moved to amend subdivision 11, of section 10, by changing the semicolon after "institutions" in the sixth line thereof to a comma (,).

Adopted.

By unanimous consent, the secretary was instructed to add the letter "s" to the word "institution" in the eighth line of subdivision 11, of section 10.

Senator Trewin moved to amend subdivision 11 of section 10 by inserting the word "such" between the words "officers" and "recommendations" in seventh line thereof.

Adopted.

Senator Blanchard offered the following amendment and moved its adoption:

Add at end of subdivision 11:

"The board shall, so far as practicable, use the manufactured products of any of any of the institutions under its control for the use and support of any other institution."

Withdrawn by unanimous consent.

Senator Carroll offered the following amendment to subdivision 10 of section 10, in lieu of the one withdrawn by him:

Strike out of subdivision 10 of section 10 all of lines one, two and three down to and including the words "inspection of" and insert the following in lieu thereof:

"The board or any member thereof at the stated visits to any of the institutions under its control shall inspect."

Adopted.

Senator Carroll offered the following amendment and moved its adoption:

Strike out of line 2, subdivision 12, of section 10, the words "of the several institutions shall be sent" and insert between the words "the" and "patients" in line 1 the words "several institutions may receive."

Adopted.

Senator Cheshire moved that time of adjournment be extended to 4:05.

Carried.

The question recurring on the amendment of Senator Carroll, same was adopted.

Senator Funk moved to amend by striking out the word "first" in fourth line of subdivision 13, of section 10.

Adopted.

#### REPORT OF STANDING COMMITTEE.

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

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 194, a bill for an act to amend section fourteen hundred and thirty-six (1436) of the code, relating to redemption of land from tax sale, beg leave to report 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 referred to the Committee on Ways and Means.

THOS. A. CHESHIRE,  
*Chairman.*

On motion of Senator Cheshire, report of committee was adopted.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 255, a bill for an act to legalize the acts of the board of directors of the independent school district of Lincoln, Marion county, Iowa, and of the board of directors of the independent school district of Tracy, Marion county, Iowa, in relation to the transfer of territory from one district to the other for school purposes, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 308, a bill for an act to legalize the ordinances passed by the incorporated town of Danbury, Woodbury 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.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 249, a bill for an act to legalize the incorporation of the town of Grafton, Worth county, Iowa, the election of its officers and all 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 same do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House file No. 145, a bill for an act to legalize a resolution of the city

council of the city of Des Moines, Iowa, passed August A. D. 1897, approving a contract with the McCaskey & Holcomb company for the construction, operation and maintenance of an electric lighting plant for said city, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Senator Carroll offered the following amendment and moved its adoption:

Senate resumed consideration of Senate file No. 201.

Strike out all of lines nine and ten of subdivision 12 of section 10 after the word "officers" and insert the following in lieu thereof: "of such establishment or change."

Adopted.

Senator Byers filed the following amendment:

Amend section 8 by inserting after the word "act" and before the word "the" in line three (line two of printed bill) the following: "The state university, the state agricultural college, the state normal school."

On request laid over till to-morrow.

The hour of adjournment having arrived the Senate adjourned until 9 o'clock A. M. to-morrow.



SENATE CHAMBER,  
DES MOINES, Iowa, Tuesday, March 15, 1898. }

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

Prayer was offered by Rev. J. C. Hall of Prairie City, Iowa.

BILLS ON THIRD READING.

Senator Harriman moved that 200 copies of Senate file No. 202 be printed with amendments.

Carried.

The Senate resumed consideration of special order No. 1, Senate file No. 201.

Senator Funk offered the following amendment and moved its adoption.

Amend line six of subdivision 13 of section 10 by changing the period after "board" to a comma, and changing the letter "T" from a capital in the word "the" before the word "date."

Adopted.

Senator Funk moved to amend subdivision 13, of section 10, by striking out the semicolon after "board" in the twenty-second line and substituting a comma therefor.

Adopted.

Senator Funk moved to amend subdivision 13, of section 10, in line 19, by striking out the word "and" and beginning the word "when" with a capital.

Adopted.

Senator Trewin offered the following amendment and moved its adoption:

I move to amend subdivision 14, of section 10, by striking out the period at the end thereof, inserting a comma, and add-

ing the following: "but the expense thereof shall not exceed fifteen hundred dollars in any one year."

Adopted.

Senator McArthur moved to amend subdivision 14, of section 10, by striking out of the twelfth line thereof the words "if deemed proper" and the commas preceding and following

Adopted.

Senator Hayward offered the following amendment and moved its adoption:

I move to amend line 5, of subdivision 14, of section 10, by striking out the words "it is" and inserting in lieu thereof the words "shall be."

Senator Mullan moved to amend subdivision 14, of section 10, by striking out the word "such" before the word "plans" in sixth line thereof.

Adopted.

Senator Funk moved to amend subdivision 15, of section 10, by striking out the word "and" before "other" in second line and substituting "or" therefor; also by striking out "and" before "other" in fifth line thereof and substituting "or" therefor.

Adopted.

Senator Funk moved to amend subdivision 15, of section 10, by striking out the word "their" before "office" in seventh line thereof and substituting "his" therefor.

Adopted.

Senator Trewin offered the following amendment and moved its adoption:

Amend subdivision 15 of section 10, by striking out all after the word "appointment" in line 4 and down to and including the word "act" in line 8, and by inserting in lieu thereof the words "the wardens and wardens-elect of the penitentiaries shall hold office for the terms for which they have been elected;" also, by inserting a period after the word "appointment" in line 4.

Senator Ranck moved that further consideration of subdivision 15 of section 10 be deferred until to-morrow, but withheld the motion to allow Senator Titus to file an 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 passed the following bill, in which the concurrence of the Senate is asked:

House file No. 298, a bill for an act to amend sections 952, 953, 958, 979 and 1020 of the code, in relation to cities under special charters.

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 Senate is asked:

House file No. 319, a bill for an act to amend section 5663 of the code, relating to the duties of guards at the penitentiaries.

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 Senate is asked:

House file No. 224, a bill for an act to amend section 227 of the code, and to provide an additional judge for the twelfth judicial district.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

The Senate resumed consideration of

## BILLS ON THIRD READING.

The following amendments were filed to subdivision 15 of section 10:

By Senator Pusey:

Amend section 10, subdivision 15, as follows:

After "years" in line 7, (line 5 in printed bill), insert "from the date of their appointment except that such officers as are now holding under a contract or election for a definite term shall continue in office until the expiration of such contract or

term," and strike out "after the word passage of this act" in lines 7 and 8 (lines 5 and 6 in printed bill).

By Senator McArthur:

Insert in line 9 (line 7 of the printed bill) subdivision 15 of section 10, preceding the name "Hunter" the initials "W. A."

By Senator McIntire:

Strike out the word "six" before the word "years" in lines 4, 7 and 9, (lines 3, 5 and 7, in printed bill), and insert the word "four in each instance in lieu thereof.

By Senator Bell:

Amend section 10, subdivision 15, by striking out the word "six" where it appears and insert the word "two" in lieu thereof.

By Senator Titus:

Amend subdivision 15, of section 10, by striking out all after the word "office," in line 13, (line 10 in printed bill), all of lines 14 and 15, (lines 11 and 12 in printed bill), and change comma after the word "office," in line 13, (line 10 in printed bill), to period.

The question recurring on Senator Ranck's motion to postpone consideration of subdivision 15, of section 10, the motion prevailed.

Senator Funk moved to amend subdivision 16, of section 10, by striking out the period after the word "patient," in sixth line, and substituting therefor a comma, and by changing the letter "B," in the word "But" following, to a small letter.

Adopted.

Senator Penrose offered the following amendment and moved its adoption.

Amend subdivision 16 of section 10 in line 7 by striking out the word "advice" and insert in lieu thereof the word recommendation."

Adopted.

Senator McArthur offered the following amendment and moved its adoption:

Strike from subdivision 16, section 10, lines 1 and 2, the comma after the word "investigate," the words "if necessary," and the comma following the word "necessary."

Adopted.

By unanimous consent the Secretary was instructed to strike out the word "and" before the word "regarding" in third line of subdivision 18 of section 10.

Senator Healy moved to amend subdivision 19 of section 10 by inserting the words "or country" after the word "state" in sixth line.

Adopted.

Senate Pusey offered the following amendment and moved its adoption:

I move to strike out all of subdivision 19, of section 10.

Senator Hoppers moved the previous question on the amendment of Senator Pusey.

On this motion a roll call was demanded.

On the question, "Shall the previous question be now put?" the yeas were:

Senators Berry, Bolter, Carney, Craig, Emmert, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lyons, McIntire, Penrose, Wallace, Wilson—23.

The nays were:

Senators Bell, Blanchard, Byers, Carroll, Druet, Eaton, Ellison, Harriman, Hayward, Lewis, Lothrop, Malloy, McArthur, Mitchell, Mullan, Palmer, Pusey, Ranck, Titus, Trewin, Young of Lee—21.

Absent or not voting:

Senators Alexander, Allyn, Cheshire, Ericson, Perrin, Young of Delaware—6.

So the motion prevailed.

On the adoption of the amendment a roll call was demanded.

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

Senators Carroll, Eaton, Everall, Hayward, Lewis, Lothrop, Malloy, Palmer, Pusey, Trewin, Young of Lee—11.

The nays were:

Senators Bell, Berry, Blanchard, Bolter, Carney, Craig, Druet, Ellison, Emmert, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lyons, McArthur, McIntire, Mitchell, Mullan, Penrose, Perrin, Titus, Wallace—32.

Absent or not voting:

Senators Alexander, Allyn, Byers, Cheshire, Ranck, Wilson, Young of Delaware—7.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House file No. 285, a bill for an act to increase the number of district judges in the eighteenth judicial district.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

The Senate resumed consideration of

BILLS ON THIRD READING.

Senator Ranck moved to amend line 1, of subdivision 20, of section 10, by striking the word "insane," before "hospitals," and inserting after "hospitals" the words "for the insane."

Adopted.

Senator Mullan moved to amend subdivision 20, of section 10, by striking from line 6 the words "by them."

Adopted.

Senator Mullan offered the following amendment and moved its adoption:

Strike out the words "so the occasion for," in line 6, of subdivision 21, of section 10, and insert in lieu thereof the words "by which the danger of."

Adopted.

Senator Ranck moved to amend subdivision 21, of section 10, by inserting after the word "attendants," in fifth line, the words "where the same are not already constructed."

Adopted.

Senator Mullan moved to amend subdivision 21, of section 10, by striking out the word "to" before "prevent," in seventh line.

Adopted.

Senator Lothrop offered the following amendment, with the request that it be laid over until to-morrow:

I move to amend subdivision 19, of section 10, by striking out the word "Before," in first line, and inserting in lieu thereof the word "when;" also, by striking out the comma after the word "person" and all thereafter to and including the word "hospital," in fifth line; also, by striking out all of said section after the word "residence," in seventh line, and place a period after the said word "residence."

Senator Hayward moved to amend subdivision 22 of section 10, by striking out the word "is" in the first line and substituting "shall be" therefor.

Adopted.

Senator Harriman moved to amend subdivision 22 of section 10, by striking out of the seventh line thereof the words "when signed."

Adopted.

Senator Mullan moved to amend subdivision 22 of section 10, by striking out of line 7 the word "may" before "be" and inserting in lieu thereof the word "shall."

Section 11 of the bill was read for information.

Senator Wallace moved to amend section 11, by striking from the second line the word "its" before the word "charge" and substituting therefor the word "his."

Lost.

Senator Funk moved to amend section 11 as follows:

Strike out the semicolons after the words "department" in line eight, "department" in lines eight and nine, "department" in lines nine and ten, "clothing" in line ten, and "goods" in

line ten, and substitute for each semicolon so stricken out a comma.

Adopted.

Senator Mullan moved to amend section 11 by striking out of the first line the word "that," and by striking out the words "shall cause to be made," in third line, and inserting in lieu thereof the words "to make."

Adopted.

Senator Trewin moved to amend section 11 by inserting after the word "fixtures," in seventh line, the words "real estate."

Adopted.

Senator Penrose moved to amend section 11 by striking out of the sixth line the words "on the farm."

Adopted.

Section 12 was read for information.

Senator Trewin moved to amend section 12 by inserting after the word "shall," in eleventh line, the word "also."

Adopted.

Senator McArthur moved to amend section 12 by inserting after the word "indirectly," in fifth line, the words "for themselves."

Adopted.

Senator Trewin moved to amend subdivision 20, of section 10, by inserting in line 4 after the word "commitment" the words "or detention."

Adopted.

Section 13 was read for information.

Senator Penrose moved to amend section 13 by striking from third line the words "as well as."

Adopted.

Senator Mullan moved to amend section 13 by striking from second line the words "each and."

Adopted.



Senator Ellison moved to amend section 13 by striking from the sixth line the word "and record."

Adopted.

Senator Mullan moved to amend section 13 by striking from tenth line thereof the words "or persons at."

Lost.

Senator Mullan moved to amend section 13 by striking from twelfth line the word "resident" and substituting therefor the word "residing."

Adopted.

Senator Hayward moved that when the Senate adjourn it be to meet at 2 o'clock this afternoon.

Carried.

Unanimous consent was given to the consideration of

#### HOUSE MESSAGES.

House file No. 224, a bill for an act to amend section 227 of the code and to provide an additional judge for the twelfth judicial district, was read first and second time, and on motion of Senator Craig was placed on the Calendar.

House file No. 319, a bill for an act to amend section 5663 of the code relating to the duties of guards at the penitentiaries, was read first and second time and referred to Committee on Penitentiaries and Pardons.

House file No. 298, a bill for an act to amend sections 952, 953, 958, 979 and 1020 of the code in relation to cities under special charters, was read first and second time and referred to Committee on Cities and Towns.

House file No. 285, a bill for an act to increase the number of district judges in the eighteenth judicial district, was read first and second time and referred to the Committee on Congressional and Judicial Districts.

#### 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. 277, a bill for an act providing for the appointment of public examiners, defining duties and compensation thereof, and providing for a uniform system of keeping of books of county treasurers.

JAS. D. ROWEN,  
*Chief Clerk.*

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

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 House file No. 269, a bill for an act to amend section 4142 of the code, relative to costs of translating shorthand notes in appeal to supreme court.

JAS. D. ROWEN,  
*Chief Clerk.*

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

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

The hour of adjournment having arrived, the President declared the Senate adjourned until 2 o'clock this afternoon.

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### AFTERNOON SESSION.

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

Unanimous consent was granted to the submission of the following:

#### REPORT OF STANDING COMMITTEE.

Senator Carroll, from the Committee on Mines and Mining, submitted the following report:

MR. PRESIDENT—Your Committee on Mines and Mining, to whom was referred House file No. 16, a bill for an act to amend section 2488 of the code, relating to the ventilation of mines, beg leave to report 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:

Insert at the end of section 1 the words: "When the air current is carried to the working face of the rooms, in double room mining, such air current shall be treated as that contemplated in this act," and when so amended the same do pass.

B. F. CARROLL,  
*Chairman.*

Ordered passed on file.

Unanimous consent was granted to the

#### INTRODUCTION OF BILLS.

By Senator Palmer, Senate file No. 267, a bill for an act to prevent fraud in the sale of nursery stock and provide penalty for violation of same.

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

#### BILLS ON THIRD READING.

The Senate resumed consideration of special order No. 1, Senate file No. 201.

Section 14 was read for information.

Senator Ranck offered the following amendment and moved its adoption:

Add after the word "office," in the sixth line of section 14 of the printed bill, the following: "or who shall in any manner contribute money or other thing of value to any person for election purposes."

Adopted.

Senator McArthur offered the following amendment and moved its adoption:

Amend section 14, line five, by striking therefrom the word "measure," the comma following and the word "or."

Adopted.

Senator Mullan moved to amend section 14 by striking out the word "compel," in fourth line, and substituting therefor the word "induce."

Adopted.

Senator Healy moved to amend section 14 by striking out all after the word "authorities" in the seventh line.

Adopted.

Section 15 was read for information.

Senator McArthur offered the following amendment and moved its adoption.

Amend section 15 by striking out all after the word "shall" in line 10 and substituting therefor the words "upon demand furnish the board and the discharged employe with a written statement of the grounds for such dismissal."

Lost.

Senator Lothrop moved to amend section 15 by striking out the words "for discharge" from last line and substitute therefor the word "therefor."

Adopted.

Senator Mullan moved to amend section 15 by striking out the words "at his pleasure" and the commas following the word "employed" and preceding the word "but" in ninth line, and by inserting the words "at his pleasure" between the words "may" and "discharge" in eighth line.

Adopted.

Senator Trewin offered the following amendment and moved its adoption:

Amend section 15, line 4, by striking out the word "which" and inserting the word "whom."

Adopted.

Senator McArthur offered the following amendment and moved its adoption:

Strike from the sixth line of section 15, the words "exert any," and substitute therefor the words "attempt to," and strike out "on" from the seventh line of said section.

Lost.

Section 16 was read for information.

Senator Carroll moved to amend section 16 by striking out the word "and" after "warden," in fourth line, and insert "or" in lieu thereof.

Adopted.

Senator Titus moved to amend section 16, by inserting before the word "fix," in line 1, "and annually thereafter,."

Adopted.

Senator Lothrop offered the following amendment and moved its adoption:

I move to amend section 16 by adding a comma after the word "wife" in line 14, and by striking out the word "and" in line 14, and adding after the word "children" in line 15, the words "and domestic servants."

Lost.

Senator Kilburn offered the following amendment to section 16 and moved its adoption:

Strike out all after the word "except" in line 4, to and including the word "institution" in line 5, and insert in lieu thereof "such as are fixed by the general assembly."

Adopted.

Senator Cheshire offered the following amendment and moved its adoption:

I move to amend section 16 by striking out the word "determine" in the sixth line and the word "which" in the seventh line.

Adopted.

Section 17 was read for information.

Senator Funk moved to amend section 17 by striking out the word "is" after "it" in sixth line and substitute therefor "shall be."

Adopted.

Senator Mullan moved to amend section 17 by striking out the words "or other choses inaction" from the seventh line and substituting therefor "and evidences of indebtedness."

Adopted.

Section 18 was read for information.

Senator Funk moved to amend section 18 by striking out the word "state" at the end of line three.

Adopted.

Senator Hayward moved to amend section 18 by striking out the word "and" before "derived" in the first line.

Adopted.

Section 19 was read for information.

Senator Carroll moved to amend section 19 by inserting "so" before and "as" after the word "purchased" in line 22 hereof.

Adopted.

Senator Trewin offered the following amendment and moved its adoption:

Amend section 19, line 36, by inserting the word "neither" before the words "the same" and strike out "or" and inserting "nor," and strike out the word "not" in same line.

Adopted.

Senator Trewin offered the following amendment and moved its adoption:

Amend section 19, line 40, by striking out the words "vendor or authorized agent" and inserting the words "the persons having personal knowledge of the facts therein set forth."

Adopted.

Senator Harriman filed the following amendment requesting that it lie over:

I move to amend section 17 by striking out all of lines 1, 2 and 3 (lines 1 and 2 in printed bill), and insert the following in lieu thereof:

"The offices of the treasurers of institutions placed under the management of the board of control shall be abolished on the first day of July, 1898.

Laid over under the rule.

Section 20 was read for information.

Senator Carroll moved to amend section 20, line 12, by striking out the word "and" before "received" and substituting therefor the word "or," and by striking out "no" after "received" and substituting "any" therefor.

Adopted.

Senator Carroll moved to amend section 20 by striking from line 15 the words "were received at the institution, and."

Adopted.

Section 21 was read for information.

Senator Funk offered the following amendment and moved its adoption:

Amend line 24 of section 21, by striking out the words "procure drafts and remit" and inserting in lieu thereof the words "send checks of the treasurer of state."

Adopted.

Senator Funk offered the following amendment and moved its adoption:

Amend line 27 of section 21 by striking out the word "draft" and inserting in lieu thereof "check and remittance."

Adopted.

Senator Funk offered the following amendment and moved its adoption:

I move to amend line twenty-seven of section 21 by striking out the words "its procurement" and inserting in lieu thereof the words "the issuance of each check."

Adopted.

Senator Funk moved to amend section 21 by striking out the word "draft" in line thirty and substituting in lieu thereof the word "check."

Adopted.

Senator Funk moved to amend section 21 by inserting the word "for" after "persons" in line twenty-four.

Adopted.

Section 22 was read for information.

Senator Carroll moved to amend section 22 by inserting before the figures "\$250" in line two the words "two hundred and fifty dollars" and enclose the figures in parentheses.

Adopted.

Senator Mullan moved to amend section 22 by striking out "and which could not be deferred without incurring" in line five and inserting in lieu thereof "to prevent."

Adopted.

Senator Mullan moved to amend section 22 by striking out the letter "s" from the word "officers" in line three.

Adopted.

Section 23 was read for information.

Section 24 was read for information.

Senator Young of Lee moved to amend section 24 by striking from the first line the words "insane hospitals" and substituting therefor the words "hospitals for the insane."

Adopted.

Senator Funk moved to amend section 24 by inserting the word "of" after the word "charge" in the third line.

Adopted.

Senator Funk moved to amend section 24 by striking out the semicolon after the word "value," in fifth line, and substituting therefor a comma.

Adopted.

Senator Ranck moved to amend section 23 by striking out all after the word "institution," in fourth line, and changing the comma to a period.

Adopted.

Senator McArthur moved to amend section 24 by striking out of lines twenty-one and twenty-two the comma after the word "number" and the words "who shall," and inserting in lieu thereof the word "to."

Adopted.

Senator Mullan moved to amend section 24 by striking out the word "to" before "be," in line three, and inserting in lieu thereof "who shall."

Adopted.

Senator Funk filed the following substitute for section 1, and requested that the same lie over and be printed in the Journal.

Section 1. The governor shall, prior to the adjournment of the Twenty-seventh General Assembly, nominate, and with the consent of two-thirds of the members of the Senate in executive session, appoint three electors of the state, not more than two of whom shall belong to the same political party, and no two of whom shall reside in the same congressional district, as



members of a board to be known as a "board of control of state institutions." Said members shall hold their office, as designated by the governor, for two, four and six years respectively. Subsequent appointments shall be made as above provided and, except to fill vacancies, shall be for a period for six years. The board shall, at all times, be subject to the above limitations and restrictions. No nomination shall be considered by the Senate until the same shall have been referred to a committee of five, not more than three of whom shall belong to the same political party, to be appointed by the president of the Senate without the formality of a motion, which committee shall report to the Senate in executive session.

The consideration of nominations, by the Senate, shall not be had on the same legislative day the nominations are referred.

The chairman of the board for each biennial period shall be designated by the governor, and each member thereof shall receive a salary of three thousand dollars (\$3,000) per annum. The governor may, by and with the consent of the Senate, during a session of the general assembly, remove any member of the board for malfeasance or nonfeasance in office, or for any cause that renders him ineligible to appointment, or incapable or unfit to discharge the duties of his office, and his removal when so made shall be final. When the general assembly is not in session the governor may suspend any member so disqualified and shall appoint another to fill the vacancy thus created, subject, however, to the action of the Senate when next in session. All vacancies on said board that may occur while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the the end of thirty days from the time the general assembly next convenes, and vacancies occurring during a session of the general assembly shall be filled as regular appointments are made and before the end of said session.

Laid over.

Senator Trewin was granted permission to introduce the following

#### CONCURRENT RESOLUTION.

*Be it resolved by the Senate, the House concurring, That the superintendent of public instruction is hereby directed to investigate the question as to the practicability and desirability of establishing free school libraries in*

the various school districts of Iowa; to incorporate in his next report the result of such investigation, and to recommend to the Twenty-eighth General Assembly the best methods of establishing and maintaining such libraries, or of placing the best literature in the hands of school children and others.

Laid over.

Consent being granted, Senator Mullan offered the following substitute for section 12 of Senate file No. 201:

“Sec. 12. No member of the board of control, or officer, agent or employe thereof, and no superintendent, officer, manager or employe of any of the institutions under the charge and control of said board, shall directly or indirectly, for himself or any other person, or for any institution under the charge of said board, receive or accept any gift or gratuity from any person or persons, firm or corporation who are dealers in goods, merchandise or supplies which may be used in any of said institutions, or from any employe, servant or agent of such person or persons, firm or corporation. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction be punished as provided in section four thousand nine hundred and four of the code, and such violation shall be cause for his removal from office.”

Laid over.

Senator Garst moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER.  
DES MOINES, IOWA, Wednesday, March 16 1898. }

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

Prayer was offered by Rev. I. V. S. Ford, of Des Moines, Iowa.

#### PETITIONS AND MEMORIALS.

Senator McIntire presented a remonstrance of J. B. Mowrey and other citizens of Ottumwa against an appropriation for the Omaha exposition.

Referred to Committee on Appropriations.

Senator Carney presented a memorial of officers of Iowa soldiers' home in favor of board of control bill.

Referred to Committee on Ways and Means.

Senator McArthur presented a memorial of Matthias post No. 5, of Burlington, in favor of an old people's building in connection with soldiers' home and in favor of board of managers for control of soldiers' home.

Referred to Committee on Appropriations.

Senator Ericson presented a memorial of Shellahl Post No. 439, of Story City, in favor of "old people's building" at Marshalltown soldiers' home.

Referred to Committee on Appropriations.

#### REPORT OF STANDING COMMITTEES.

Senator McArthur, from the Committee on Fish and Game, submitted the following report:

MR. PRESIDENT—Your Committee on Fish and Game, to whom was referred House file No. 164, a bill for an act to better protect deer, elk and

goats and prevent injury thereto and provide a penalty for such injury, beg leave to report 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 with the following amendments:

Strike out the title of the bill and insert in lieu thereof the following: "A bill for an act for the protection of deer, elk and goats and to provide punishment for the violation thereof."

Also, strike out in section one (1) all after the word "goat" in the fifth (5) line thereof and add the words "except when distrained as provided by law."

Substitute for section two (2) the following: "Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and be punished by imprisonment in the county jail for a period not exceeding thirty (30) days or by a fine not exceeding one hundred (100) dollars, or by both such fine and imprisonment."

W. C. McARTHUR,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT--Your Committee on Fish and Game, to whom was referred Senate file No. 147, a bill for an act to authorize the executive council to purchase and abate the dam across the Des Moines river at Bonaparte, beg leave to report 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 referred to the Committee on Appropriations.

W. C. McARTHUR,  
*Chairman.*

Report of committee adopted and bill referred to Committee on Appropriations.

Senator Lothrop, 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. 203, a bill for an act to amend sections six hundred and ninety-six (696), seven hundred (700) and seven hundred and thirty-seven (737) of chapter 4, title 5 of the code, in relation to the general powers of 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 same do pass.

J. S. LOTHEBOP,  
*Chairman pro tem.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House file No. 178, a bill for an act to amend section 700 of the

code, relating to the power of cities to regulate, license and tax certain kinds of business, beg leave to report 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.

J. S. LOTHROP,  
*Chairman pro tem.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate file No. 210, a bill for an act to amend section eight hundred and fifty-three (853) of chapter nine (9), title five (5) of the code, and to grant additional powers to boards of park 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 same do pass.

J. S. LOTHROP,  
*Chairman pro tem.*

Ordered passed on file.

Senator Mullan, from the Committee on Manufactures, submitted the following report:

MR. PRESIDENT—Your Committee on Manufactures, to whom was referred Senate file No. 190, a bill for an act to permit the manufacture of wine from grapes and currants and cider from apples, and to transport and sell the same, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be referred to the Committee on Suppression of Intemperance.

C. W. MULLAN,  
*Chairman.*

Report of Committee adopted and bill, Senate file No. 190, was referred to Committee on Suppression of Intemperance.

Also:

MR. PRESIDENT—Your Committee on Manufactures, to whom was referred House file No. 92, a bill for an act to amend section one thousand six hundred and ten of the code, and to encourage the production of sugar from beets grown in the state, have instructed me to report the same back to the Senate with the recommendation that the same be amended as follows:

Amend the title by substituting the word "Section" for the abbreviation "Sec." in the first line, and writing out the words "one thousand six hundred and ten" and enclosing the figures "1610" in parentheses.

Substitute the word "section" for the abbreviation "Sec." in line one.

Substitute the word "insert" for the word "adding" in line two, of section one.

Strike out the words "and before the word 'shall' of said section," and place a colon after the word "following" in the third line of section one.

That when so amended the bill do pass.

C. W. MULLAN,  
*Chairman.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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, substitute for Senate file No. 32, a bill for an act to amend section one thousand five hundred and sixty-two (1562) of the code, relating to the destruction of thistles.

Also, Senate file No. 186 a bill for an act to empower boards of school corporations to change boundary lines between such corporations in certain cases.

Also, Senate file No. 219, a bill for an act appropriating money to defray the expenses of the inauguration ceremonies.

Also, Senate file No. 60, a bill for an act to amend section two thousand nine hundred and seventy-nine (2979), chapter eight (8), title fourteen (14), of the code, relating to homesteads.

Also, Senate file No. 49, a bill for an act to authorize the levy of taxes for fire purposes in cities of the second class.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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, substitute for Senate file No. 32, a bill for an act to amend section one thousand five hundred and sixty-two (1562) of the code, relating to the destruction of thistles.

Also, Senate file No. 186, a bill for an act to empower boards of directors of school corporations to change boundary lines between such corporations in certain cases.

Also, Senate file No. 219, a bill for an act appropriating money to defray the expenses of the inauguration ceremonies.

Also, Senate file No. 60, a bill for an act to amend section two thousand nine hundred and seventy-nine (2979), chapter eight (8), title fourteen (14) of the code, relating to homesteads.

Also Senate file No. 49, a bill for an act to authorize the levy of taxes for fire purposes in cities of the second class.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*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. 66, a bill for an act to legalize the incorporation of the town of Have-lock, Pocahontas county, Iowa, the election of its officers and all acts done and ordinances passed by the council of said town.

Also, House file No. 227, an act to legalize the incorporation of the town of Dumont, Butler county, Iowa, the election of its officers and all acts done and ordinances passed by the council of said town from March 27, 1896, to January 1, 1898.

Also, House file No. 219, an act to amend section thirty-nine hundred and forty-seven (3947) of the code, relating to notice to defendant in case of garnishment.

Also substitute for House file No. 126, an act to legalize and make valid ordinances and resolutions passed and adopted by the city council of Cedar Rapids, Iowa, and which have not been signed by the mayor or clerk of said city as by law required, and to make valid all proceedings had and rights accrued thereunder.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day sent to the governor for his approval substitute for Senate file No. 32, a bill for an act to amend section one thousand five hundred sixty-two (1562) of the code, relating to the destruction of thistles.

Also, Senate file No. 186, a bill for an act to empower boards of directors of school corporations to change boundary lines between such corporations in certain cases.

Also, Senate file No. 219, a bill for an act appropriating money to defray the expenses of the inauguration ceremonies.

Also, Senate file No. 60, a bill for an act to amend section two thousand nine hundred seventy-nine (2979), chapter eight (8), title fourteen (14) of the code, relating to homesteads.

Also, Senate file No. 49, a bill for an act to authorize the levy of taxes for fire purposes in cities of the second class.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

On request of Senator Hurst, leave of absence was granted Senator Malloy.

On request of Senator Funk, leave of absence was granted Senator Lewis.

President Milliman announced that he had signed the following bills in the presence of the Senate: Substitute for Senate file No. 32, Senate files Nos. 49, 60, 186 and 219.

#### BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Cheshire, House file No. 145, a bill for an act to legalize a resolution of the city council of the city of Des Moines, Iowa, passed in August, 1897, approving a contract with the McCaskey-Holcomb Co. for the construction, operation and maintenance of an electric light plant for said city, with report of committee recommending it do pass, was taken up, and the report of the committee 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 Allyn, Bell, Berry, Bolter, Byers, Carney, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, McArthur, McIntire, Mullan, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—38.

Senator Carroll voted in the negative.

Absent or not voting:

Senators Alexander, Blanchard, Eaton, Harriman, Lewis, Lyons, Malloy, Mitchell, Palmer, Pusey, Wilson—11.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

#### SPECIAL ORDER.

Senate file No. 201, a bill for an act to establish a board of control, was taken up for further consideration.

Senator Carney moved to amend section 25 as follows:

Strike out of first line the word "directed" and insert in lieu thereof the word "authorized."

Adopted.



Section 28 was read for information.

Senator Funk moved to amend section 28 of the bill by striking out the word "supervising" from the sixteenth line.

Adopted.

Senator Funk moved to amend section 28 of the bill by striking out the semicolon after the word "parties," in line seventeen, and inserting a comma in lieu thereof.

Adopted.

Senator Bell moved to amend section 28 of the bill by inserting in ninth line the words "three hundred dollars" before the figures "\$300."

Adopted.

Senator Carney moved to amend section 28 of the bill by inserting in twenty-second line the words "of money" after the word "deposit."

Adopted.

Senator Carney moved to further amend section 28 by inserting in twenty-fourth line the words "or certified check" after the word "deposit."

Adopted.

Senator McArthur moved to amend section 28 by inserting between the words "bank" and "shall" in twenty-second line thereof, the words "in such amount as the board may prescribe."

Adopted.

Section 29 was read for information.

Senator Healy moved to amend section 29 by striking out of lines three and four the words "at the expiration of thirty days after the passage of this act" and inserting in lieu thereof the words "on July the first, 1898," and further amend section 29 by striking from lines four and five the words "within such time" and inserting in lieu thereof the words "before said last named day the."

Adopted.

Senator Healy moved to amend section 29 by striking from lines 12 and 13 the words "if it deem proper," and by striking from line 13 the word "insane" before the word "hospitals"

and inserting after the word "hospitals" the words "for the insane."

Adopted.

Senator Carney moved to amend section 29 by striking out of the third line the words "will be" before the word "abolished."

Adopted.

Senator Mullan moved to amend section 29 by striking out of line 2 the word "will" after the word "Cherokee" and inserting the word "shall."

Adopted.

Section 30 was read for information.

Senator Trewin moved to amend section 30 by striking out of lines 3 and 4 the words "until the same are amended or repealed by the legislature."

Adopted.

Senator Carney moved to amend section 30 by striking the word "but" from the fourth line and substituting the word "and."

Adopted.

Senator Mullan moved to amend section 30 by striking out of line 2 the word "in so far as such laws are" and inserting in lieu thereof the words "which are."

Adopted.

Section 31 was read for information.

Senator Funk moved to return to section 1 of the bill and consider the amendments offered or may be offered.

Carried.

Substitute for section 1 of the bill, as offered by Senator Funk, was taken up for consideration.

Senator Cheshire offered the following amendment to the substitute to section 1 by striking out the words "designated by the governor" in the nineteenth line of the substitute and insert the words "the member whose term first expires."

Senator Harriman offered the following amendment to the amendment to the substitute by striking out the words "the

chairman of the board for each biennial period shall be designated by the governor" and inserting in lieu thereof the words "the member of the board whose time of office first expires shall be chairman for the biennial period, and so on in rotation."

Senator Cheshire raised the point of order that his amendment was an amendment to an amendment and that Senator Harriman's amendment was not in order.

Overruled.

On the the question, "Shall the amendment offered by Senator Harriman be adopted?" a division was called for and the amendment to the amendment was lost.

The question recurring on the original amendment by Senator Cheshire, the amendment was adopted.

Senator Harriman moved to amend the substitute by striking out the words and figures "three thousand dollars (\$3,000)" and inserting in lieu thereof the words and figures "twenty-five hundred dollars (\$2500) "

Senator Hurst moved the previous question.

On the question, "Shall the main question be now put?" the motion prevailed.

On the amendment offered by Senator Harriman a roll call was demanded.

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

Senators Bell, Blanchard, Byers, Eaton, Ellison, Harriman, Hayward, Hurst, Kilburn, Mullan, Penrose, Ranck, Titus, Trewin, Wallace, Young of Delaware—16.

The nays were:

Senators Allyn, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hobart, Hospers, Hotchkiss, Junkin, Lothrop, Lyons, McArthur, McIntire, Mitchell, Perrin, Wilson—28.

Absent or not voting:

Senators Alexander, Lewis, Malloy, Palmer, Pusey, Young of Lee—6.

The amendment was lost.

Senator Palmer announced that he was paired with Senator Pusey, but if he could vote would vote in favor of 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 passed the following bill in which the concurrence of the Senate is asked:

House file No. 165, a bill for an act appropriating additional money for an exhibit of the resources of the state of Iowa at the Trans-Mississippi and International exposition, to be held at Omaha in the year 1898.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

Senate resumed consideration of substitute to section 1 of Senate file No. 201.

Senator Kilburn offered the following amendment to the substitute offered by Senator Funk:

Insert after the word "reside" in fifth line the words "at the time of their appointment."

Adopted.

Senator Mullan moved to amend the substitute as follows:

Strike out the word "said" in line seven and insert "each" in lieu thereof. Strike out the letter "s" in the word "members and strike out the word "their" and insert the word "his" in lieu thereof.

Senator Mullan asked leave to withdraw amendment.

Consent granted.

Senator Garst moved that time of adjournment be extended for purpose of taking up House messages and correction of the Journal.

HOUSE MESSAGES.

House file No. 165, a bill for an act appropriating additional money for an exhibit of the resources of the state of Iowa at the Trans-Mississippi and International exposition to be held at Omaha in the year 1898, was read first and second time and referred to Committee on Appropriations.

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

The time of adjournment having arrived the President declared the Senate adjourned until 2 o'clock P. M. to day.

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### AFTERNOON SESSION.

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Senate met pursuant to adjournment at 2 o'clock P. M., President *pro tem* Funk presiding.

#### BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 201.

Senator Mullan offered the following amendment to substitute for section 1, offered by Senator Funk:

Strike out the word "their," in line eight as printed in the Journal.

Adopted.

Senator Kilburn offered the following amendment:

Strike out the word "two-thirds," in line three, and insert in lieu thereof the words "a majority of all the members elected."

Lost.

Senator Trewin offered the following amendment:

Amend the substitute by striking out the period at the end of the eighteenth line, as it appears in printed Journal, and inserting "which report shall be made at any time when called for by the Senate."

Adopted.

Senator Junkin moved that the amended substitute as offered by Senator Funk be adopted.

The substitute was adopted.

Senator Carroll called up his amendment to section 2 offered March 12.

Insert after the word "state" in line 9 (line 8 in the printed bill), of section 2, the following: "During his term of service or for one year thereafter," and moved its adoption.

Adopted.

Senator Carroll moved that the word "to" be inserted after the word "or" at the end of the first line of the printed bill in second paragraph of section 2.

Adopted.

Senator Healy moved that section 16 be amended by striking out the figures 1898 in ninth line and inserting in lieu thereof the words "of each year."

Adopted.

Senator Lewis called up his amendment to section 3 of the bill to substitute the words "fifteen hundred" for the words "two thousand" and the figures "\$1,500" for "\$2,000," and demanded a roll call on its adoption.

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

Senators Bell, Blanchard, Byers, Eaton, Ellison, Ericson, Kilburn, Lewis, McArthur, Titus, Wallace—11.

The nays were:

Senators Allyn, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Emmert, Everall, Finch, Funk, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Lyons, McIntire, Mitchell, Mullan, Penrose, Perrin, Ranck, Wilson, Young of Lee—31.

Absent or not voting:

Senators Alexander, Garst, Hobart, Malloy, Palmer, Pusey, Trewin, Young of Delaware—8.

So the amendment was lost.

The amendment offered by Senator Trewin to section 5, on the 11th, was withdrawn.

President Milliman presiding.

Senator Blanchard moved to amend section 6, by striking out all after the first "and" in line 10, of section 6, and all of

line 11, down to and including the word " employes," and insert in lieu thereof the words " expenses herein provided."

Lost.

Senator Perrin moved that section 8 be passed for the present and if it is not reached after going over the balance of the bill before adjournment it go over until to-morrow.

On this a roll call was demanded.

On the question, " Shall the motion prevail?" the yeas were:

Senators Bell, Blanchard, Byers, Eaton, Ellison, Hayward, Lewis, Lothrop, McArthur, Mullan, Penrose, Perrin, Titus, Trewin, Wallace, Young of Delaware—16.

The nays were:

Senators Allyn, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lyons, McIntire, Mitchell, Ranck, Wilson, Young of Lee—28.

Absent or not voting:

Senators Alexander, Harriman, Kilburn, Malloy, Palmer, Pusey—6.

The motion was lost.

The amendment offered by Senator Pusey to section 8 as follows: " Strike out all of lines 1, 2 and 3 (lines 1 and two in printed bill), down to and including the word ' act' and insert the following: ' The powers vested in the board of control by this act shall extend and apply to the management, control and government of,' " was taken up.

On the adoption of this amendment a roll call was demanded.

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

Senators Bell, Blanchard, Byers, Eaton, Ellison, Ericson, Kilburn, Lewis, McArthur, Titus, Wallace—11.

The nays were:

Senators Allyn, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Emmert, Everall, Finch, Funk, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hospers, Hotchkiss, Hurst,

Junkin, Lothrop, Lyons, McIntire, Mitchell, Mullan, Penrose, Perrin, Ranck, Wilson, Young of Lee—31.

Absent or not voting:

Senators Alexander, Garst, Hobart, Malloy, Palmer, Pusey, Trewin, Young of Delaware—8.

The amendment was lost.

The amendment to section 8 offered by Senator Bell, filed March 12, was called up, and on its adoption a roll call was demanded.

Senator Blanchard moved that as Senator Carney had spoken ten minutes already, the rule be suspended and the Senator be allowed to complete his speech.

On this motion, a division being called for, those voting in the affirmative were 20; in the negative, 16.

So the motion prevailed.

Senator Carroll raised the point of order that it required a two-thirds vote to suspend the rule.

The President ruled that, as the rule in question was not a standing, but a special rule, a two-thirds vote was not required to suspend same.

Senator Funk moved that time of adjournment be extended to 5 o'clock.

On this Senator Healy moved the previous question, and the yeas and nays were demanded.

Senator Blanchard demanded a verification of the roll call.

On the question, "Shall the main question be now put?" the yeas were:

Senators Allyn, Bell, Berry, Blanchard, Bolter, Carney, Carroll, Cheshire, Craig, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, McIntire, Mitchell, Ranck, Trewin, Wilson, Young of Lee—33.

The nays were:

Senators Byers, Eaton, Ellison, Hayward, Lewis, McArthur, Mullan, Penrose, Wallace, Young of Delaware—10.



Absent or not voting:

Senators Alexander, Druet, Malloy, Palmer, Perrin, Pusey, Titus—7.

The previous question carried.

The President stated to the Senate, that notwithstanding the fact the chair had announced that the motion of the Senator from Dickinson to extend the time of adjournment of this session to five o'clock had prevailed, the second assistant secretary, whose duty it is to record the proceedings of the Senate, refused to record same.

Senator Berry moved that the second assistant secretary of the Senate be ordered to make the entry in said record as directed by the chair, which motion prevailed.

And in accordance therewith the following entry was made.

The question being on the extension of time of adjournment the motion prevailed.

Senator Healy moved the previous question on section 8.

On this question the yeas and nays were demanded.

On the question, "Shall the main question be now put?" the yeas were:

Senators Allyn, Bell, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hobart, Hospers, Hotchkiss, Junkin, Lyons, McIntire, Mitchell, Ranck, Wilson, Young of Lee—28.

The nays were:

Senators Blanchard, Byers, Eaton, Ellison, Harriman, Hayward, Kilburn, Lewis, Lothrop, McArthur, Mullan, Penrose, Titus, Trewin, Wallace, Young of Delaware—16.

Absent or not voting:

Senators Alexander, Hurst, Malloy, Palmer, Perrin, Pusey—6.

The previous question prevailed.

Senator Bell moved a reconsideration of the vote just had.

The President ruled the motion out of order.

Senator Byers asked unanimous consent to withdraw the amendment filed by him to section 8.

Consent was granted.

The question recurring on the amendment offered by Senator Bell, a roll call was demanded.

On the question, "Shall the amendment offered by Senator Bell be adopted?" the yeas were:

Senators Bell, Blanchard, Byers, Eaton, Ellison, Hayward, Lewis, McArthur, Mullan, Penrose, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—15.

The nays were:

Senators Allyn, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, McIntire, Mitchell, Perrin, Wilson—29.

Absent or not voting:

Senators Alexander, Harriman, Malloy, Palmer, Pusey, Ranck—6.

The amendment was lost.

On the question of the adoption of section 8 the same was adopted.

The following amendment, by Senator Bell, was taken up and declared out of order:

Amend section 9, line 2, by inserting after the word "institutions" the words "except the soldiers' home."

The following amendment, offered by Senator Pusey on March 12, was taken up and adopted.

After "supervisory" in lines eighteen and nineteen (line thirteen in printed bill) insert "or examining."

Strike out the period (.) after "state" in line twenty (line fourteen in printed bill) and add ", or that are vested by him in any commissioner appointed by him."

The following amendment to section 9, filed by Senator Pusey on Saturday, was taken up and adopted:

Strike out "statute" in line 12 (line 9 of the printed bill), and down to and including "institution" in line 16 (line 12 of the printed bill), and insert "sections 158 and 159 of the code," also strike out the period (.) after "control" in line 17 (line 12 of the printed bill), and insert "in so far as they pertain to the institution named in section eight (8) of this act, and to the officers or persons having charge of the same."

Senator Mullan offered the following amendment to section 9 and moved its adoption.

Strike out the period (.) after the word "control" in line 12, of section 9, and add after the word "control" the words "as to the institutions herein named."

Adopted.

The following amendment to section 9, filed by Senator Byers on Saturday, was taken up and adopted:

Amend section 9, in line four (line three in printed bill), by inserting after the word "existence" the following: "All trustees now in office shall continue in office until July 1, 1898."

Senator Trewin offered the following amendment to section 9 and moved its adoption:

I move to amend section 9 by adding thereto the following:

The board shall prepare annually for publication, in accordance with the provisions of section 163 of the code, a statement of the cost of the preceding year of maintaining each of said institutions, including improvements, itemized so far as practicable and so arranged as to show the cost of the various kinds of provisions and supplies.

By unanimous consent the Secretary was instructed to substitute for the word "of" after "cost" in the fifth line of Senator Trewin's amendment to section 9, the word "for."

The question being on the adoption of the amendment, the motion prevailed and same was adopted.

Section 10 was taken up and amendments read in order of filing.

The following amendment, offered by Senator Titus March 12: Amend the bill by inserting after the word "institutions," in the third line of subdivision 1, line three in printed bill, of section 10, the following: "The board shall also inspect such county infirmaries, where insane patients are kept, as the governor shall from time to time order so inspected, but the board shall exercise no authority over county infirmaries except such as shall be necessary to properly conduct their examinations," was taken up, and on its adoption a roll call was demanded.

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

Senators Bell, Blanchard, Byers, Carney, Carroll, Cheshire,

Ellison, Harriman, Hayward, Hobart, Lewis, Lothrop, Mullan, Penrose, Titus, Trewin, Wallace, Young of Delaware—13.

The nays were:

Senators Allyn, Berry, Bolter, Craig, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hotchkiss, Hurst, Junkin, Kilburn, Lyons, McArthur, McIntire, Mitchell, Perrin, Wilson, Young of Lee—24.

Absent or not voting:

Senators Alexander, Druet, Eaton, Hospers, Malloy, Palmer, Pusey, Ranck—8.

The amendment was lost.

Senator Healy's motion to reconsider the vote by which an amendment was adopted to subdivision one of section 10 was taken up and adopted, as follows:

I move to reconsider the vote by which the amendment to subdivision one of section 10, offered by the Senator from Pottawattamie, was adopted, whereby the board is vested with power to punish for contempt.

On the question, "Shall the vote be reconsidered?" the motion prevailed.

Senator Lothrop moved that the Senate do now adjourn.

Lost.

The following amendment by Senator Titus was taken up and considered:

Amend the bill by inserting after the word "thereto" in line 7 of subdivision 1 of section 10 of the printed bill, the following: "witnesses other than those in the employ of the state shall be entitled to the same fees as in civil cases in the district court."

Senator Hobart offered the following amendment to the amendment of Senator Titus:

Insert after the word "county" in the first line of the amendment the words "and private," and after the word "county" in the fourth line of the amendment, the words "and private."

Lost.

The question recurring on Senator Titus' amendment, same was adopted.

Senator Hayward moved to extend the time of adjournment to 6 o'clock.

On this question a roll call was demanded.

On the question, "Shall the motion prevail?" the yeas were:

Senators Berry, Carney, Carroll, Cheshire, Craig, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Healy, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lyons, McIntire, Mitchell, Perrin, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—32.

The nays were:

Senators Allyn, Bell, Blanchard, Bolter, Byers, Gorrell, Lothrop, McArthur, Mullan, Penrose, Trewin—11.

Absent or not voting:

Senators Alexander, Druet, Eaton, Hospers, Malloy, Palmer, Pusey—7.

The motion prevailed.

Senator Ranck's amendment to second subdivision of section 10, filed on Saturday, was taken up:

Add at the end of subdivision 1 of section 10, the following:

"And it shall be the duty of the board to cause the testimony so taken to be transcribed and filed in the office of the secretary of the board at the seat of government within ten days after the same is taken, or as soon thereafter as practicable, and when so filed the same shall be open for the inspection of any person."

Adopted.

Senator Trewin offered the following amendment to section 10 and moved its adoption:

I move to amend subdivision 1 of section 10 of the bill by adding thereto the following: "Any person failing or refusing to obey the order of the board issued under the provisions of this section, or to give or produce evidence when required, shall be reported by the board to the district court or any judge thereof and shall be dealt with by the court or judge as for a contempt of court.

Adopted.

The question recurring on the amendment offered by Senator Pusey, relative to punishment for contempt, and on motion was reconsidered, and a vote being taken on same, was lost.

Senator Trewin moved to amend by striking out the words "the power to compel" and inserting in lieu thereof the words "may order" in lines six and seven.

Adopted.

Senator Lewis asked unanimous consent to file a substitute for the entire bill, Senate file No. 201, same to be printed in the Journal, which was denied.

Senator Trewin moved that leave be granted to Senator Lewis to file for the information of the Senate the substitute for Senate file No. 201 to be printed in the Journal for information of the Senate.

On this a roll call was demanded.

On the question "Shall consent be granted Senator Lewis to file a substitute for Senate file No. 201?" the yeas were:

Senators Blanchard, Byers, Craig, Druet, Harriman, Hayward, Lewis, Lothrop, Mullan, Penrose, Ranck, Titus, Trewin, Wallace, Young of Delaware—15.

The nays were:

Senators Allyn, Berry, Bolter, Carney, Carroll, Cheshire, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lyons, McIntire, Mitchell, Perrin, Wilson, Young of Lee—26.

Absent or not voting:

Senators Alexander, Bell, Eaton, Ellison, Hospers, Malloy, McArthur, Palmer, Pusey—9.

Consent was not granted.

Senator Penrose moved that the Senate do now adjourn.

Lost.

Senator Trewin's amendment to section 15, filed by him on Tuesday, March 15, was taken up.

Amend subdivision 15 of section 10, by striking out all after the word "appointment" in line 4 and down to and including the word "act" in line 8, and by inserting in lieu thereof the words "the wardens and wardens-elect of the penitentiaries shall hold office for the terms for which they have been elected;" also, by inserting a period after the word "appointment" in line 4.

Senator Emmert offered the following as a substitute for Senator Trewin's amendment:

Strike out of line 3, the word "six" and insert in lieu thereof the word "four."

Strike out of lines 5 and 6 all after the word "board" in line 5, down to and including the word "act" in line 6, and insert

the following: "and who is now holding under an election or contract for a definite term, shall continue in office until the expiration of such term or contract, all other superintendents, wardens or other chief executive officer shall hold office until January 1, 1899."

Strike out of lines 7 and 8 all after the word "for" in line 7, down to and including the word "act" in line 8, and insert the following in lieu thereof: "the time for which he has been elected."

The substitute being accepted by Senator Trewin, same was adopted on motion.

The following amendment, filed by Senator Pusey, was taken up:

The President ruled the consideration of the same out of order, for the reason that the amendment just adopted covered the same ground. .

The following amendment, filed by Senator McArthur, was taken up and adopted:

Insert in line nine (line seven of the printed bill), subdivision fifteen of section 10, preceding the name "Hunter," the initials "W. A."

The following amendment by Senator Titus, filed Tuesday, was taken up:

Amend subdivision 15 of section 10 by striking out all after the word "office," in line thirteen (line ten in printed bill), all of lines fourteen and fifteen (lines eleven and twelve in printed bill), and change comma after the word "office" in line thirteen (line ten in printed bill), to period.

The question being on its adoption, the motion was lost.

Senator Mullan moved to amend subdivision 15, section 10, line seven, by substituting the word "and" for the word "but" after the word "penitentiary."

Adopted.

The hour of adjournment having arrived the President declared the Senate stood adjourned till to-morrow morning at 9 o'clock.

SENATE CHAMBER,  
DES MOINES, Iowa, Thursday, March 17, 1898. }

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

Prayer was offered by Rev. J. P. Coffman of Cherokee, Iowa.

#### PETITIONS AND MEMORIALS.

Senator Bell presented memorial of the members of the Iowa Soldiers' Home, protesting against placing that institution under the management of a board of control.

Referred to Committee on Ways and Means.

Senator Titus presented memorial of Shelby Norman Post, No. 231, G. A. R., of Muscatine, on same subject, also asking a liberal appropriation for Iowa Soldiers' Home.

Referred to Committee on Ways and Means.

Senator Lothrop presented memorial of General Hancock Post, No. 22, G. A. R., of Sioux City, praying for \$30,000 appropriation for the Iowa Soldiers' Home, and protesting against placing said Home under the management of a board of control.

Referred to Committees on Appropriations and Ways and Means.

#### INTRODUCTION OF BILLS.

By Senator Finch, Senate file No. 268, a bill for an act to amend sections 2390 and 2393 of the code, relating to pharmacy.

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

#### CONCURRENT RESOLUTION.

Senator Emmert offered the following concurrent resolution:



*Resolved by the Senate, the House concurring,* That the President of the Senate and the Speaker of the House of Representatives of the Twenty-seventh General Assembly shall each declare their respective houses adjourned Thursday, March 31, 1898, at 12 o'clock noon.

Passed on file.

Senator Trewin was granted permission to call up the resolution filed by him on March 15th:

CONCURRENT RESOLUTION.

*Be it resolved by the Senate, the House concurring,* That the superintendent of public instruction is hereby directed to investigate the question as to the practicability and desirability of establishing free school libraries in the various school districts of Iowa; to incorporate in his next report the result of such investigation, and to recommend to the Twenty-eighth General Assembly the best methods of establishing and maintaining such libraries, or of placing the best literature in the hands of school children and others.

On motion of Senator Trewin same was adopted.

REPORT OF STANDING COMMITTEE.

Senator Lothrop, 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. 218, a bill for an act to amend section eight hundred and fourteen (814) of chapter seven (7), title five (5) of the code, relating to street improvements, sewers and special assessments, and to contractors' bonds, beg leave to report that they have had the same under consideration and the majority of said committee have instructed me to report the same back to the Senate with the recommendation that the same do pass.

J. S. LOTHROP,  
*Chairman pro tem.*

Ordered passed on file.

BILLS ON THIRD READING.

Special order No. 1, Senate file No. 201, was taken up for further consideration.

Senator Druet filed the following amendment to section 27:

I move to amend section 27 as follows: Add after the word "prescribe" in line 10, the words "in purchasing all supplies, local dealers shall have the preference, when such can be given without loss to the state."

Senator Funk moved the previous question on the entire bill.

On this question a roll call was demanded.

On the question, "Shall the main question be now put?" the yeas were:

Senators Bell, Berry, Bolter, Carney, Carroll, Cheshire, Druet, Emmert, Ericson, Everall, Finch, Funk, Garst, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lyons, McIntire, Mitchell, Perrin, Pusey, Wilson, Young of Lee—27.

The nays were:

Senators Bell, Craig, Druet, Eaton, Ellison, Kilburn, Lewis, Lothrop, Mullan, Penrose, Ranck, Titus, Trewin—12.

Absent or not voting:

Senators Alexander, Allyn, Blanchard, Byers, Gilbertson, Harriman, Malloy, McArthur, Palmer, Wallace, Young of Delaware—11.

So the motion prevailed.

The amendments to the bill were read in the order of their filing.

The following amendment filed by Senator Bell was taken up for consideration:

Amend section 10, subdivision 15, by striking out the word "six" where it appears and insert the word "two" in lieu thereof.

Senator Cheshire raised the point of order that the amendment was not of order, for the reason that the word "six" did not occur in that part of the bill.

The president sustained the point of order.

Senator Bell asked unanimous consent to correct the amendment, which was denied.

The following amendment, filed by Senator Lothrop, was taken up for consideration:

I move to amend subdivision 19, of section 10, by striking out the word "Before," in first line, and inserting in lieu thereof the word "when;" also, by striking out the comma after the word "person" and all thereafter to and including the word "hospital," in fifth line; also, by striking out all of said section after the word "residence," in seventh line, and place a period after the said word "residence."

Senator Lothrop moved the adoption of the amendment.

Lost.

The following substitute for section 12, by Mullan, was taken up for consideration:

Substitute for section 12 of Senate file No. 201:

“Sec. 12. No member of the board of control, or officer, agent or employe thereof, and no superintendent, officer, manager or employe of any of the institutions under the charge and control of said board, shall directly or indirectly, for himself or any other person, or for any institution under the charge of said board, receive or accept any gift or gratuity from any person or persons, firm or corporation who are dealers in goods, merchandise or supplies which may be used in any of said institutions, or from any employe, servant or agent of such person or persons, firm or corporation. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction be punished as provided in section four thousand nine hundred and four of the code, and such violation shall be cause for his removal from office.”

Senator Mullan moved the adoption of the substitute.

Adopted.

The following amendment, filed by Senator Harriman, was taken up for consideration:

I move to amend section 17 by striking out all of lines 1, 2 and 3 (lines 1 and 2 in printed bill), and insert the following in lieu thereof: .

“The offices of the treasurers of institutions placed under the management of the board of control shall be abolished on the first day of July, 1898.”

The question being on the adoption of the amendment, same was lost.

The following amendment to section 27, offered by Senator Druet, was taken up for consideration:

I move to amend section 27 as follows: Add after the word “prescribe” in line 10 “In purchasing all supplies local dealers shall have the preference, when such can be given without loss to the state.”

On the adoption of the amendment a roll call was demanded.

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

Senators Allyn, Bell, Berry, Blanchard, Byers, Carney, Carroll, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Lyons, McIntire, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—38.

The nays were:

Senators Cheshire, Garst, McArthur, Mullan—4.

Absent or not voting:

Senators Alexander, Bolter, Eaton, Gilbertson, Harriman, Kilburn, Mitchell, Malloy—7.

The amendment was adopted.

Senator Mitchell offered the following motion to reconsider:

MR. PRESIDENT—I move to reconsider the vote by which the previous question was ordered in order to vote upon an amendment fixing the tenure of office at two years instead of four years.

W. O. MITCHELL.

Ruled out of order.

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

On this motion a roll call was demanded.

On the question, "Shall the rule be suspended and bill be read a third time now?" the yeas were:

Senators Allyn, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Emmert, Ericson, Everall, Finch, Funk, Garst, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Lyons, McArthur, McIntire, Mitchell, Mullan, Penrose, Perrin, Pusey, Ranck, Wallace, Wilson, Young of Lee—35.

The nays were:

Senators Bell, Blanchard, Byers, Eaton, Ellison, Lewis, Palmer, Titus, Trewin—9.

Absent or not voting:

Senators Alexander, Gilbertson, Harriman, Hurst, Malloy, Young of Delaware—6.

. So the motion prevailed.

Senator Funk moved that the reading of the bill already had been considered the third reading.

The President ruled the motion out for the reason that a motion had just been adopted that the bill be read a third time now, and added that in the interest of accuracy the bill should be read a third time.

The secretary proceeded with the reading of the bill.

By unanimous consent the secretary was instructed to so change the word "classes" in the third line of subdivision 7, of section 10, that it should be correctly spelled.

On request of Senator Hobart leave of absence was granted Senator Gilbertson indefinitely, and if present would vote "aye" on Senate file No. 201.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Berry, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Emmert, Ericson, Everall, Finch, Funk, Garst, Gorrell, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, McIntire, Mitchell, Perrin, Pusey, Ranck, Wilson, Young of Lee—81.

The nays were:

Senators Bell, Blanchard, Byers, Eaton, Ellison, Harriman, Hayward, Lewis, McArthur, Mullan, Palmer, Penrose, Titus, Trewin, Wallace, Young of Delaware—16.

Absent or not voting:

Senators Alexander, Gilbertson, Malloy—3.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Ranck filed the following explanation of his vote and asked that it be printed in the Journal:

**MR. PRESIDENT**—I am opposed to the appointment of the members of the board of control as provided in the first section of the bill. I favor the election by the general assembly, giving the party casting the next largest vote to that of the majority party in the state, the absolute right to name a member of the board in caucus, and thereafter elect, in joint convention; or that members be elected by a direct vote of the people, reserving the right of the party polling in the state the next largest vote, to a representation on the board. I am opposed to fixing the term of office of superintendents and officers of the several state institutions by statute, to a term of four years. Such matter should be left to the board in its

wisdom to determine as by it should seem best as to the length of such employment. Other provisions of the bill do not meet my approval. Believing, however, that this bill will be a great improvement over the present system of regulating and managing state institutions, and for the best interests of the state, all things considered, I vote "aye."

C. S. RANCK.

Senator Lewis filed following explanation of his vote and asked that it be printed in the Journal: .

MR. PRESIDENT—I dissent from the passage of Senate file No. 201, and as reasons therefor and in explanation of my vote against it, I wish to say and have entered on the Journals the following:

It proposes a new plan for the control of a part of the institutions of the state, leaving others under the old plan.

The new plan proposed is more expensive than the old, is complicated and impractical in detail, and will be difficult of amendment if its test shall fail to vindicate its wisdom.

It proposes to confer upon the board which it creates arbitrary powers; to authorize it without notice, form of appeal, or trial, to set aside the judgments of the courts of the state as to the sanity of the inmates of the hospitals for the insane.

It proposes to confer upon this board the power to prescribe the diet of the inmates in these hospitals.

Under the "previous question" amendments not favored by the friends of this bill were cut off.

Senator Harriman offered the following explanation of his vote on Senate file No. 201:

MR. PRESIDENT—Believing there is not a general public demand for a law so drastic and unusual in its provisions as Senate file No. 201, now before the Senate; and, believing that if the same is enacted, it will require a very large and unusual expenditure of public money to maintain the numerous offices and positions created thereby, without a commensurate benefit therefor; and, believing that under the present provisions of the code, enacted at the extra session, and with additional power, granting to the governor authority to appoint one or two competent persons to look after the management of the several institutions, under the direction of the governor, the welfare of the institutions would be better promoted and a very great expense saved, and a dangerous political power would be avoided, and for other reasons, therefore, I vote "no."

W. F. HARRIMAN.

Senator Mullan filed the following explanation of his vote upon Senate file No. 201:

MR. PRESIDENT—While I am in favor of an act creating a board of control for the management of the penal and charitable institutions of the state, I cannot give my support to this bill because, in my judgment, it gives to the board created by it such unlimited powers and authorizes the

expenditure of such large sums of money, within the discretion of the board, as to make it unwise legislation without necessary checks and safeguards; and because of many ill considered and unwise provisions of the bill, due largely to its hasty preparation, which could and should have been eliminated or corrected before it was put upon its final passage, I therefore record my vote against it.

C. W. MULLAN.

Senator Titus filed the following explanation of his vote on Senate file No. 201.

MR. PRESIDENT—I vote “no” in the passage of this bill for the following reasons:

*First*—It places too much power in the hands of three men, and in my opinion is bound to become sooner or later a political machine.

*Second*—The matter of giving executive power to boards has been extensively and exhaustively discussed for many years at the meetings of the national conferences of Board of Charities, and a very large preponderance of the argument is against granting such executive power.

*Third*—I am informed that in the state of Wisconsin (the only state in the union having such a board) the board of control has already become a political machine, but cannot be dislodged.

*Fourth*—The state of Michigan, after having established a board of control with executive powers, abolished the same and returned to the trustee system.

*Fifth*—The provisions of this bill are directed wholly to the financial or business management of our state institutions, and, in my opinion, the humanitarian part of the management is entirely lost sight of.

*Sixth*—Had this bill retained at least three trustees for each institution with advisory powers, and the board having advisory powers only over the Soldiers' Home, I could have given it my earnest support.

G. M. TITUS.

#### 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. 244, a bill for an act to regulate the practice of osteopathy in the state of Iowa.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

Unanimous consent being granted Senator Pusey, House joint resolution No. 5, a joint resolution recommending the granting of a pardon for James Johnson, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

Senator Junkin moved that time of adjournment be extended ten minutes.

Carried.

Senator Hotchkiss moved that when the Senate adjourn, it be until 2 o'clock P. M., to-day.

On this a division was called for, and the motion was lost.

Senator Ranck moved that further consideration of joint resolution No. 5 be postponed until Monday at 10 o'clock A. M.

Lost.

Senator Pusey moved that joint resolution No. 5 be adopted.

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

Senators Allyn, Blanchard, Bolter, Carney, Carroll, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, McArthur, McIntire, Mitchell, Mullan, Penrose, Perrin, Pusey, Titus, Trewin, Wilson, Young of Delaware, Young of Lee—39.

The nays were:

Senators Berry, Cheshire, Lewis, Ranck—4.

Absent or not voting:

Senators Alexander, Bell, Byers, Gilbertson, Malloy, Palmer, Wallace—7.

So the joint resolution, having received a constitutional majority, was declared to have passed the Senate.

Senator Young of Lee, was granted unanimous consent to introduce a bill.

#### INTRODUCTION OF BILLS.

By Senator Young of Lee, Senate file No. 269, a bill for an act to amend section 1306 of the code, in regard to levy of taxes in cities of the second class.

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

Senator Carroll moved that the Senate take up the correction of the Journal, and that time of adjournment be extended until same is corrected.

Carried.



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

The time of adjournment having arrived, the President declared the Senate stood adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Friday, March 18, 1898. }

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

Prayer was offered by Rev. S. P. Marsh, of Sioux Rapids, Iowa.

On request of Senator Everall, leave of absence was granted Senator Lyons indefinitely.

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

#### PETITIONS AND MEMORIALS.

Senator Hobart presented petition of citizens of Cherokee in favor of legalizing the practice of osteopathy.

Referred to Committee on Public Health.

Senator Young of Lee, presented petition of citizens of Lee county in favor of a two cent mileage law.

Referred to Committee on Railroads.

#### INTRODUCTION OF BILLS.

By Senator Cheshire, Senate file No. 270, a bill for an act to amend section 216, chapter 4, title 3, of the code, relating to the reporter and reports of the supreme court.

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

By Senator Cheshire, Senate file No. 271, a bill for an act to appropriate money to pay the heirs of William Park, being for property belonging to the estate of said William Park, which has escheated to the state.

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

By Senator Ericson, by request, Senate file No. 272, a bill for an act to establish bird day.

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

REPORTS OF STANDING COMMITTEES.

Senator Cheshire, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 96, a bill for an act to protect the meandered lakes of Iowa, and to give the executive council the control of certain lakes and lake-beds, beg leave to report 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:

That the title be amended by striking out all after the word "Iowa."

That section one (1) be amended by striking out of the first and second lines of the original bill the words, "change any water course or."

That section one (1) be further amended by striking out of the seventh line of the original bill the dollar mark and the figures "1,000" and inserting in lieu thereof the words "one thousand dollars."

That said bill be further amended by striking out sections two (2), three (3) and four (4), and that when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 269, a bill for an act to amend section four thousand one hundred and forty-two (4142), of the code, relative to costs of translating shorthand notes in appeal to supreme court, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 228, a bill for an act to amend section four thousand and forty-five (4045) of the code, in relation to redemption by debtor, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also.

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 263, a bill for an act to legalize the acts of the mayor and the city council of the city of Waterloo in making a certain contract with one J. B. McGorrick, for paving certain streets in said city, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also.

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 200, a bill for an act to provide for publishing the road laws in pamphlet form, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

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

MR. PRESIDENT—Your Committee on Claims, to whom was referred Senate file No. 232, a bill for an act to reimburse Appanoose county for restraining and transporting insane persons not having a known residence in 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.

C. J. A. ERICSON,  
*Chairman.*

Ordered passed on file.

Senator Kilburn, from the Committee on Highways, submitted the the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate file No. 228, a bill for an act to amend section fifteen hundred and thirty (1530), chapter two (2), title eight (8), of the code, in relation to the levy and distribution of 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 recommendation that the same do pass.

L. M. KILBURN,  
*Chairman.*

Ordered passed on file.

Senator Mitchell, from the Committee on Penitentiaries and Pardons, submitted the following report:

MR. PRESIDENT—Your Committee on Penitentiaries and Pardons, to whom was referred House file No. 319, a bill for an act to amend section 5663 of the code, relating to guards in the 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 the same do pass.

W. O. MITCHELL,  
*Chairman.*

Ordered passed on file.

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 House file No. 54, a bill for an act to repeal section thirteen hundred and forty-seven of the code, relating to the taxing of peddlers, beg leave to report 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.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate file No. 35, a bill for an act providing for the taxation of telegraph, telephone, express, palace car, sleeping car, drawing room car, dining car, chair car, and fast freight companies transacting business in the state of Iowa, and repealing sections 1328, 1329, 1330, 1331, 1340, 1341, 1345 and 1346, of chapter 1, title 7, of the code of Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the substitute hereto attached back to the Senate with the recommendation that the said substitute do pass.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

Senator Funk asked that 300 copies of substitute for Senate file No. 35 be printed.

It was so ordered.

Senator Cheshire moved that substitute for Senate file No. 35 be made a special order for 2 o'clock, Tuesday, March 21.

Carried and so ordered.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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, substitute for

House file No. 160, a bill for an act to legalize the ordinances and acts of the city council of Lehigh, Webster county, Iowa.

Also, House file No. 45, an act to amend section two thousand, five hundred and eighty-three (2588), chapter seventeen (17), title twelve (12), of the code, in relation to the practice of medicine.

Also, House file No. 64, an act to legalize acknowledgments of deeds and conveyances of land.

Also, House file No. 300, an act to legalize certain acts of the school board of the independent district of Deep River, Iowa, in ordering the transfer of certain funds from the contingent fund to the school house fund, and the act of the treasurer of said district in making such transfer.

Also, House file No. 21, an act to legalize the incorporation of the town of Bondurant, Polk county, Iowa, the election of the officers, and all the official acts done, and ordinances passed by the council of said town, not in contravention with the laws of the state of Iowa.

Also, House file No. 237, an act to legalize the organization of the independent school district of Eureka, Woodbury county, Iowa.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

Senator Ranck made the following request:

MR. PRESIDENT—I ask leave to withdraw from the files and from the committee to which they were referred Senate files Nos. 237 and 238.

C. S. RANCK.

Unanimous consent being granted, it was so ordered.

#### HOUSE MESSAGES.

Substitute for House file No. 244, a bill for an act to regulate the practice of osteopathy in the state of Iowa, was read first and second time.

Senator Mitchell moved that the bill be placed on the Calendar without reference to any committee.

Unanimous consent being granted, the motion was withdrawn and the bill referred to Committee on Public Health.

#### BILLS ON THIRD READING.

Senate file No. 19, a bill for an act to better define and to extend the jurisdiction of the courts of this state, in regard to the boundary line as affected by changes in the Missouri river,

with report of majority of committee recommending a substitute, accompanied by a minority report, was taken up for consideration.

- The committee reports were read for information.
- Senator Bolter moved the adoption of the majority report.

#### MESSAGE FROM THE HOUSE.

- The following message was received from the House:

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

Senate file No. 249, a bill for an act to legalize the acts of the board of directors of the independent school district of Elma, Iowa, in the levying of taxes for schoolhouse purposes.

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:

Substitute for Senate file No. 30, a bill for an act to compensate A. T. Burchard as acting commandant of the Iowa soldiers' home.

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 Senate is asked:

Substitute for House file No. 146, a bill for an act granting the city of Des Moines lots 7 and 8, block 33 of the original town of Fort Des Moines, now included in the city of Des Moines, Polk county, Iowa.

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 Senate is asked:

Substitute for House file No. 232, a bill for an act to amend sections 5240 and 5246 of the code, relating to the drawing and empanelling of grand jury and challenges thereto, and repealing section 340 of the code.

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 Senate is asked:

Substitute for House file No. 191, a bill for an act to allow a refund of money to patentees, their heirs and assigns, of certain lands patented by the state of Iowa as school lands, the title to which has failed in said patentees, their heirs or assigns.

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. 100, a bill for an act to amend chapter 9, title 12 of the code, in relation to the use of oil in coal mines.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

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 the appointment of a committee to confer with railroad officials in regard to securing stopover privileges.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

#### BILLS ON THIRD READING.

The question being on the adoption of the report of the committee, same was adopted.

Senator Bolter moved that the bill be engrossed.

Carried.



Senator Bolter moved that the vote by which the bill was passed to engrossment be reconsidered.

Carried.

Senator Bolter asked unanimous consent to withdraw motion that bill be engrossed.

Carried.

Senator Bolter moved that the substitute be adopted.

Carried.

The substitute was adopted.

Senator Bolter 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 Allyn, Bell, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Druet, Emmert, Ericson, Everall, Finch, Funk, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, McIntire, Mitchell, Perrin, Ranck, Titus, Wilson, Young of Delaware, Young of Lee—82.

The nays were:

Senators Eaton, Ellison, Lewis, Mullan, Penrose, Pusey—6.

Absent or not voting:

Senators Alexander, Craig, Garst, Gilbertson, Harriman, Lothrop, Lyons, Malloy, McArthur, Palmer, Trewin, Wallace—12.

The bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

President Milliman signed in the presence of the Senate the following bills: House files Nos. 64, 45, 287, 300, 211 and substitute for House file No. 160.

#### BILLS ON THIRD READING.

On motion of Senator Hayward, substitute for Senate file No. 6, a bill for an act to amend the title of chapter 6, title 13 of the code, relative to the orphans' home, with report of committee recommending it do pass, was taken up and considered.

The amendment offered by Senator Hayward, February 28th, to strike out the word "orphans," in the third line of section 5 of the substitute was further considered and on motion adopted.

Senator Mitchell moved to amend the substitute by striking out all of section 3.

Lost.

Senator Hayward moved to amend by adding as section 6 a publication clause.

Adopted.

Senator Cheshire moved that time of adjournment be extended ten minutes.

Lost.

Senator Mitchell moved to amend section 3 of the substitute by adding thereto these words: That section 2685 be further amended by inserting the word "destitute" before the word "children" in the first line.

Adopted.

Senator Hayward moved that the substitute be adopted.

Carried.

Senator Hayward 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.

Senator Young of Lee, moved that time be extended until bill under consideration is disposed of.

Carried.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Funk, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hurst, Junkin, Lewis, McIntire, Mitchell, Mullan, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—39.

The nays were:

None:

Absent or not voting:

Senators Alexander, Finch, Garst, Gilbertson, Hotchkiss, Kilburn, Lothrop, Lyons, Malloy, McArthur, Palmer—11.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

The time of adjournment having arrived, the President declared the Senate stood adjourned until 2 o'clock this afternoon.

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### AFTERNOON SESSION.

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Senate met in regular session at 2 o'clock P. M., first assistant secretary Talmage presiding.

Senator Garst moved that Senator Blanchard act as President of the Senate.

Carried.

Senator Blanchard presiding.

On request of Senator Kilburn, leave of absence was granted Senator Emmert indefinitely.

### INTRODUCTION OF BILLS.

By Senator Trewin, Senate file No. 273, a bill for an act to amend section 2752 of the code, relating to boards of directors of school townships.

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

By Senator Titus, Senate file No. 274, a bill for an act to legalize the levy of certain taxes for road purposes by the trustees of Murray township, in Louisa county.

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

### REPORTS OF STANDING COMMITTEES.

Senator Young, from the Committee on Congressional and Judicial Districts, submitted the following report:

MR. PRESIDENT—Your Committee on Congressional and Judicial Districts, to whom was referred House file No. 285, a bill for an act to increase the number of district judges in the eighteenth judicial district, beg leave to report 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.

D. H. YOUNG,  
*Chairman.*

Ordered passed on file.

## HOUSE MESSAGES.

Substitute for Senate file No. 30, a bill for an act to compensate A. T. Burchard as acting commandant of Iowa soldiers' home, was read and passed on file.

Substitute for House file No. 146, a bill for an act granting the city of Des Moines lots 7 and 8, block 33, of the original town of Fort Des Moines, now included in the city of Des Moines, Polk county, Iowa, was read first and second time and referred to Committee on Public Buildings.

Senate file No. 249, a bill for an act to legalize the acts of the board of directors of the independent school district of Elma, Iowa, in levying of taxes for schoolhouse purposes, was read.

On motion of Senator Trewin, Senate file No. 249, with report of committee recommending an amendment, was taken up and considered.

On the question, "Shall the Senate concur in House amendments?" the yeas were:

Senators Allyn, Blanchard, Bolter, Carney, Carroll, Craig, Eaton, Emmert, Ericson, Finch, Garst, Gorrell, Hayward, Healy, Hospers, Kilburn, Lewis, McArthur, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—27.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Berry, Byers, Cheshire, Druet, Ellison, Everall, Funk, Gilbertson, Harriman, Hobart, Hotchkiss, Hurst, Junkin, Lothrop, Lyons, Malloy, McIntire, Mitchell, Mullan, Palmer, Pusey—23.

The House amendments were concurred in.

Substitute for House file No. 232, a bill for an act to amend sections 5240 and 5246 of the code, relating to the drawing and impanelling of the grand jury and challenges thereto, and providing for the summoning of additional grand jurors in case of challenges to the panel or to individual jurors being allowed, and to repeal section 340 of the code, was read first and second time and referred to Committee on Judiciary.

Substitute for House file No. 191, a bill for an act to allow to Ellen Neston a refund of money paid to the state of Iowa for certain lands which the state had no right or authority to sell, was read first and second time and referred to Committee on Judiciary.

Senate file No. 100, a bill for an act to amend chapter 9, title 12 of the code, in relation to the use of oil in coal mines, was read and passed on file.

Concurrent resolution relative to the appointment of a committee to confer with railroad officials in regard to securing stopover privileges was read and passed on file.

#### BILLS ON THIRD READING.

On motion of Senator Blanchard, Senate file No. 177, a bill for an act to amend section 2527 of the code, relating to the practice of dentistry, with report of committee recommending an amendment, was taken up, considered and the report of the committee adopted.

Senator Blanchard moved that all after the word "section," in the third line of section 1 of the bill, be stricken out.

Adopted.

Senator Blanchard 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 Allyn, Bell, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Gorrell, Harriman, Hayward, Healy, Hospers, Hotchkiss, Junkin, Kilburn, McArthur, McIntire, Mitchell, Mullan, Penrose, Perrin, Ranck, Wallace, Wilson, Young of Delaware, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Alexander, Druet, Garst, Gilbertson, Hobart, Hurst, Lewis, Lothrop, Lyons, Malloy, Palmer, Pusey, Titus, Trewin—14.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Young of Delaware, offered the following resolution:

*Resolved,* That hereafter all speeches be limited to ten minutes, that no senator be permitted to yield any of his time to another, nor shall a senator speak more than once on any bill or amendment until all who desire have spoken, but the mover of an amendment or the senator in charge of a bill shall have ten minutes in which to close the debate.

Adopted.

#### BILLS ON THIRD READING.

On motion of Senator Mullan House file No. 92, a bill for an act to amend section 1610 of the code, and to encourage the production of sugar from beets grown in the state, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Mullan moved to amend the title by substituting the word "Section" for the abbreviation "Sec." in the first line, and writing out the words "one thousand six hundred and ten" and enclosing the figures "1610" in parentheses.

Adopted.

Senator Mullan moved to substitute the word "section" for the abbreviation "Sec." in line one.

Adopted.

Senator Mullan moved to substitute the word "insert" for the word "adding" in line two, of section one.

Adopted.

Senator Mullan moved to strike out the words "and before the word shall of said section," and place a colon after the word "following" in the third line of section one.

Adopted.

Senator Mullan moved to strike out the word "factories" in line three, section 1 of the bill, and insert in lieu thereof the words "corporations organized."

Adopted.

Senator Trewin moved that the rule be suspended, and that the bill be 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:

Senator Allyn, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Gorrell, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, McArthur, Mitchell, Mullan, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Wilson, Young of Lee—35.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Berry, Emmert, Garst, Gilbertson, Healy, Hurst, Lothrop, Lyons, Malloy, McIntire, Palmer, Pusey, Young of Delaware—15.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Craig, House file No. 224, a bill for an act to amend section 227 of the code, and to provide an additional judge for the Twelfth judicial district, 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 of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Finch, Funk, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Junkin, Lewis, McArthur, McIntire, Mullan, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Alexander, Emmert, Everall, Garst, Gilbertson, Gorrell, Hurst, Kilburn, Lothrop, Lyons, Malloy, Mitchell, Palmer, Wilson—14.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Craig moved that Senate file No. 184 be indefinitely postponed, for the reason that it is identical to the bill just passed, House file No. 224.

Carried.

Senate file No. 184 was indefinitely postponed.

On motion of Senator Ericson, Senate file No. 4, a bill for an act to amend section 104 of the code, relating to interest on state warrants, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Cheshire offered the following:

I move to amend the amendment by striking out the word "five" and inserting the word "four" in lieu thereof.

Amendment ruled out of order, for the reason that it would leave the bill exactly as it was drawn and presented to the committee.

Senator Cheshire offered the following amendment:

Insert before the word "five" the words "not to exceed."

Adopted.

Senator Berry moved to reconsider the vote by which the amendment just offered by Senator Cheshire was adopted.

Carried.

Senator Cheshire withdrew his amendment.

Senator Ericson moved that section 1 of said bill be amended by striking out the word "four" in the sixth line and inserting the word "five" in lieu thereof; also, by inserting before the figures "104" in the first line the words "one hundred and four," and by enclosing said figures in brackets; also, by striking out of the second line the words "of Iowa."

Adopted.

Senator Ericson moved that the title be amended by inserting before the figures "104" the words "one hundred and four" and by enclosing said figures in brackets; also, by striking out the words "of Iowa of 1897."

Adopted.

The bill was read for information.



Senator Ericson 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, Berry, Blanchard, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, McArthur, McIntire, Mitchell, Mullan, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—39.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Bolter, Emmert, Gilbertson, Hariman, Lothrop, Lyons, Malloy, Palmer, Ranck—11.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Funk, Senate file No. 223, a bill for an act authorizing the executive council to issue and negotiate warrants in anticipation of the revenues of the state, 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, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Berry, Blanchard, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, McArthur, McIntire, Mitchell, Mullan, Penrose, Perrin, Pusey, Titus, Trewin, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Bolter, Emmert, Gilbertson, Hariman, Lothrop, Lyons, Malloy, Palmer, Ranck, Wallace, Wilson, Young of Delaware—14.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Finch, Senate file No. 148, a bill for an act to repeal section 41 of the code, and enact a substitute therefor, relating to the amendment and repeal of acts of the general assembly, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

Senator Finch moved to amend the title as follows: Strike out "of chapter three of title one."

Adopted.

Senator Finch moved to amend section 1, by striking out the words "of chapter three of title one."

Adopted.

Senator Finch moved that the amended substitute be adopted.

Carried.

The amended substitute was adopted.

Senator Finch 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 Allyn, Bell, Berry, Blanchard, Byers, Carney, Carol, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, McIntire, Mitchell, Mullan, Penrose, Perrin, Pusey, Titus, Trewin Wallace, Wilson, Young of Delaware, Young of Lee—89.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bolter, Emmert, Gilbertson, Harriman, Lothrop, Lyons, Malloy, McArthur, Palmer, Ranck—11.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Mitchell, Senate file No. 194, a bill for an act to prohibit the bringing into the state any nursery stock

infested with the San Jose scale, was taken up, and by unanimous consent was passed with understanding that it be taken up in the morning.

Senator Garst moved that the time of adjournment be extended for correction of the Journal.

Carried.

The Journal was taken up.

Senator Garst moved that all that portion of Senator Lewis' explanation of his vote on Senate file No. 201, from and including the word "among," in sixth paragraph, down to the signature of Senator Lewis, be expunged from the Journal.

Senator Funk, President pro tem, presiding.

On the question to expunge, by Senator Garst, a roll call was demanded.

On the question, "Shall the motion prevail?" the yeas were:

Senators Allyn, Berry, Carroll, Cheshire, Craig, Druet, Ericson, Everall, Finch, Funk, Garst, Healy, Hotchkiss, Hurst, Junkin, McIntire, Mitchell, Pusey, Wilson, Young of Lee—20.

The nays were:

Senators Bell, Blanchard, Byers, Eaton, Ellison, Hayward, Kilburn, Lewis, McArthur, Mullan, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Delaware—17.

Absent or not voting:

Senators Alexander, Bolter, Carney, Emmert, Gilbertson, Gorrell, Harriman, Hobart, Hospers, Lothrop, Lyons, Malloy, Palmer—13.

Senators Palmer and Harriman being absent at time of roll call desired the records to show that had they been present they would have voted "nay" on the motion to expunge.

The motion prevailed.

Senator Healy moved that further correction of the Journal be postponed until to-morrow morning.

Carried.

The time of adjournment having arrived the President *pro tem* declared the Senate stood adjourned until 9 o'clock to-morrow morning.

SENATE CHAMBER,  
DES MOINES, Iowa, Saturday, March 19, 1898. }

Senate met pursuant to adjournment at 10 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. Thomas Johnson of Des Moines, Iowa.

On request of Senator Everall, leave of absence was granted Senator Young of Lee until Tuesday.

On request of Senator Berry leave of absence was granted Senator Carroll until Monday.

On request of Senator Byers, leave of absence was granted Senator Blanchard until Monday.

#### REPORTS OF STANDING COMMITTEES.

Senator Mitchell, 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. 300, a bill for an act to provide for the use of the deputy warden a house, heat and lights, beg leave to report 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 the word "fifteen" and figures "\$15" in next to the last line of section one (1) and insert in lieu thereof the word "ten" and figures "\$10", and when so amended that the bill do pass.

W. O. MITCHELL,  
*Chairman.*

Ordered passed on file.

Senator Berry, from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred Senate file No. 65, a bill for an act to amend section twenty-seven hundred of the code, providing for the support of 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 the same do pass.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred Senate file No. 226, a bill for an act to establish and maintain a department for women in connection with the Iowa industrial school at Mitchellville, said department to be known as the Iowa industrial reformatory for women, beg leave to report 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.

W. H. BERRY,  
*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 Senate file No. 231, a bill for an act to amend section 2785 of the code, relating to powers of directors of subdistricts in school townships, beg leave to report 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:

Insert after the word "teachers" the words: "When not related to such director within the fourth degree of consanguinity or affinity."

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 215, a bill for an act to amend section 2836 of the code, in relation to the petition for vote upon the proposition for free textbooks in the public 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 the same be amended as follows, and when so amended the same do pass:

Strike out the word "tenth" in the bill and insert in lieu thereof the word "fourth."

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 132, a bill for an act providing for a division of independent school districts composed of two or more civil townships, or parts of such townships, or of one such township and part of another, beg leave to report 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.

J. H. TREWIN,  
*Chairman.*

Senator Trewin moved that report of committee be adopted.

Carried, and bill indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 260, a bill for an act to amend section twenty-eight hundred and twelve (2812) of the code, relating to the powers of school corporations to issue bonds, beg 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 substitute do pass.

J. H. TREWIN,  
*Chairman.*

Substitute read first and second time and passed on the Calendar and ordered printed.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 28, a bill for an act to repeal section 2813 of the code, and to enact a substitute therefor, relating to the certification and levy of special schoolhouse taxes, and taxes to pay school bonds, beg leave to report 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.

J. H. TREWIN,  
*Chairman.*

Senator Trewin moved that report of committee be adopted.

Carried, and bill indefinitely postponed.

The Journal of Thursday was taken up and corrected.

#### BILLS ON THIRD READING.

Senator Mitchell asked that consideration of Senate file No. 194 be postponed on account of small attendance.

Consent granted.

On motion of Senator Junkin, Senate file No. 122, a bill for an act to amend section 3494 of the code, relating to the place of bringing suit, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Junkin moved to amend the bill by striking therefrom section 2.

Adopted.

Senator Lewis moved to amend line four, section 1, of the bill by inserting after the word "guardian" the words "may be brought."

Adopted.

Senator Junkin 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 Allyn, Bell, Berry, Bolter, Cheshire, Craig, Druet, Eaton, Ericson, Everall, Finch, Garst, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware—34.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Byers, Carney, Carroll, Ellison, Emmert, Funk, Gilbertson, Harriman, Lothrop, Lyons, Malloy, McArthur, Trewin, Young of Lee—16.

The bill, having received a constitutional majority, was declared to have passed the Senate, and its title was agreed to.

On motion of Senator Mullan, Senate file No. 263, a bill for an act to legalize the acts of the mayor and the city council of the city of Waterloo in making a certain contract with one J. B. McGorrisk for paving certain streets in the city, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Mullan 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 Allyn, Berry, Bolter, Byers, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Garst, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Wilson, Young of Delaware—32.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Carney, Carroll, Emmert, Funk, Gilbertson, Harriman, Lothrop, Lyons, Malloy, McArthur, McIntire, Pusey, Trewin, Wallace, Young of Lee—18.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Perrin, Senate file No. 113, a bill for an act to amend chapter 11, title 12, of the code, in relation to the inspection of petroleum products, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Perrin moved that the title be amended by striking out the words and figures "chapter 11, title 12," and insert in lieu thereof the word and figures "section" "(2508)," the figures "(2508)" spelled out, the figures "(2508)" in parentheses.

Adopted.

Senator Perrin moved that section one (1), line one (1), be amended after the word "eight" by inserting the figures "(2508)," the figures in parentheses.

Adopted.

Senator Perrin moved that section one (1) be further amended in line seven (7) by adding after the word "dollars" the words "and shall be."

Adopted.



Senator Perrin 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 Allyn, Ball, Berry, Bolter, Byers, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Finch, Gorrell, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Mitchell, Mullan, Palmer, Penrose, Perrin, Titus, Wilson, Young of Delaware—30.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Carney, Carroll, Emmert, Everall, Funk, Garst, Gilbertson, Healy, Lothrop, Lyons, Malloy, McArthur, McIntire, Pusey, Ranck, Trewin, Wallace, Young of Lee—20.

The bill, having received a constitutional majority, was declared to have passed the Senate.

Senator Lewis moved to amend the title by inserting before the word "inspection," the words "specific gravity and."

Adopted.

The title as amended was agreed to.

On motion of Senator Mitchell, Senate file No. 194, a bill for an act to prohibit the bringing into the state any nursery stock infested with the San Jose scale, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Mitchell moved that the bill be amended by striking out the publication clause.

Adopted.

The bill was read for information.

Senator Mitchell moved to amend the bill by substituting for section 3 the following:

Sec. 3. It shall be unlawful for any person, firm or corporation, to bring into the state any trees, plants, vines, cuttings and buds commonly known as nursery stock, unless

accompanied by a certificate of inspection by a state entomologist of the state from which the shipment was made, showing that the stock has been inspected and found free from the scale. Any person violating or neglecting to carry out the provisions of this act, or offering any hindrance to the carrying out of this act, shall be adjudged guilty of a misdemeanor, and upon conviction before a justice of the peace shall be fined not less than five dollars, nor more than one hundred dollars, for each and every offense, together with all the costs of the prosecutions, and shall stand committed until the same are paid, and the justice of the peace may order the destruction of the stock shipped in violation of this act. All amounts so recovered shall be paid over to the state entomologist, and added to the fund herein provided for the carrying out of the provisions of this act."

Adopted.

Senator Mitchell 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, Byers, Cheshire, Craig, Druet, Ellison, Ericson, Garst, Gorrell, Harriman, Healy, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Mitchell, Palmer, Perrin, Titus, Wallace, Young of Delaware—22.

The nays were:

Senators Berry, Bolter, Everall, Finch, Hobart, Mullan, Penrose—7.

Absent or not voting:

Senators Allyn, Bell, Blanchard, Carney, Carroll, Eaton, Emmert, Funk, Gilbertson, Hayward, Junkin, Lothrop, Lyons, Maloy, McArthur, McIntire, Pusey, Ranck, Trewin, Wilson, Young of Lee—21.

The bill, having failed to receive a constitutional majority, was declared lost.

Senator Mullan moved that House file No. 71 be recommitted to Committee on Public Health.

Carried.

On motion of Senator Ericson, substitute for House files Nos. 75 and 76, a bill for an act to amend sections 2646, 2647 and

2650 of the code, enlarging the board of trustees of the state college of agriculture, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Ellison moved to amend the title as follows: Strike out the title and insert in lieu thereof the following: "A bill for an act to amend sections twenty-six hundred and forty-six (2646) and twenty-six hundred and fifty (2650) of chapter four, title thirteen of the code, enlarging the board of trustees of the state college of agriculture and mechanic arts, and providing for the time of meeting of said board, and making the fiscal year of said college agree with the fiscal year of the state."

Adopted.

Senator Ellison moved to amend section 1 by striking from the last line thereof the words "and the governor chairman" and substitute a period (.) for the comma (,) after the word "office" in the last line of said section.

Adopted.

Senator Ellison moved to strike out all of section 2 of said substitute.

Adopted.

Senator Ellison moved to amend section 3 by substituting "chairman" for "governor" in the sixth line thereof, and by inserting after the word "the" and before the word "college" in the sixth line of said section the word "fiscal."

Adopted.

Senator Ellison moved to amend said substitute by changing the number of section 3 to section 2 and section 4 to section 3.

Adopted.

Senator Ericson moved that the rule be suspended and the bill be 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 Allyn, Bell, Berry, Byers, Cheshire, Druet, Eaton, Ellison, Ericson, Everall, Finch, Garst, Gorrell, Harriman, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, McIntire, Palmer, Penrose, Perrin, Rauck, Titus, Trewin, Wallace—30.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Carney, Carroll, Craig, Emmert, Funk, Gilbertson, Healy, Lothrop, Lyons, Malloy, McArthur, Mitchell, Mullan, Pusey, Wilson, Young of Delaware, Young of Lee—20.

The bill, having received a constitutional majority, was declared to have passed the Senate, and its title, as amended, was agreed to.

On motion of Senator Cheshire, Senate file No. 151, a bill for an act to amend section 720 of the code, relative to the general powers of cities and towns, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Cheshire moved that section 1 be amended by striking out the word "the" in line one and that the word "or" be inserted before the word "telephone" in line four of said section.

Adopted.

The bill was read as amended.

Senator Cheshire moved that the rule be suspended, and 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 Bell, Bolter, Byers, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Garst, Gorrell, Harriman, Healy, Hospers, Hotchkiss, Junkin, Kilburn, McIntire, Palmer, Penrose, Perrin, Pusey, Ranck, Wallace, Wilson, Young of Delaware—28.

Senator Bell voted in the negative.

Absent or not voting:

Senators Alexander, Allyn, Blanchard, Carney, Carroll, Emmert, Funk, Gilbertson, Hayward, Hobart, Hurst, Lewis, Lothrop, Lyons, Malloy, McArthur, Mitchell, Mullan, Titus, Trewin, Young of Lee—21.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title was agreed to.

On motion of Senator Pusey, House file No. 147, a bill for an act prohibiting the adulteration of candy, was taken up and considered.

The bill was read for information.

Senator Pusey moved that the rule be suspended, and the reading just had be the third reading, which motion prevailed.

On the question, "Shal the bill pass?" the yeas were:

Senators Berry, Bolter, Byers, Cheshire, Craig, Druet, Eaton, Ericson, Finch, Garst, Gorrell, Hayward, Healy, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, McIntire, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Young of Delaware—28.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Carney, Carroll, Ellison, Emmert, Everall, Funk, Gilbertson, Harriman, Hobart, Lothrop, Lyons, Malloy, McArthur, Mitchell, Mullan, Trewin, Wilson, Young of Lee—22.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Pusey moved to indefinitely postpone Senate file No. 124, for the reason it is identical to the bill just passed.

Carried, and Senate file No. 124 was indefinitely postponed.

On motion of Senator Cheshire, substitute for House file No. 12, a bill for an act to amend sections 2943, 2946 of the code, relating to the taking and certifying of acknowledgments, was taken up, considered, and the report of the committee adopted.

Senator Cheshire moved that the title of the substitute for House file No. 12 be amended by adding before the figures "2943," the words, "twenty-nine hundred and forty-three," and by striking out the word "and" in line one, and the figures "2946," and that the figures "2943" be enclosed in parentheses.

Adopted.

Senator Cheshire moved that section one thereof be amended by striking out the figures "2943," in line one, and inserting

the words, "twenty-nine hundred and forty-three," in lieu thereof.

Adopted.

Senator Cheshire moved that said bill be further amended by striking out section 2 and changing section 3 so that it will read "section 2."

Adopted.

The bill as amended was read.

Senator Trewin 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, Byers, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Garst, Gorrell, Hayward, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware—30.

The nays were:

None.

Absent or not voting:

Senators Alexander, Berry, Blanchard, Bolter, Carney, Carroll, Emmert, Funk, Gilbertson, Harriman, Healy, Hobart, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Young of Lee—20.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Finch filed a motion to reconsider the vote by which Senate file No. 194 was lost.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House file No. 276, a bill for an act to amend section 694 of the code, relating to the levy of special taxes by cities and towns.

JAS. D. BOWEN,  
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 Senate is asked:

House file No. 282, a bill for an act to protect the interest of owners of standard and thoroughbred and pure bred domestic animals for public service.

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:

Substitute for House file No. 208, a bill for an act to further provide for the erection of a historical, memorial and art building.

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 Senate is asked:

House file No. 312, a bill for an act to amend section eight hundred and fourteen (814) of the code, relative to street improvements.

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 following concurrent resolution, in which the concurrence of the House was asked:

Relative to the establishing of free school libraries.

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. 205, a bill for an act to amend section twenty-five hundred and three (2503) of the code, relating to the inspection of petroleum products.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

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. 16, a bill for an act to repeal section 1661, chapter 3 of the code, relating to agricultural and horticultural societies, etc., and enacting a substitute therefor.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

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 the erection of a national military college by Sons of Veterans, U. S. A.

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 Senate is asked:

House file No. 230, a bill for an act to amend subdivision of section thirteen hundred and four of the code, providing for exemption in favor of soldiers' and sailors' wives, when they own such homestead or real estate in their own name.

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 Senate is asked:

House file No. 267, a bill for an act for the relief of William M. Desmond.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

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. 37, a bill for an act to amend section 2308, chapter 2, of the code, relating to the rate of tax levy for county insurance fund.

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 joint resolution, in which the concurrence of the Senate was asked:

Joint resolution proposing to amend the constitution of the state of Iowa so as to provide for biennial elections.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

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 placing a partition in custodian room in the capitol building and furnish same for the occupancy by the attorney-general.

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 Senate is asked:

House file No. 226, a bill for an act to legalize certain acknowledgments of deeds, mortgages and other instruments affecting the title of real estate.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

Senator Harriman moved that time of adjournment be extended until House messages are taken up and disposed of, the Journal corrected, and to transact other business that may be deemed advisable.

Carried.

Senator Hayward moved to take up House messages.

Carried.

## HOUSE MESSAGES.

House file No. 276, a bill for an act to compensate W. G. Otis for services tendered to the state, and to reimburse him for money expended, was read first and second time and referred to Committee on Judiciary.

House file No. 230, a bill for an act to amend subdivision of section 1304 of the code, providing for exemption in favor of soldiers' and sailors' wives when they own such homestead or real estate in their own name, was read first and second time and referred to Committee on Ways and Means.

House file No. 267, a bill for an act for the relief of William Desmond, was read first and second time and placed on the Calendar.

Concurrent resolution relative to the erection of a national military college by sons of veterans U. S. A., was read and passed on file.

Concurrent resolution relative to the establishing of free school libraries was read and passed on file.

Senate file No. 205, a bill for an act to amend section 2503 of the code, relating to the inspection of petroleum products, was read and passed on file.

Substitute for Senate file No. 16, a bill for an act to amend section 1661 of the code, in relation to state aid to district or county agricultural societies, was read first and second time and referred to Committee on Agriculture.

Senate file No. 37, a bill for an act to amend section 2308 of the code, relating to the rate of tax levy for county insane fund, was read and passed on file.

Senate joint resolution No. 1, proposing an amendment to the constitution of the state of Iowa so as to provide for biennial elections, was read and passed on file.

House file No. 282, a bill for an act to protect the interest of the owners of standard-bred, thoroughbred and pure bred registered domestic male animals kept for public service, was read first and second time and referred to Committee on Agriculture.

Substitute for House file No. 208, a bill for an act to further provide for the erection of a historical, memorial and art build-

ing, was read first and second time and referred to Committee on Appropriations.

House file No. 312, a bill for an act to amend section 814 of the code, relative to street improvements, was read first and second time and placed on the Calendar.

House file No. 226, a bill for an act to legalize certain acknowledgments of deeds, mortgages and other instruments affecting the title of real estate, was read first and second time and referred to Committee on Judiciary.

Senate concurrent resolution, in relation to placing a partition in custodian's room in capitol building and furnish same for occupancy of the attorney-general was read.

Senator Hayward moved the adoption of the concurrent resolution, relative to placing partition in custodian's room.

Senator Lewis moved to amend by having resolution referred to Committee on Public Buildings.

Adopted, and resolution referred to Committee on Public Buildings.

The journal of Friday was taken up for correction.

Senator Trewin offered the following motion:

I move to insert in the Journal of March 18th, on page 678, the portions of the protest made by the Senator from Poweshiek, stricken out by the motion of Senator Garst, in order that the Journal may show what has been expunged.

Senator Garst raised the point of order that this could not be done, which was sustained.

The Journal was corrected and approved.

The hour of adjournment having arrived the President declared the Senate stood adjourned until 9 o'clock A. M. Monday.

SENATE CHAMBER,  
DES MOINES, Iowa, Monday, March 21, 1898. }

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

Prayer was offered by Rev. Timothy Reeves, of Des Moines, Iowa.

Senator Lewis moved that the Senate take a recess of one hour.

Senate reconvened at 10:04 o'clock, President Milliman presiding.

#### INTRODUCTION OF BILLS.

By Senator Wallace, Senate file No. 275, a bill for an act to amend section 2738 of the code relating to normal institute fund.

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

#### REPORT OF COMMITTEE.

Senator Druet, from Committee on Public Health, explained why the committee had not reported on substitute for House file No. 244, a bill for an act to regulate the practice of Osteopathy in the state of Iowa.

#### BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Carroll House file No. 16, by Reynolds, a bill for an act to amend section 2488 of the code, relating to the ventilation of mines, with report of committee recommending certain amendments, and that when so amended same do pass, was taken up, considered, and the report of the committee adopted.

Senator Carroll moved the adoption of the committee amendment as follows:

Insert at the end of section 1 the words: "When the air current is carried to the working face of the rooms, in double room mining, such air current shall be treated as that contemplated in this act."

Adopted.

Senator Carroll 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 Alexander, Bell, Berry, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire, Mullan, Palmer, Perrin, Pusey, Ranck, Trewin, Wallace—33.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Bolter, Carney, Emmert, Funk, Harriman, Hayward, Healy, Hobart, Malloy, Mitchell, Penrose, Titus, Wilson, Young of Delaware, Young of Lee—17.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator Craig, House files Nos. 98 and 136, by Ladd, a bill for an act to amend section 1752 of the code, relative to insurance other than life, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

On motion of Senator Craig, the substitute was adopted.

Senator Craig 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 Alexander, Bell, Berry, Bolter, Byers, Carroll, Cheshire, Craig, Eaton, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Hobart, Hospers, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire, Mullan, Palmer, Perrin, Pusey, Ranck, Trewin, Wallace—31.

The nays were:

Senators Finch and Wilson—2.

Absent or not voting:

Senators Allyn, Blanchard, Carney, Druet, Emmert, Funk, Harriman, Hayward, Healy, Hotchkiss, Hurst, Malloy, Mitchell, Penrose, Titus, Young of Delaware, Young of Lee—17.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator Trewin Senate file No. 231, by Trewin, a bill for an act to amend section 2785 of the code, relating to powers of directors of subdistricts in school townships, with report of committee recommending certain amendments, and when so amended that the same do pass, was taken up, considered and the report of the committee adopted.

Senator Trewin moved the adoption of the committee amendment, as follows: Insert after the word "teachers" the words, "when not related to such director within the fourth degree of consanguinity or affinity."

Adopted.

On request of Senator Trewin the bill was read for information.

Senator Trewin moved that the rule be suspended and that the bill be considered engrossed, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Blanchard, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Emmert, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyon, McArthur, McIntire, Mullan, Palmer, Trewin, Wallace, Wilson—31.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Carney, Emmert, Funk, Harriman, Hayward, Healy, Hobart, Hurst, Malloy, Mitchell, Penrose, Perrin, Pusey, Ranck, Titus, Young of Delaware, Young of Lee—19.

So the bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Unanimous consent being granted, on motion of Senator Kilburn Senate file No. 215, a bill for an act to amend section 2836 of the code, in relation to the petition for vote upon the proposition for free text-books in the public schools, with report of committee recommending certain amendments and when so amended that the same do pass, was taken up, considered, and the report of the committee adopted.

Senator Trewin moved the adoption of the committee amendment as follows:

Strike out the word "tenth" in the bill and insert in lieu thereof the word "fourth."

Adopted.

Senator Kilburn moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Hoppers, Hotchkiss, Kilburn, Lewis, Lothrop, Lyons, McIntire, Mullan, Palmer, Perrin, Pusey, Ranck, Trewin, Wilson—31.

Senator McArthur voted in the negative.

Absent or not voting:

Senators Allyn, Blanchard, Carney, Emmert, Funk, Harri-man, Hayward, Healy, Hobart, Hurst, Junkin, Malloy, Mitchell, Penrose, Titus, Wallace, Young of Delaware, Young of Lee—18.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator Byers Senate file No. 77, by Byers, a bill for an act to repeal section 2031 of the code, relating to establishing railways to lands having coal, stone or other minerals, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

On motion of Senator Byers the substitute was adopted.

Senator Byers moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Bolter, Byers, Carroll, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Gilbertson, Gorrell, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, McArthur, McIntire, Mullan, Perrin, Pusey, Ranck, Trewin—30.

Senator Lyons voted in the negative.

Absent or not voting:

Senators Allyn, Blanchard, Carney, Cheshire, Emmert, Funk, Garst, Harriman, Hayward, Healy, Junkin, Malloy, Mitchell, Palmer, Penrose, Titus, Wilson, Young of Delaware, Young of Lee—19.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator Ellison Senate file No. 235, by Ellison, a bill for an act to amend section 3849 of the code, relating to security for costs, with report of committee recommending a substitute, was taken up, considered and the report of the committee adopted.

On motion of Senator Cheshire the substitute was adopted.

Senator Ellison moved that the rule be suspended and that the bill be considered engrossed, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Blanchard, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire, Mullan, Perrin, Pusey, Ranck, Trewin, Wallace, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Allyn, Carney, Emmert, Funk, Harriman, Hayward, Healy, Junkin, Malloy, Mitchell, Palmer, Penrose, Titus, Young of Delaware, Young of Lee—15.



So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator Lothrop, House file No. 178, a bill for an act to amend section 700 of the code, relating to the powers of cities to regulate, license and tax certain kinds of business, with report of committee recommending that same do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Carroll moved that further consideration of the bill be deferred until 3 o'clock this afternoon.

Carried and so ordered.

Unanimous consent being granted, on motion of Senator Bell Senate file No. 162, by Bell, a bill for an act to amend section 434 of the code, in regard to the burial and furnishing headstones for deceased indigent soldiers, sailors and marines, with report of committee recommending certain amendments, and that when so amended the bill do pass, was taken up, considered, and the report of the committee adopted.

Senator Bell moved the adoption of the committee amendment as follows: That the same be amended by striking out the publication clause, and when so amended the bill do pass.

Adopted.

Senator Bell 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, Bell, Berry, Blanchard, Bolter, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, Mullan, Palmer, Perrin, Pusey, Ranck, Wallace, Wilson—34.

The nays were:

None.

Absent or not voting:

Senators Allyn, Byers, Emmert, Funk, Harriman, Hayward, Healy, Hobart, Malloy, McIntire, Mitchell, Penrose, Titus, Trewin, Young of Delaware, Young of Lee—16.

So the bill, having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

Unanimous consent being granted, on motion of Senator Blanchard, Senate file No. 104, by Blanchard, a bill for an act to repeal section 1617 of the code, relating to the dissolution of corporations, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Blanchard moved the adoption of the committee amendment as follows:

Amend by striking from the ninth and tenth lines of said bill the following words: "or by unanimous consent of the stockholders."

Adopted.

Senator Blanchard 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, Bell, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Gilbertson, Gorrell, Healy, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire, Mullan, Palmer, Perrin, Pusey, Trewin, Wallace, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Allyn, Emmert, Funk, Garst, Harriman, Hayward, Malloy, Mitchell, Penrose, Ranck, Titus, Young of Delaware, Young of Lee—13.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator Bolter House file No. 96, by Hathaway, a bill for an act to protect the meandered lakes of Iowa, and to give the executive council the control of certain lakes and lake beds, with report of committee recommending certain amendments and when so amended

that the same do pass, was taken up, considered, and the report of the committee adopted.

Senator Bolter moved the adoption of the first committee amendment as follows:

That the title be amended by striking out all after the word "Iowa."

Adopted.

Senator Bolter moved the adoption of the second committee amendment as follows:

That section one (1) be amended by striking out of the first and second lines of the original bill the words, "change any water course or."

Adopted.

Senator Bolter moved the adoption of the third committee amendment as follows:

That section one (1) be further amended by striking out of the seventh line of the original bill the dollar mark and the figures "1,000" and inserting in lieu thereof the words "one thousand dollars."

Adopted.

Senator Bolter moved the adoption of the fourth committee amendment as follows:

That said bill be further amended by striking out sections two (2), three (3) and four (4), and that when so amended the bill do pass.

Adopted.

Senator Bolter moved that the rule be suspended, and that the bill be 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, Bell, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire, Mullan, Palmer, Perrin, Pusey, Ranck, Trewin, Wallace, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Allyn, Ellison, Emmert, Funk, Harriman, Hayward, Malloy, Mitchell, Penrose, Titus, Young of Delaware, Young of Lee—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Junkin moved that time of adjournment be extended to 12:15 o'clock.

Carried and so ordered.

Unanimous consent being granted, on motion of Senator Alexander, House file No. 285, by Dows, a bill for an act to increase the number of district judges in the Eighteenth Judicial district, with report of committee recommending that the same do pass, was taken up, considered and the report of the committee adopted.

Senator Alexander 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 Alexander, Bell, Berry, Blanchard, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Finch, Garst, Gilbertson, Hotchkiss, Junkin, Lewis, Lothrop, McIntire, Mullan, Palmer, Perrin, Ranck, Trewin, Wallace—27.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bolter, Emmert, Everall, Funk, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hurst, Kilburn, Lyons, Malloy, McArthur, Mitchell, Penrose, Pusey, Titus, Wilson, Young of Delaware, Young of Lee—23.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

#### REPORT OF COMMITTEES.

Senator Garst, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred Senate file No. 244, a bill for an act to provide for the condemnation of a fish-way, and for the erection of a fish-way in the Bonaparte dam; also making appropriations for the expenses thereof and prescribing penalties for injuring or destroying such fish-way, beg leave to report 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 the period at the end of section 5 and insert a comma in lieu thereof, and add at the end of said section 5 the following: "not to exceed one thousand (1,000) dollars."

Strike out the word "dam" in the first line of section 6, and insert in lieu thereof the word "fish-way."

And when so amended, that the same do pass.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Senator Blanchard requested that the Journal show that had he been present, he would have voted "yea" on the passage of House file No. 16, a bill for an act to amend section 2488 of the code, relating to the ventilation of mines.

Senator Blanchard moved that the Senate do now adjourn.

Carried

Senate adjourned.

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## AFTERNOON SESSION.

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Senate met in regular session at 2 o'clock P. M., President Milliman presiding.

### REPORT OF STANDING COMMITTEE.

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

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred substitute for Senate file No. 16, a bill for an act to repeal section 1661, chapter 3 of the code, relating to agricultural and horticultural societies, etc., and enacting a substitute 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 House amendment be concurred in.

W. F. HARRIMAN,  
*Chairman.*

On motion of Senator Harriman, the report of the committee was adopted and the bill put upon its passage.

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

Senators Alexander, Blanchard, Carney, Carroll, Cheshire, Craig, Ellison, Emmert, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, McArthur, McIntire, Mitchell, Mullan, Palmer, Perrin, Ranck, Titus, Wilson—32.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Berry, Bolter, Byers, Druet, Eaton, Everall, Hayward, Healy, Lewis, Malloy, Penrose, Pusey, Trewin, Wallace, Young of Delaware, Young of Lee—18.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Also:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred Senate file No. 72, a bill for an act to amend section 1659 of the code, in relation to the publication of awards by county agricultural societies, beg leave to report 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.

W. F. HARRIMAN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred Senate file No. 261, a bill for an act to amend section 2528, chapter 14, title 12, of the code, and to grant additional powers to the dairy commissioner, beg leave to report 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 and with the further recommendation that it be first referred to the Committee on Appropriations.

W. F. HARRIMAN,  
*Chairman.*

On motion of Senator Harriman the report of committee was adopted and the bill referred to Committee on Appropriations.

On motion of Senator Harriman, report of Committee on Agriculture on Senate file No. 72, a bill for an act to amend section 1659 of the code, in relation to the publication of awards by county agricultural societies, recommending indefinite postponement, was adopted and the bill was indefinitely postponed.

BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Kilburn, House file No. 174, a bill for an act to amend section 1508 of the code, relative to roads in cities and towns, with report of committee recommending that the same do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Kilburn moved that the rule be suspended, and that the reading just had be considered the third reading.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House file No. 181, a bill for an act to provide for the sale and distribution of the school law of Iowa.

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. 209, a bill for an act to legalize the organization of the Grundy county agricultural society of Grundy county, Iowa.

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. 207, a bill for an act to legalize the levy and collection of a tax for schoolhouse fund in the year 1896 in the independent district

of Lincoln Center, No. 5, Pottawattamie county, and the diversion and use of such tax to the teachers' and contingent funds of said independent school district.

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. 189, a bill for an act to legalize the election and proceedings of the town council of Patterson, Madison county, Iowa.

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:

Substitute for Senate file No. 102, a bill for an act to legalize conveyances of real property by executors or trustees under foreign wills.

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. 230, a bill for an act to legalize the acts, proceedings and ordinances of the incorporated town of Lenox, Iowa.

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. 120, a bill for an act to require boards of school directors to fence schoolhouse sites.

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. 192, a bill for an act to amend sections 742, 744, 745 and 747, chapter 5, title 5 of the code, relating to the purchase and construction of waterworks.

JAS. D. BOWEN,  
*Chief Clerk.*

Passed on file.

BILLS ON THIRD READING.

The Senate resumed consideration of House file No. 174.

On motion of Senator Trewin, the bill, House file No. 174, was referred to the Committee on Cities and Towns, retaining its place on the Calendar.

On motion of Senator Finch, Senate file No. 214, a bill for an act to amend section 3988 of the code, relating to levy of attachment or execution on mortgaged personal property, with report of committee recommending certain amendments, and that when so amended the bill do pass, was taken up, considered, and the report of the committee adopted.

Senator Finch moved the adoption of the first committee amendment, as follows:

That section 1, line 6, be amended by inserting between the words "conditioned" and "for" the word "either."

Adopted.

Senator Finch moved the adoption of the first committee amendment as follows:

That line 7 of said section be amended by striking out the words "or to be found."

Adopted.

Senator Finch moved the adoption of the second committee amendment, as follows:

That line 8 of said section be amended by inserting after the word "upon" the words "as the party ordering the levy may elect."

Adopted.

Senator Finch 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 Bell, Berry, Blanchard, Byers, Carney, Cheshire, Craig, Eaton, Ellison, Emmert, Ericson, Finch, Garst, Gilbertson, Gorrell, Harriman, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, McArthur, McIntire, Mitchell Palmer, Ranck, Titus, Wallace, Wilson—31.

The nays were:

None:

Absent or not voting:

Senators Alexander, Allyn, Bolter, Carroll, Druet, Everall, Funk, Hayward, Healy, Hospers, Lewis, Malloy, Mullan, Penrose, Perrin, Pusey, Trewin, Young of Delaware, Young of Lee—19.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator Byers, Senate file No. 183, a bill for an act to amend section 2386 of the code, relating to registered pharmacists, with report of committee recommending that the same do pass, was taken up, considered, the report of the committee adopted, and the bill was read for information.

By unanimous consent the secretary was instructed to strike from the fourth line of section 1 of the bill, the word "substitute" and insert in lieu thereof the word "substituting."

Senator Byers 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 Bolter, Byers, Carney, Carroll, Cheshire, Druet, Ellison, Emmert, Ericson, Everall, Finch, Garst, Gilbertson, Hobart, Hurst, Junkin, Lothrop, Lyons, McArthur, McIntire, Mullan, Trewin, Wilson—23.

The nays were:

Senators Bell, Berry, Blanchard, Craig, Eaton, Funk, Gorrell, Harriman, Kilburn, Palmer, Ranck, Wallace—12.

Absent or not voting:

Senators Alexander, Allyn, Hayward, Healy, Hospers, Hotchkiss, Lewis, Malloy, Mitchell, Penrose, Perrin, Pusey, Titus, Young of Delaware, Young of Lee—15.

Senator Ranck filed the following motion to reconsider the vote by which Senate file No. 133 was lost:

MR PRESIDENT—I move to reconsider the vote by which Senate file No. 133 was lost.

C. S. RANCK.

Unanimous consent being granted, on motion of Senator Gorrell, Senate file No. 101, a bill for an act to amend section 227 of the code, and reduce the number of judges of the sixth judicial district, with report of committee recommending that same do pass, was taken up, considered, the report of the committee adopted, and the bill read for information.

The hour to which consideration of House file No. 178, a bill for an act to amend section 700 of the code, relating to the powers of cities to regulate, license and tax certain kinds of business, was deferred, same was taken up for further consideration.

Senator Lothrop offered the following amendment and moved its adoption:

I move to amend section 1 of the bill by inserting after the word "licensing," in line 7, the word "engineers," and by striking out of said line 7, the word "engineers" and inserting in lieu thereof the word "engines."

Senator Lothrop moved that the rule be suspended, and that the bill be 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, Bell, Berry, Blanchard, Byers, Carnegy Carroll, Cheshire, Craig, Everall, Finch, Gorrell, Harriman, Hobart, Hotchkiss, Hurst, Lewis, McArthur, Mullan, Palmer, Penrose, Perrin, Wallace—23.

The nays were:

Senators Eaton, Ericson, Garst, Gilbertson, Junkin, Kilburn, Lothrop, Lyons, Mitchell—9.

Absent or not voting:

Senator Allyn, Bolter, Druet, Ellison, Emmert, Funk, Hayward, Healy, Hospers, Malloy, McIntire, Pusey, Ranck, Titus, Trewin, Wilson, Young of Delaware, Young of Lee—18.

So the bill failed of passage.

Senator Lothrop filed the following motion:

MR. PRESIDENT—I move to reconsider the vote by which House file No. 178 was lost, for want of a constitutional majority voting therefor.

J. S. LOTHROP,

The special order having been disposed of Senate file No. 101 was taken up for further consideration.

Senator Gorrell 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 Bolter, Emmert, Everall, Garst, Gilbertson, Gorrell, Hobart, Hurst, Kilburn, Lyon, Mitchell, Wilson—12

The nays were:

Senators Alexander, Bell, Berry, Blanchard, Carroll, Cheshire, Druet, Eaton, Hotchkiss, Junkin, Lewis, Lothrop, McArthur, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace—21.

Absent or not voting:

Senators Allyn, Byers, Carney, Craig, Ellison, Ericson, Finch, Funk, Harriman, Hayward, Healy, Hospers, Malloy, McIntire, Pusey, Young of Delaware, Young of Lee—17.

So the bill failed of passage.

Senator Bell was granted unanimous consent to withdraw the memorial presented by him last week in regard to placing the soldiers' home under the charge of the board of control.

Unanimous consent being granted, on motion of Senator Wilson, House file No. 267, a bill for an act for the relief of William M. Desmond, was taken up and read for information.

On a request of Senator Wilson further consideration of the bill was deferred until 9:30 o'clock tomorrow morning.

Unanimous consent being granted, on motion of Senator Blanchard Senate file No. 244, a bill for an act to provide for

the condemnation of a fishway and for the erection of a fishway in the Bonaparte dam. Also making appropriation for the expenses thereof, and prescribing penalties for injuring or destroying such fishway, with report of committee recommending certain amendments, and that when so amended same do pass, was taken up, considered, and the report of the committee adopted.

Senator Blanchard moved the adoption of the first committee amendment, as follows:

Strike out the period at the end of section 5 and insert a comma in lieu thereof, and add at the end of section 5 the following: "not to exceed one thousand dollars (\$1,000).

Adopted.

Senator Blanchard moved the adoption of the second committee amendment, as follows:

Strike out the word "dam" in the first line of section 6, and insert in lieu thereof the word "fishway."

Adopted.

Senator Blanchard offered the following amendment and moved its adoption:

Add as section 7. "Nothing in this act or any proceedings under the same shall be construed as a surrender or waiver on the part of the state of its right to cause the removal of said dam or of any other right belonging to the state."

Adopted.

Senator Blanchard moved to amend the bill by making the publication clause section 8 instead of section 7 thereof.

Adopted.

Senator Harriman moved that the time of adjournment be extended until the bill under consideration be disposed of, the Journal corrected and House messages taken up.

Carried and so ordered.

Senator Blanchard 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, Bell, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson,

Correll, Harriman, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wilson—41.

The nays were:

None.

Absent or not voting:

Senators Allyn, Hayward, Healy, Hospers, Malloy, Pusey, Wallace, Young of Delaware, Young of Lee—9.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

#### HOUSE MESSAGES.

House file No. 181, a bill for an act to provide for the sale and distribution of the school laws of Iowa, was read first and second time and referred to Committee on Schools.

Senate file No. 209, a bill for an act to legalize the organization of the Grundy County Agricultural society of Grundy county, Iowa, was read and passed on file.

Senate file No. 207, a bill for an act to legalize the levy and collection of a tax for schoolhouse fund in the year 1896, in the independent school district of Lincoln Center No. 5, Pottawattamie county, and the diversion and use of such a tax to the teachers' and contingent funds of said independent school district, was read and passed on file.

Senate file No. 189, a bill for an act to legalize the election and the proceedings of the town council of the town of Patterson, Madison county, Iowa, was read and passed on file.

Substitute for Senate file No. 102, a bill for an act to legalize conveyance of real property by executors under foreign wills, was read and passed on file.

Senate file No. 280, a bill for an act to legalize the acts, proceedings and ordinances of the incorporated town of Lenox, Iowa, was read and passed on file.

Senate file No. 120, a bill for an act to require boards of school directors to fence schoolhouse sites was read and passed on file.

Senate file No. 192, a bill for an act to amend section 742, 744, 745, 747, chapter 5, title 5, of the code, relating to the pur-

chase and construction of waterworks was read and passed on file.

Journal of Saturday was taken up, corrected and approved.

Hon. John Daly, ex-member of the British parliament, was introduced to the Senate and responded to the applause in a short but eloquent speech.

The hour of adjournment having arrived, the President declared the Senate stood adjourned till 9 o'clock A. M. to-morrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Tuesday, March 22, 1898. }

Senae met in regular session at 9 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. Chas. L. Nye, of Perry, Iowa.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

STATE OF IOWA,  
EXECUTIVE DEPARTMENT, }  
DES MOINES.

*To the Senate:*

I have the honor to inform the Senate that the following bills, originating in your honorable body, have been approved, signed and filed in the office of the secretary of state.

No. 52, an act to amend title ten (10), of chapter five (5), of the code, in respect to the regulation of automatic couplers required to be used by rail ways in this state.

No. 5, an act to amend section 3943 of the code, relating to garnishments.

No. 11, an act to amend section 511 of the code, relating to the compensation of sheriffs.

No. 73, an act to make appropriations for the payment of supplies contracted for by the executive council and for supplies and other expenses.

No. 127, an act to appropriate the sum of \$3,500 or so much thereof as may be necessary to pay the extra employes of the Twenty-seventh General Assembly.

No. 44, an act to amend sections 850 and 859 of the code relating to election of park commissioners in certain cities.

No. 47, an act to amend section 298, chapter 8, of the code, relating to the clerk of the district court, and fixing the maximum amount to be allowed by the board of supervisors to deputies and clerks in counties having a population exceeding forty thousand.



No. 38, an act to amend section 891 and section 892, chapter 11, title 5, of the code, pertaining to labor on highways.

No. 1, an act to amend section 2551 of the code, relating to the protection of game.

No. 86, an act to assign rooms numbers eleven and twelve to the state agricultural society.

No. 78, an act to legalize the levy and collection of a schoolhouse tax, and to authorize the school board of the school district of Scott township, Floyd county, to transfer certain money illegally voted, levied and raised for the purpose of building a schoolhouse, to the teachers' fund of said school district.

No. 172, an act to amend sections 2744, and 2754 of the code, relating to the names of school corporations and the election of directors thereof.

No. 57, an act to amend section 1371 of the code, relating to the duty of township, city and town assessors.

No. 64, an act to legalize a conveyance by the independent school district of Ottumwa to John F. Rugg.

No. 23, an act to amend section 2942 of chapter 6 of the code, relating to the conveyance of real estate and providing for the acknowledgment of deeds and other instruments in writing.

No. 15, an act to furnish relief to county and district agricultural societies.

No. 68, an act to amend section 859, title 5, chapter 9, of the code, relating to park commissioners and boards of public works, and the terms of park commissioners, and providing for the extension of the terms of such commissioners as expire in a year in which there is no biennial election.

No. 10, an act to amend section 1457 of the code, relating to the security of the revenue and to permit counties to receive interest on moneys deposited in banks.

No. 53, an act to amend section 2071, chapter 5, title 10, of the code, relating to injuries to employes.

No. 56, an act to amend section 1898 of the code, relating to building and loan associations.

No. 99, an act to amend section 654 of the code, relating to the organization and officers of cities and towns and to the appointment of police matrons.

No. 21, an act prohibiting members of boards of supervisors and township trustees from making contracts with their respective townships or counties.

No. 13, an act relating to the use of the notes of shorthand reporters as evidence.

No. 87, an act to amend section 4538, chapter 1, title 22, of the code, relating to the filing of transcripts.

No. 109, an act to repeal section 3912 of the code and to enact a substitute therefor, relating to the sale of perishable property when seized under a writ of attachment.

No. 219, an act to appropriate money to defray the expense of the inauguration ceremonies.

No. 32, an act to amend section 1562 of the code, relating to the destruction of thistles.

No. 49, an act to authorize the levy of taxes for fire purposes in cities of the second class.

No. 60, an act to amend section 2979 of the code, relating to homesteads.

No. 186, an act to empower boards of directors of school corporations to change boundary lines between such corporations in certain cases.

L. M. SHAW.

March 22, 1898.

Passed on file.

#### REPORTS OF STANDING COMMITTEES.

Senator Craig, from the Committee on Insurance, submits the following report:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred Senate file No. 243, a bill for an act to amend section seventeen hundred and fifty-nine (1759), chapter five (5), title nine (9) of the code, in relation to mutual fire, tornado, and hailstorm assessment insurance 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.

G. M. CRAIG,  
*Chairman.*

Senator Craig moved that report of committee be adopted.

Carried, and bill indefinitely postponed.

Also:}

MR. PRESIDENT—Your Committee on Insurance, to whom was referred Senate file No. 179, a bill for an act to prescribe certain announcements in policies of mutual accident insurance associations or 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 same be indefinitely postponed.

G. M. CRAIG,  
*Chairman.*

Senator Craig moved that report of committee be adopted.

Carried, and bill indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred House file No. 157, a bill for an act to amend section 1832 of the code, relative to the issuing of state auditor's certificate to fraternal beneficiary societies, orders or 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 do pass.

G. M. CRAIG,  
*Chairman.*

Ordered passed on file.

Senator Kilburn, from the Committee on Highways, submits the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate file No. 256, a bill for an act relating to the powers and duties of highway officers and to provide for the construction, maintenance and improvement of the highways, beg leave to report 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.

L. M. KILBURN,  
*Chairman.*

Senator Kilburn moved the report of the committee be adopted.

Carried, and Senate file No. 256 was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate file No. 257, a bill for an act to define the duties of county surveyors, and providing compensation for the same, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

L. M. KILBURN,  
*Chairman.*

Senator Kilburn moved that the report of the committee be adopted.

Carried, and Senate file No. 257 was indefinitely postponed.

Senator Trewin, from the Committee on Schools, submits the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House file No. 139, a bill for an act to amend sections 2728, 2730, 2731, 2732, and repeal section 2733 of the code, and enact a substitute therefor 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 the same be amended as follows, and when so amended that the same do pass.

That section 2 of the bill be amended by striking out the words, "no case shall" in the twelfth line thereof, and inserting in lieu thereof the words, "the aggregate shall not."

That section 4 of the bill be amended by striking out of lines 6 and 7 the words, "district townships and independent school districts," and inserting in lieu thereof the words, "school corporations."

Also, by striking out of lines 8 and 9 the words, "district townships and independent school districts," and inserting in lieu thereof the words, "school corporations."

Also, by striking out of lines 11 and 12 the words, "district townships and independent school districts," and inserting the words, "school corporations."

Also, by striking out the word "districts" in the sixteenth line and inserting the word "corporations."

Also, by striking out the word, "district" in the nineteenth line and inserting the word, "corporation."

Also, by striking out of line 19 the words, "of which they are actual residents" and inserting the words, "in which they are enumerated for school purposes."

Also, by striking out the words, "of said districts" in the twentieth and twenty-first lines and inserting the words, "school corporation."

Also, by striking the letter "s" off the word "boards," at the end of line 21.

Also, by striking out of line 22 the word, "district" and inserting the words, "school corporation."

Also, by striking out of line 23 the words, "from their several districts"

Also, by striking out of lines 25 and 26 the words, "upon the payment in advance of such reasonable sum by the way of tuition as may be fixed."

Also, by striking out of lines 27 and 28 the words, as to room in said school."

Also, by inserting after the word "county," in line 29, the following: "The board of trustees shall fix reasonable tuition for such pupils. If such pupils are residents of the county the school corporation from which they attend shall pay their tuition out of its contingent fund."

Also, by striking out the words "district township or independent district" and inserting in lieu thereof the words "school corporation" in line 32.

Also, by striking out of line 35 the words "this act" and inserting in lieu thereof the words "the code."

Also, by striking out section five (5) of the bill and inserting the following:

SEC. 5. That section twenty-seven hundred and thirty-three of the code be repealed and the following substituted: "Whenever citizens of any county having a county high school desire to abolish the same or to dispose of any part of the buildings or property thereof, they may petition the board of supervisors at any regular session thereof in relation thereto, and sections three hundred and ninety-seven (397), three hundred and ninety-eight (398), three hundred and ninety-nine (399) and four hundred (400) of the code shall apply to and govern the whole matter, including the manner of presenting and determining the sufficiency of such petitions and remonstrances thereto, so far as applicable. If an election is ordered the same shall be held at the time of the general election or at a special election called for that purpose and the proposition shall be submitted and the election conducted in the manner provided in title six (6) of the code.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 193, a bill for an act to require treasurers of school corporations, when depositing school funds with banks, to take surety in double the amount of deposits, and to enable treasurers of school corporations to leave school funds in hands of county treasurer until needed, beg leave to report 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 by striking out section one and renumbering section two as section one, and when so amended that the same do pass.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Senator Blanchard, from the Committee on Constitutional Amendments and Suffrage, submits the following report:

MR. PRESIDENT—Your Committee on Constitutional Amendments and Suffrage, to whom was referred joint resolution No. 4, by Berry, proposing to amend the constitution so as to provide for trial by a jury of a less number than twelve men and for a verdict to be rendered by less than the unanimous vote of the jury, beg leave to report 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.

L. C. BLANCHARD,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 145, a bill for an act to legalize a resolution of the city council of the city of Des Moines, Iowa, passed August A. D., 1897, approving a contract with the McCaskey & Holcomb company for the construction, operation, and maintenance of an electric lighting plant for said city.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator McIntire, House file No. 312, a bill for an act to amend section 814 of the code, relative to street improvements, was taken up and considered.

The bill was read for information.

Senator McIntire 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, Carney, Carroll, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, McArthur, McIntire, Palmer, Perrin, Ranck, Wallace, Wilson, Young of Lee—38.

Senator Cheshire voted in the negative.

Absent or not voting:

Senators Bolter, Byers, Lewis, Malloy, Mitchell, Mullan, Penrose, Pusey, Titus, Trewin, Young of Delaware—11.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Cheshire filed the following explanation of his vote:

MR. PRESIDENT—I vote "no" because the effect of the bill will be to transfer from the city or town, to the abutting property owner, the burden of keeping pavements in repair for a longer period than one year. In my opinion the burden of special assessments is already too heavy, and no additional burdens should be added.

THOS. A. CHESHIRE.

Senator McIntire moved to indefinitely postpone Senate file No. 218 for the reason it is identical with the bill just passed, House file No. 312.

Unanimous consent being granted, on motion of Senator Junkin, Senate file No. 65, a bill for an act to amend section 2700 of the code, providing for the support of the institution for feeble-minded children, with report of committee recommending it do pass, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Junkin 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 Alexander, Allyn, Bell, Berry, Blanchard, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Emmert, Ericson, Everall, Finch, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, McArthur, McIntire, Mitchell, Mullan, Palmer, FERRIS, FERRIS, Ranck, Wallace, Wilson, Young of Delaware Young of Lee—41.

The nays were:

None.

Absent or not voting:

Senators Bolter, Ellison, Funk, Garst, Lewis, Malloy, Pusey, Titus, Trewin—9.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senate resumed consideration of House file No. 267, made a special order for 9:30 o'clock to-day.

Senator Wilson moved that the rule be suspended, and that the reading had yesterday 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, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison,

Emmert, Ericson, Everall, Finch, Gilbertson, Gorrell, Harri-  
man, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst,  
Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire,  
Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck,  
Titus, Wallace, Wilson, Young of Delaware, Young of Lee—45.

The nays were:

None.

Absent or not voting:

Senators Bolter, Funk, Garst, Malloy, Trewin—5.

The bill, having received a constitutional majority, was  
declared to have passed the Senate and its title agreed to.

Senator Wilson moved that Senate file No. 211 be indefinitely  
postponed, for the reason it is identical to the bill just passed,  
House file No. 267.

Carried, and Senate file No. 211 was indefinitely postponed.

Unanimous consent being granted, on motion of Senator Car-  
roll, Senate file No. 232, a bill for an act to provide for the  
payment of the claims of Appaoose county against the state of  
Iowa for expenses incurred in the care, restraint and transpor-  
tation of insane persons, not having a known residence in Iowa,  
with report of committee recommending it do pass, 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 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, Bolter, Byers,  
Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison,  
Emmert, Ericson, Everall, Garst, Gilbertson, Gorrell, Harri-  
man, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst,  
Junkin, Kilburn, Lewis, Lothrop, Lyons, McIntire, Mitchell,  
Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace,  
Wilson, Young of Delaware, Young of Lee—44.

The nays were:

None.

Absent or not voting:

Senators Berry, Finch, Funk, Malloy, McArthur, Trewin—6.



The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Ranck called up his motion to reconsider the vote by which Senate file No. 133 was lost.

On the motion to reconsider the same was carried.

Senate file No. 133, a bill for an act to amend section 2386 of the code, relating to registered pharmacists, with report of committee recommending the bill do pass, was taken up, considered, and the report of the committee adopted.

Senator Byers moved that the rule be suspended, and that the bill be considered engrossed and the reading had yesterday be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Druet, Ellison, Emmert, Ericson, Everall, Finch, Gilbertson, Gerrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Lyons, Mullan, Palmer, Penrose, Pusey, Ranck, Trewin, Wilson, Young of Delaware, Young of Lee—36.

The nays were:

Senators Titus and Wallace—2.

Absent or not voting:

Senators Allyn, Bell, Craig, Eaton, Funk, Garst, Kilburn, Malloy, McArthur, McIntire, Mitchell, Perrin—12.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Unanimous consent being granted, on motion of Senator Hobart, Senate file No. 266, a bill for an act to amend section 2583 of the code, in relation to the practice of medicine, was taken up and considered.

The bill was read for information.

Senator Hobart 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, Byers, Carroll, Cheshire, Craig, Druet, Emmert, Ericson, Everall,

Finch, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Lyons, Mullan, Palmer, Perrin, Pusey, Ranck, Titus, Trewin, Young of Delaware, Young of Lee—35.

The nays were:

Senators Eaton, Ellison, Kilburn, Mitchell—4.

Absent or not voting:

Senators Bolter, Carney, Funk, Garst, Harriman, Malloy, McArthur, McIntire, Penrose, Wallace, Wilson—11.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Unanimous consent being granted, on motion of Senator Gilbertson, Senate file No. 182, a bill for an act to amend section 1610 of the code, in relation to corporation for pecuniary profit, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Gilbertson moved that the committee amendment, to strike out from line two of section 1 thereof the following words: "of title nine (9), chapter one (1)," be adopted.

Carried.

Same was adopted.

The bill was read for information.

Senator Gilbertson 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, Byers, Carney, Cheshire, Craig, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hobart, Hospers, Hotchkiss, Junkin, Lyons, McArthur, Penrose, Perrin, Ranck, Titus, Wallace—29.

The nays were:

Senators Berry, Hayward, Hurst, Lewis, Mullan, Young of Delaware, Young of Lee—7.

Absent or not voting:

Senators Blanchard, Bolter, Carroll, Druet, Harriman, Kilburn, Lothrop, Malloy, McIntire, Mitchell, Palmer, Pusey, Trewin, Wilson—14.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Unanimous consent being granted, on motion of Senator Ellison, Senate file No. 236, a bill for an act to amend section 2630 of the code, relating to the board of educational examiners, was taken up and considered.

The bill was read for information.

Senator Ellison 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, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hobart, Hospers, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—45.

The nays were:

None.

Absent or not voting:

Senators Harriman, Hayward, Healy, Hotchkiss, Malloy—5.

The bill, having received a constitutional majority, was declared to have passed the Senate, and its 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 has amended and passed the following bill, in which the concurrence of the House was asked:

Senate file No. 116, a bill for an act amending sections 2539, 2540 and 2559 of the code, relating to the care and propagation of fish and the protection of birds and game.

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. 80, a bill for an act to amend section 407 of the code, relating to the redemption of county bonds.

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 Senate is asked:

Substitute for House file No. 257, a bill for an act to amend an act of the extra session of the Twenty-sixth General Assembly, entitled "an act to provide for the annotation, indexing, publication, distribution and sale of the code and statutes hereafter enacted.

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 Senate is asked:

Substitute for substitute for House file No. 288, a bill for an act to establish and maintain a department of the Iowa penitentiary at Anamosa, for women and girls; said department to be known as the Iowa industrial reformatory for women.

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 Senate is asked:

House file No. 99, a bill for an act to amend section 2738 of the code, relative to the disbursement of the institute fund.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

On motion of Senator Bell, Senate file No. 71, a bill for an act to amend section 8089 of the code, relating to liens, with majority and minority reports, was taken up and considered.

Senator Bell moved that the minority report recommending passage of the bill, be substituted for the majority report.

On this a roll call was demanded.

On the question, "Shall the minority report be substituted for the majority report?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carroll, Craig, Druet, Eaton, Ellison, Ericson, Gilbertson, Gorrell, Harriman, Hotchkiss, Hurst, Lewis, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Wallace, Young of Delaware, Young of Lee—26.

The nays were:

Senators Bolter, Carney, Cheshire, Everall, Finch, Funk, Garst, Hayward, Healy, Hobart, Hospers, Junkin, Kilburn, Lothrop, Lyons, McIntire, Mitchell, Pusey, Trewin, Wilson—19.

Absent or not voting:

Senators Byers, Emmert, Hospers, Malloy, McArthur—5.

The minority report was substituted for the majority report.

The question, shall the minority report be adopted, the same was adopted.

Senator Finch offered the following amendment, to add as section 2:

The provisions of this act shall not affect purchases or incumbrances in good faith without notice whose rights accrued before the filing of a verified statement in the office of the clerk of the district court of the county in which the said real estate is situated.

Senator Cheshire moved that when the Senate adjourn it be until 2 o'clock P. M. to-day.

Carried.

By unanimous consent House file No. 139 was made a special order for 10 o'clock A. M. to-morrow.

Senator Trewin moved that further consideration of Senate file No. 71 be postponed until 2 o'clock P. M. to day.

Carried.

Senator Trewin moved that time of adjournment be extended five minutes.

Carried.

## INTRODUCTION OF BILLS.

By Senator Trewin, Senate file No. 276, a bill for an act to provide for depositories of public funds, the manner in which they shall be selected, and defining the liability thereof, and the duties and liabilities of custodian of public funds in certain cases.

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

The time of adjournment having arrived, the President declared the Senate stood adjourned until 2 o'clock P. M. to day

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**AFTERNOON SESSION.**

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Senate met in regular session at 2 o'clock P. M., President Milliman, presiding.

Senator McArthur moved to take up House messages.

Carried.

**HOUSE MESSAGES.**

Senate file No. 116, a bill for an act to amend sections 2559, 2540 and 2559 of the code, relating to the care and propagation of fish and the protection of birds and game, was read and passed on file.

Senate file No. 80, a bill for an act to amend section 407 of the code, relating to the redemption of county bonds, was read and passed on file.

House file No. 257, a bill for an act to amend an act of the extra session of the Twenty-sixth General Assembly, entitled "an act to provide for the annotation, indexing, publication, distribution and sale of the code and statutes hereinafter enacted," was read first and second time and referred to Committee on Judiciary.

Substitute for substitute for House file No. 288, a bill for an act to establish and maintain a department of the Iowa penitentiary at Anamosa for women and girls, said department to

be known as the Iowa industrial reformatory for women, was read first and second time and referred to Committee on Penitentiaries and Pardons.

House file No. 99, a bill for an act to amend section 2738 of the code, relative to the disbursement of the institute fund, was read first and second time and referred to Committee on Schools.

#### REPORT OF STANDING COMMITTEE.

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. 30, a bill for an act to amend section 2490 of the code, relative to screening coal, and adding a penalty for the violation of said section, beg leave to report 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.

B. F. CARROLL,  
*Chairman.*

Ordered passed on file.

#### THIRD READING OF BILLS.

Unanimous consent being granted, on motion of Senator McArthur, Senate file No. 166, a bill for an act amending sections 2539, 2540 and 2559 of the code, relating to the care and propagation of fish and the protection of birds and game, was taken up for consideration.

Senator McArthur moved that the House amendments be concurred in.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Blanchard, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hobart, Hospers, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, Palmer, Ranck, Titus, Trewin, Wallace, Wilson—33.

The nays were:

None.

Absent or not voting:

Senators Berry, Bolter, Byers, Eaton, Emmert, Ericson, Hayward, Hotchkiss, Malloy, McIntire, Mitchell, Mullan, Penrose, Perrin, Pusey, Young of Delaware. Young of Lee—17.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

MESSAGE FROM THE GOVERNOR.

The President laid before the Senate the following message from the governor:

STATE OF IOWA, }  
EXECUTIVE DEPARTMENT, }  
DES MOINES.

*To the General Assembly:*

In accordance with statutory requirement, I hereby communicate to the general assembly the fact that upon the 21st day of March instant, J. E. Wickham, one of the trustees of the institution for feeble-minded children, filed with me his resignation of that office.

L. M. SHAW.

March 22, 1898.

Read and passed on file.

Consent being granted, Senate file No. 71, a bill for an act to amend section 3089 of the code, relating to liens, with the amendments offered this morning by Senator Finch, was taken up for consideration.

The question being on the adoption of the amendment, same was adopted.

Senator Bell 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, Bell, Blanchard, Bolter, Byers, Carroll, Craig, Druet, Eaton, Ellison, Emmert, Finch, Gilbertson, Gorrell, Harriman, Hospers, Hotchkiss, Kilburn, Lewis, Lothrop, McArthur, Palmer, Penrose, Perrin, Ranck, Titus, Wallace, Young of Delaware—28.

The nays were:

Senators Allyn, Berry, Carney, Cheshire, Ericson, Everall, Funk, Garst, Healy, Hobart, Junkin, Lyons, Mullan, Trewin, Wilson—15.

Absent or not voting:

Senators Hayward, Hurst, Malloy, McIntire, Mitchell, Pusey, Young of Lee—7.



So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator Trewin, Senate file No. 260, a bill for an act to amend section 2812 of the code, relative to the powers of school corporations to issue bonds, with report of committee recommending a substitute and that same do pass, was taken up for further consideration.

On motion, the substitute was adopted.

Senator Alexander 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, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, McArthur, McIntire, Mullan, Palmer, Penrose, Perin, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—41.

The nays were:

None.

Absent or not voting:

Senators Harriman, Hayward, Hobart, Junkin, Lyons, Malloy, Mitchell, Pusey, Wilson—9.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

The hour for the consideration of the special order having arrived, substitute for Senate file No. 35, a bill for an act for the taxation of freight line companies, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

Senator Cheshire offered the following amendment and moved its adoption:

I move to amend the title so as to read as follows: "A bill for an act defining and providing for the taxation of freight line and equipment companies."

Adopted.

Senator Cheshire offered the following amendment and moved its adoption:

I move that the following be substituted for section (1) of the bill:

SECTION 1. Every company engaged in the business of operating cars, not otherwise listed for taxation or taxed in Iowa, for the transportation of freight, whether such freight be owned by such company, or any other person or company, over any railway line or lines, in whole or part within this state, such line or lines, not being owned, leased or operated by such company, whether such cars be termed box, flat, coal, ore, tank, stock, gondola, furniture or refrigerator cars, or by some other name, shall be deemed to be a freight line company. Every company engaged in the business of furnishing or leasing cars of whatsoever kind or description, to be used in the operation of any railway line or lines, wholly or partially within this state, such line or lines not being owned, leased or operated by such company, and such cars not being otherwise listed for taxation in Iowa, shall be deemed to be an equipment company.

Adopted.

Senator Cheshire offered the following amendment and moved its adoption:

Amend section two (2) as follows:

By inserting after the word "approximate" in division "d" of subsection 14 the word "estimate."

Also, by inserting after the word "line" in the first line of said section the words "and every equipment."

Adopted.

Senator Cheshire offered the following amendment and moved its adoption:

I move to amend section 2 by adding as subsection 17 hereof the following:

Seventeenth. In the case of an equipment company, in addition to the foregoing, a statement showing:

(a) The number and value of the cars owned by the company.

(b) The number and value of the cars leased by the company.

(c) The whole length of the lines of railway, wherever located, operated by the companies, naming them, to which cars owned by such equipment company are leased, and the length of so much of said lines as is without and is within the state of Iowa, giving the name and location of the lines wholly or partially within the state of Iowa.

Adopted.

Senator Cheshire offered the following amendment and moved its adoption:

I move to amend section three (3) by inserting between the word "first" and the word "day," in the tenth line, the word "Monday," and by striking out the word "March," in the same line, and inserting in lieu thereof the word "June."

Adopted.

Senator Cheshire offered the following amendment and moved its adoption.

Amend section four (4) by striking out the word "first" in the second line and insert in lieu thereof the word "second" and by striking out the word "March" and inserting the word "July."

Adopted.

Senator Craig offered the following amendment and moved its adoption.

Amend substitute for senate file No. 35 by adding thereto the following section:

SEC. 9. This act shall not apply to freight line companies as defined in the first section hereof, which, within the state in which they are organized or in which their principal places of business are located, are assessed for taxation and pay taxes upon their cars; provided the cars so taxed and assessed include their cars used within the state of Iowa.

Lost.

Senator Cheshire moved to amend the bill by adding as section 9 thereof a publication clause, as follows:

"Sec. 9. This act being deemed of immediate importance shall take effect on and after its publication in the Iowa State Register and Des Moines Leader, newspapers published at Des Moines, Iowa."

Adopted.

Senator Carroll offered the following amendment and moved its adoption:

Strike out of line 3, section 2, the word "between" and insert in lieu thereof the words "on or before." Strike out of lines 3 and 4 the words "day of February and the first day of March" and insert the words "Monday of June."

Adopted.

Senator Carney offered the following amendment and moved its adoption:

Amend line 27, in section 5, by inserting the words "each of" between the words "business of" and "said companies."

Adopted.

Senator Cheshire offered the following amendment and moved its adoption:

I move to amend section seven by inserting after the word "operating" in the fourth line, the words "furnishing or leasing."

Adopted.

The bill was read for information.

The question being on the adoption of the substitute, same was adopted.

Senator Cheshire moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered 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, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—46.

The nays were:

None.

Absent or not voting:

Senators Bell, Eaton, Malloy, Pusey—4.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator Young of Delaware, Senate file No. 258, a bill for an act to amend section 1580, chapter 2, title 8 of the code, in relation to the levy and disbursement of the county road fund, with report of committee recommending that the same do pass, was taken up, considered, and the report of the committee adopted.

Senator Young of Delaware 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, Blanchard, Byers, Carroll, Cheshire, Druet, Ellison, Emmert, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Mitchell, Palmer, Perrin, Wilson, Young of Delaware, Young of Lee—27.

The nays were:

Senators Carney, Ericson, Finch, Hayward, Lothrop, McArthur, Wallace—7.

Absent or not voting:

Senators Bell, Berry, Craig, Eaton, Lyons, Malloy, Mullan, McIntire, Perrin, Pusey, Ranck, Titus, Trewin—13.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Lothrop called up the motion filed by him yesterday to reconsider the vote by which House file No. 178 was defeated, and moved its adoption.

Carried.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Blanchard, Bolter, Byers, Carroll, Cheshire, Druet, Everall, Finch, Gilbertson, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Lewis, Lothrop, Lyons, McArthur, McIntire, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Lee—29.

The nays were:

Senators Carney, Emmert, Ericson—3.

Absent or not voting:

Senators Allyn, Bell, Berry, Eaton, Ellison, Funk, Garst, Gorrell, Harriman, Junkin, Kilburn, Malloy, Mitchell, Mullan, Pusey, Wilson, Young of Delaware—17

So 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 has amended and passed the following bill in which the concurrence of the House was asked:

Senate file No. 201, a bill for an act to create a state board of control, and to provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to make an appropriation therefor, and for the defining of certain offenses and providing penalties therefor.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

REPORT OF STANDING COMMITTEE.

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. 252, a bill for an act to amend section twenty-four hundred and nineteen (2419), chapter six (6), title twelve (12), of the code, relating to the transportation of intoxicating liquors to one not holding a permit, beg leave to report 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.

WM. B. PERRIN,  
*Chairman.*

Ordered passed on file.

Senator Carroll moved that time of adjournment be extended till House messages be disposed of and the Journal corrected.

Carried.

Senator Trewin, from the Committee on Schools, submits the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House file No. 112, a bill for an act to amend section 2734 of the code of Iowa, relating to the qualifications of county superintendents, beg 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 with the recommendation that the substitute do pass.

SUBSTITUTE FOR HOUSE FILE NO. 112.

A BILL for an act to amend section twenty-seven hundred and thirty-four (2734) of the code, relating to the qualifications of county superintendents.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section twenty-seven hundred and thirty-four of the code be and is hereby amended by striking out of the second and third lines thereof the words "first class or" and inserting in lieu thereof the words "two years certificate as provided for in section twenty-seven hundred and thirty-seven (2737) of the code issued by any county superintendent in the state or a."

J. H. TREWIN,  
*Chairman.*

Substitute read first and second time and ordered printed in the Journal, and report of committee passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House file No. 204, a bill for an act to amend section 2792 of the code, relating to the restoration of territory to the territory to which it geographically belongs, which has been set off, to an adjoining school township in the same or another county, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 273, a bill for an act to amend section 2752 of the code, relating to boards of directors of school townships, beg leave to report 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.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 272, a bill for an act to establish bird day, beg leave to report 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.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House file No. 181, a bill for an act to provide for the sale and distribution of the school laws of Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 207, a bill for an act to legalize the levy and collection of a tax for schoolhouse fund in the year 1896, in the independent school district of Lincoln Center-No. 5, Pottawattamie county, and the diversion and use of such tax to the teachers' and contingent funds of said independent school district.

Also, Senate file No. 189, an act to legalize the election and the proceedings of the town council of the town of Patterson, Madison county, Iowa.

Also, Senate file No. 120, an act to require boards of school directors to fence schoolhouse sites.

Also, substitute for Senate file No. 102, an act to legalize conveyances of real property by executors or trustees under foreign wills.

G. M. TITUS,  
*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. 209, a bill for an act to legalize the organization of the Grundy county agricultural society, of Grundy county, Iowa.

Also, substitute for Senate file No. 30, an act to compensate A. T. Birchard as acting commandant of the Iowa soldiers' home.

Also, Senate file No. 205, an act to amend section twenty-five hundred and three (2503) of the code, relating to the inspection of petroleum products.



Also, substitute for Senate file No. 16, an act to repeal section sixteen hundred and sixty-one (1661), chapter three (3) of the code, relating to agricultural and horticultural societies, etc., and enacting a substitute therefor.

Also, Senate file No. 100, an act to amend chapter 9, title 12 of the code, in relation to the use of oil in coal mines.

Also, Senate file No. 230, an act to legalize the acts, proceedings and ordinances of the incorporated town of Lenox, Iowa.

Also, substitute for substitute for joint resolution No. 1, joint resolution proposing to amend the constitution of the state of Iowa so as to provide for biennial elections.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus 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. 230, a bill for an act to legalize the acts, proceedings and ordinances of the incorporated town of Lenox, Iowa.

Also, Senate file No. 189, an act to legalize the election and the proceedings of the town council of the town of Patterson, Madison county, Iowa.

Also, Senate file No. 120, an act to require boards of school directors to fence schoolhouse sites.

Also, substitute for Senate file No. 102, an act to legalize conveyances of real property by executors or trustees, under foreign wills.

Also, substitute for substitute for joint resolution No. 1, joint resolution proposing to amend the constitution of the state of Iowa, so as to provide for biennial elections.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*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. 209, a bill for an act to legalize the organization of the Grundy county agricultural society of Grundy county, Iowa.

Also, substitute for Senate file No. 30, an act to compensate A. T. Birchard as acting commandant of the Iowa soldiers' home.

Also, Senate file No. 205, an act to amend section twenty-five hundred and three (2503) of the code, relating to the inspection of petroleum products.

Also, substitute for Senate file No. 16, an act to repeal section sixteen hundred and sixty-one (1661), chapter three (3) of the code, relating to agricultural and horticultural societies, etc., and enacting a substitute therefor.

Also, Senate file No. 100, an act to amend chapter 9, title 13 of the code, in relation to the use of oil in coal mines.

Also, Senate file No. 207, an act to legalize the levy and collection of a tax for schoolhouse fund in the year 1896, in the independent school district of Lincoln Center No. 5, Pottawattamie county, and the diversion and use of such tax to the teachers' and contingent funds of said independent school district.

G. M. TITUS,

*Chairman Senate Committee.*

I. B. SANTEE,

*Chairman House Committee.*

Ordered passed on file.

The President announced that he had signed, in the presence of the Senate, the following bills: Substitute for substitute for joint resolution No. 1; substitute for Senate file No. 102; Senate file No. 120; Senate file No. 189; Senate file No. 207; Senate file No. 230; Senate file No. 16; Senate file No. 100; Senate file No. 205; substitute for Senate file No. 80, and Senate file No. 209.

#### HOUSE MESSAGES.

Senate file No. 201, a bill for an act to create a state board of control, was read and referred to Committee on Ways and Means.

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

The hour of adjournment having arrived, the President declared the Senate stood adjourned until 9 o'clock A. M. tomorrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Wednesday, March 23, 1898. }

Senate convened at 9 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. E. D. Wilson, of Centerville, Iowa.

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

On request of Senator Byers, leave of absence was granted Senator Blanchard.

On request of Senator Gilbertson, leave of absence was granted Senator Hobart until Friday.

#### PETITIONS AND MEMORIALS.

Senator Bolter presented petition of citizens of Woodbury county in favor of a two-cent passenger fare.

Referred to Committee on Railroads.

Senator Ericson presented petition of C. L. Wilhelm and sixty-seven other citizens of Boone, Iowa, in favor the osteopathy bill.

Referred to Committee on Public Health.

#### REPORT OF STANDING COMMITTEES.

Senator Alexander from the Committee on Banks submitted the following report:

MR. PRESIDENT—Your Committee on Banks, to whom was referred Senate file No. 83, a bill for an act to repeal sections 3050, 3051 and 3052, of the code, relating to days of grace, beg leave to report that they have had the same under consideration and have instructed me to report a substitute for same back to the Senate with the recommendation that the substitute do pass.

J. S. ALEXANDER,  
*Chairman.*

Ordered passed on file.

## SUBSTITUTE FOR SENATE FILE NO. 83.

A BILL for an act to repeal sections three thousand and fifty (3050), three thousand and fifty-one (3051) and three thousand and fifty-two (3052) of the code, and to abolish days of grace.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That sections three thousand and fifty, three thousand and fifty-one and three thousand and fifty-two, of the code be, and the same are hereby repealed.

SEC. 2. On all notes, drafts, checks, acceptances, bills of exchange, bonds or other evidence of indebtedness made, drawn or accepted by any person or corporation after this act shall take effect, and in which there is no expressed stipulation to the contrary, no grace, according to the custom of merchants, shall be allowed, but the same shall be due and payable, as therein expressed, without grace.

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 in Des Moines, Iowa.

Substitute was read first and second time and passed on file

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 House file No. 194, a bill for an act to amend section fourteen hundred and thirty-six (1436) of the code, relating to redemption of land from tax sale, beg leave to report 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.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred House amendments to Senate file No. 201, a bill for an act to create a state board of control, and to provide for the management and control of the Soldiers' home, the charitable, reformatory and penal institutions of the state, and to make an appropriation therefor, and for the defining of certain offenses and providing penalties 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 Senate concur in all of the said amendments.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

Senator Funk moved that the report of the Committee on Ways and Means, on Senate file No. 201, be taken up for consideration.

Carried.

Report of committee on Senate file No. 201, was taken up for consideration.

Senator Funk moved that House amendment to Senate file No. 201 be taken, read.

Carried.

Senator Trewin asked for a division of the question and a roll call upon amendments to sections 51, 52, 53 and 54 of the bill.

On the question, "Shall the House amendment, adding sections 51, 52, 53 and 54 be concurred in?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Lyons, McArthur, McIntire, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—39.

Senator Lewis voted in the negative.

Absent or not voting:

Senators Blanchard, Carney, Emmert, Hayward, Hobart, Junkin, Malloy, Mitchell, Mullan, Pusey—10.

So the House amendments adding sections 51, 52, 53 and 54 were concurred in.

Senator Funk moved that all the House amendments be concurred in.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Bolter, Carroll, Cheshire, Craig, Druet, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Lyons, McIntire, Palmer, Perrin, Ranck, Trewin, Wilson, Young of Lee—29.

The nays were:

Senators Bell, Byers, Eaton, Ellison, Lewis, McArthur, Titus, Young of Delaware—8.

Absent or not voting:

Senators Blanchard, Carney, Emmert, Harriman, Hayward, Hobart, Junkin, Malloy, Mitchell, Mullan, Penrose, Pusey, Wallace—13.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

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

MR. SPEAKER—Your Committee on Insurance, to whom was referred Senate file No. 159, a bill for an act to add to and amend chapter 5 of the code in relation to insurance other than life, and to amend sections 1743 and 1744 of the code, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the following substitute be adopted, and when so adopted it do pass.

G. M. CRAIG,  
*Chairman.*

Ordered passed on file.

SUBSTITUTE FOR SENATE FILE NO. 159.

A BILL for an act to add to and amend chapters four and five of the code in relation to insurance other than life, and to amend sections one thousand seven hundred and forty-two and one thousand seven hundred and forty-four of the code.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. If any insurance company shall give notice or elect to submit the value of the property insured or the loss or injury assured against to be determined or fixed by appraisement or arbitration, such insurance company shall thereby be estopped from contesting or denying its liability to pay the loss or injury insured against except for fraud connected with the loss, damage or injury, discovered after the notice given for such appraisement or arbitration, any provision in the policy to the contrary notwithstanding.

SEC. 2. In case any person who is insured against loss or damage shall in due time give defective or insufficient notice or proofs of loss to the company, and such company shall fail to give the assured or his agent notice within a reasonable time of such defects or insufficiencies of the notice or proofs of loss, the company shall thereafter be estopped from setting up such defects or insufficiencies of notice or proofs of loss as a defense to an action brought to recover the loss or damage insured against, and the notice and proofs so given shall be of the same force and effect as if in strict compliance with the policy and the law, any provisions in the policy to the contrary notwithstanding.

Substitute read first and second time and ordered passed on file.

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 Senate file No. 190, a bill for an act to permit the manufacture of wine from grapes and currants, and cider from apples, and to transport and sell the same, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

WM. B. PERRIN,  
*Chairman.*

Ordered passed on file.

MINORITY REPORT ON SENATE FILE NO. 190.

MR. PRESIDENT—The undersigned members on the Committee on Suppression of Intemperance cannot agree with the majority report on Senate file 190, said, bill being an act to permit the manufacture of wine from grapes and currants, and cider from apples, and to transport and sell same.

The provisions of this bill, it seems to us, needs but a reading in order that a person may understand its provisions and favor its passage. No one ought to oppose it who favors the growing of grapes, currants and apples in this state. If then it is right and proper to cultivate these fruits we should favor their use for such purposes as the same may be properly utilized. We are unable to see why if the soil and climate will produce grapes, currants and apples, why any law should prohibit the fullest use of the same for wine and cider. Experience has demonstrated that the use of wine and cider is not hurtful; but that if this bill can be made a law persons, and especially farmers throughout the state who raise grapes and apples, can lawfully make same into wine and cider for their own use without violating any law in this state. Why should not such right be given as provided by this bill? It is needless to say that the passage of this bill is in great need in the older settled portion of this state, where large quantities of such fruits are annually lost to the owners because, under the law, it is unlawful to preserve their value by making wine and cider therefrom

If we are right in the views expressed above, we feel that it is a great hardship to deprive the producer of the fullest use that can be made of the products by him grown. With these brief views the minority of your committee recommend that Senate file No. 190 be reported back to the Senate and that the said bill do pass.

J. L. WILSON,  
D. A. LYONS,  
HENRY HOSPERS.

Senator Carney, from the Committee on Pharmacy, submitted the following report:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred Senate file No. 268, a bill for an act to amend sections 2390 and 2393 of the

code, relating to 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 the same do pass.

S. DRUET,  
*Chairman pro tem.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred House file No. 241, a bill for an act to amend section two thousand four hundred and one of the code, relating to conducting business under permits, beg leave to report 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.

S. DRUET,  
*Chairman pro tem.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred House file No. 177, a bill for an act to amend section 2400 of the code, relating to revocation of pharmacists' permit, 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 same do pass.

S. DRUET,  
*Chairman pro tem.*

Ordered passed on file.

Senator Cheshire, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 39, a bill for an act to amend section fifty-four hundred and eighty-eight of the code, relating 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 same be indefinitely postponed.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was submitted House file No. 265, a bill for an act to amend section four thousand eight hundred and fifty (4850) of chapter five (5), title twenty-four (24), of the code, in relation to taking goods from the charge or custody of an officer, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.



Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 178, a bill for an act to legalize certain acknowledgments of deeds, mortgages, and other instruments affecting the title to real estate, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 191, a bill for an act to allow a refund of money to patentees, their heirs and assigns, of certain lands patented by the state of Iowa as school lands, the title to which has failed in said patentees, their heirs or assigns, beg leave to report 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 referred to the Committee on Appropriations.

THOS. A. CHESHIRE,  
*Chairman.*

Report adopted and the bill referred to the Committee on Appropriations.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred substitute for House file No. 276, beg leave to report 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 referred to the Committee on Cities and Towns.

THOS. A. CHESHIRE,  
*Chairman.*

Report adopted and the bill referred to Committee on Cities and Towns.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 197, a bill for an act to amend an act of the extra session of the Twenty-sixth General Assembly, entitled an act to provide for the annotation, indexing, publication, distribution and sale of the code and statutes hereinafter enacted, beg leave to report 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 therefore be adopted, and that the substitute do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

## SUBSTITUTE FOR SENATE FILE NO. 197.

A BILL for an act to amend an act passed by the extra session of the Twenty-sixth General Assembly of Iowa entitled an act to provide for the annotation, indexing, publication, distribution and sale of the code and statutes hereafter enacted.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That an act passed by the extra session of the Twenty-sixth General Assembly of Iowa entitled, "An act to provide for the annotation, indexing, publication, distribution and sale of the code and statutes hereafter enacted," the same being published in the code under the title, "Provisions relating to the code and subsequent statutes," on pages one (1) to five (5) inclusive, be amended by adding to section twenty-seven (27) the following:

"But this section shall not prohibit the publication by the several state officers and commissions in their annual or biennial reports of extracts from the laws pertaining to their respective departments. Such extracts may be published in pamphlet form by such officers or commissions with the consent of the executive council and the same shall be paid for out of the funds appropriated for the office or commission publishing the same. The executive council may also authorize the publication by private individuals of short extracts from the laws upon legal blanks."

Substitute read first and second time and ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 213, a bill for an act to quiet the title to certain real estate situated in Washington county, Iowa, and confirm and establish the title in fee simple thereto in A. B. Rogers, in said county, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be amended as follows:

That said bill be amended by inserting after the title and before the enacting clause, the following preamble:

"Whereas, In May, 1856, the United States granted to the state of Iowa the land mentioned in said bill, and

"Whereas, Said land went to tax sale and a tax deed was executed therefor to William Billingsly in July, 1857, and

"Whereas, Said land has since been conveyed many times to various grantees, and the said grantees and all of them since said tax deed was made in 1856, have remained in the quiet, peaceable and undisturbed possession of said real estate, and

"Whereas, The state of Iowa cannot be made a party defendant in a suit, and title cannot be quieted in the present owner of said real estate proceedings in court; therefore,"

And that when so amended, the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Senator Carney, from the Committee on Pharmacy, submitted the following report:

MR. PRESIDENT—Your Committee on Pharmacy beg leave to submit the accompanying bill, recommended for passage by the joint committee on pharmacy, with the recommendation that the same do pass.

S. DRUET,  
*Chairman pro tem.*

Ordered passed on file.

Senator Eaton, from the Committee on Elections, submitted the following report:

MR. PRESIDENT—Your Committee on Elections, to whom was referred Senate file No. 123, a bill for an act to prohibit illegal voting at primary elections and caucuses, and providing penalties 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 said bill be amended as follows:

Amend the title by striking out the words "and caucuses."

Amend section 1, by striking out from second line the words "caucus or." By striking from line seven the words "or caucus."

Amend section 2, by striking out of the third line the words "or caucus" and by inserting after the word primary the word "elections," and that section 2 be further amended by striking from line 4 the words "or caucus" and inserting after the word "primary" the word "elections," and that said section be further amended by striking out of the sixth line the words "caucus or," and by inserting after the word "primary" in seventh line, the word "election."

Amend section 3, by striking out the words "the presiding officer of such caucus or," and begin the word "any" with a capital "a," and that said section be further amended by striking out of lines 4 and 5 the words "caucus or," and from lines 5 and 6 the words "presiding officer or." That said section be further amended, by striking out of line 9 the words "caucus or."

Amend said bill by adding the following as section 4:

"Sec 4. Nothing in this act shall be construed to apply to primaries or conventions held under the caucus system."

Amend the bill by numbering section 4 of the original bill section 5, and that when so amended the bill do pass.

WILLIAM EATON,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Elections, to whom was referred Senate file No. 29, a bill for an act to regulate elections for nominations of candidates by political parties or associations and to punish frauds thereat, beg leave to report 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.

WILLIAM EATON,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Elections, to whom was referred Senate file No. 195, a bill for an act to amend sections 1109, 1113, 1119, 1120 and 1121 of the code, relating to printing and marking the ballot, 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 same be indefinitely postponed.

WILLIAM EATON,  
*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 bill, in which the concurrence of the Senate is asked:

House file No. 150, a bill for an act to prohibit illegal voting at primary elections and caucuses and providing a penalty therefor.

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 Senate is asked:

Substitute for House file No. 120, a bill for an act providing for the listing and taxing of mortgages or other liens upon real estate.

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 Senate is asked:

House file No. 140, a bill for an act to facilitate the drainage of wet lands and provide a more equitable apportionment of the taxes incident to such work, and to repeal sections 1940 and 1946 of the code and to enact a substitute therefor, and to amend section 1941 of the code.

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 Senate is asked:

House file No. 335, a bill for an act to legalize the acts and ordinances of the town of Winthrop, Iowa.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day sent to the governor for his approval, substitute for Senate file No. 102, a bill for an act to legalize conveyances of real property by executors or trustees under foreign wills.

Also, substitute for substitute for joint resolution No. 1, proposing to amend the constitution of the state of Iowa, so as to provide for biennial elections.

Also, Senate file No. 100, a bill for an act to amend chapter 9, title 12 of the code, in relation to the use of oil in coal mines.

Also, substitute for Senate file No. 16, a bill for act to repeal section sixteen hundred sixty-one (1661), chapter three (3) of the code, relating to agricultural and horticultural societies, etc., and enacting a substitute therefor.

Also, Senate file No. 230, a bill for an act to legalize the acts, proceedings and ordinances of the incorporated town of Lenox, Iowa.

Also, Senate file No. 209, a bill for an act to legalize the organization of the Grundy county agricultural society of Grundy county, Iowa.

Also, substitute for Senate file No. 30, a bill for an act to compensate A. T. Birchard as acting commandant of the Iowa soldiers' home.

Also, Senate file No. 205, a bill for an act to amend section twenty-five hundred and three (2503) of the code, relating to the inspection of petroleum products.

Also, Senate file No. 207, a bill for an act to legalize the levy and collection of a tax for schoolhouse fund in the year eighteen hundred and

ninety-six in the independent school district of Lincoln Center No. 5, Pottawattamie county, and the diversion and use of such tax to the teachers' and contingent funds of said independent school district.

Also, Senate file No. 189, a bill for an act to legalize the election and the proceedings of the town council of the town of Patterson, Madison county, Iowa.

Also, Senate file No. 129, a bill for an act to require boards of school directors to fence schoolhouse sites.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### RESOLUTIONS.

Senator Carroll offered the following resolution:

*Resolved*, That the following explanatory corrections be made to the Journal of the dates and pages herein named, the discrepancies evidently having arisen in changing the references to the printed bill so as to make them confer to the original bill:

Journal of March 11, page 583, amendment by Senator Funk to section two was adopted.

Same date and page, amendment by Senator Carroll referred to section two.

Journal of March 14, page 602, amendment by Senator Trewin referred to subdivision five, line thirteen, of section ten.

Journal of March 15, page 609, amendment by Senator Funk in line six, of subdivision thirteen, of section ten, capital "T" was changed to lower case "t."

Journal of March 16, page 633, amendment by Senator Funk to section twenty-eight referred to line forty-four instead of line sixteen.

Journal of March 16, page 645, amendment by Senator Trewin to section ten, subdivision one, lines six and seven, refers only to line seven.

Journal of March 16, page 642, amendment by Senator Pusey, the word "commissioner" should be "committee." Same correction should be made on page 584 of the Journal of March 12.

Journal of March 16, page 642, amendment by Senator Pusey to section nine, last amendment on page, was not adopted.

Laid over under the rules.

Senator Funk called up House concurrent resolution relative to appointment of a committee to confer with the railroad commissioners in regard to securing stopover privileges from all railroads for visitors passing through the state or attending the exposition at Omaha.

The resolution was read for information.

The question being on its adoption, same was adopted.

## BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Kilburn, Senate file No. 193, a bill for an act to require treasurers of school corporations, when depositing school funds with banks, to take surety in double the amount of deposits, and to enable treasurers of school corporations to leave school funds in hands of county treasurer until needed, with report of committee recommending that same be amended and that when so amended same do pass, was taken up, considered and the report of the committee adopted.

Senator Trewin moved the adoption of the committee amendment, as follows:

Amend by striking out section 1 and renumbering section 2 as section 1, and when so amended that the same do pass.

Adopted.

By unanimous consent the secretary was instructed to strike from the first and second lines of section 1 the word "treasurer" and substitute therefor the word "treasury."

Senator Kilburn moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Bolter, Carroll, Craig, Druet, Eaton, Emmert, Ericson, Everall, Finch, Funk, Gorrell, Hayward, Healy, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, McIntire, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—31.

The nays were:

Senators Alexander, Gilbertson, Harriman, Hospers, McArthur—5.

Absent or not voting:

Senators Berry, Blanchard, Byers, Carney, Cheshire, Ellison, Garst, Hobart, Junkin, Malloy, Mitchell, Mullan, Pusey, Wilson—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate.

Senator Trewin offered the following amendment to the title and moved its adoption.

I move to amend the title by striking out all after the words "acts to" in the first line and to the word "enable."

Adopted.

So the title was agreed to.

Unanimous consent being granted, on motion of Senator Funk, Senate file No. 225, a bill for an act to amend chapter 4, title 7 of the code, relative to the assessment and collection of the collateral inheritance tax, was taken up for consideration, and the bill was read for information.

Senator Funk offered the following amendment and moved its adoption:

I move to amend by adding thereto the following, as section seven (7) of the bill, and that section seven (7) in said bill be changed to section eight (8): "It shall be the duty of the county attorney of each county to report to the treasurer of state the death of all persons whose estates are liable to payment of the collateral inheritance tax, and the description of any property located in the county liable to such tax, and to perform such further legal services in the enforcement of said tax as he may be directed to do by the treasurer of state, but such attorney shall have no authority to receipt for or receive any of such tax. For reporting such estates or property the county attorney shall receive a compensation of ten (10) per cent of the tax payable to the state, but not to exceed the sum of twenty dollars (\$20) in any one estate; and for additional legal services performed under the direction of the treasurer of state he shall be paid a compensation of three (3) per cent on the amount of all taxes collected from estates so reported by him, but in no event shall the amount thereof exceed the sum of one hundred and fifty dollars (\$150) from any one estate. When the treasurer of state is satisfied that an estate reported by the county attorney is liable to the tax, he shall so certify to the auditor of state, who shall issue his warrant on the treasurer of state, in favor of said county attorney, for the sum due for reporting said estate as herein provided, and all other compensation shall be paid said county attorney in like manner when the tax is collected and paid into the state treasury."

Ad pted.



Senator Funk 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 Allyn, Bell, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Funk, Garst, Gilbertson, Gerrell, Harriman, Hayward, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, McArthur, Mullan, Palmer, Penrose, Perrin, Ranck, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Alexander, Berry, Blanchard, Carney, Finch, Healy, Hobart, Junkin, Malloy, McIntire, Mitchell, Pusey Titus—18.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title was agreed to

The hour for the special order having arrived House file No. 139, a bill for an act to amend sections 2728, 2780, 2731, 2732 and repeal section 2733 of the code and enact a substitute therefor in relation to county high schools, with report of committee recommending that same be amended, and that when so amended same do pass, was taken up, considered, the report of the committee adopted, and the bill read for information.

Senator Trewin moved the adoption of the following committee amendment to section 2:

That section 2 of the bill be amended by striking out the words "no case shall" in the twelfth line thereof and inserting in lieu thereof the words "the aggregate shall not."

Adopted.

Senator Trewin moved the adoption of the following committee amendments to section 4:

That section 4 of the bill be amended by striking out of lines 6 and 7 the words "district townships and independent school districts" and inserting in lieu thereof the words "school corporations."

Also, by striking out of lines 8 and 9 the words "district townships and independent school districts" and inserting in lieu thereof the words "school corporations."

Also, by striking out of lines 11 and 12 the words "district townships and independent school districts" and inserting the words "schcol corporations."

Also, by striking out the word "districts" in the sixteenth line and inserting the word "corporations."

Also by striking out the word "district" in the nineteenth line, and inserting the word "corporation."

Also, by striking out of line 19 the words "of which they are actual residents" and inserting the words "in which they are enumerated for school purposes."

Also, by striking out the words "of said districts," in the twentieth and twenty-first lines, and inserting the words "school corporation."

Also, by striking the letter "s" off the word "boards," at the end of line twenty one.

Also, by striking out of line twenty-two the word "district" and inserting the words "school corporation."

Also, by striking out of line twenty-three the words, "from their several districts."

Also, by striking out of lines twenty-five and twenty-six the words, "upon the payment in advance of such reasonable sum by the way of tuition as may be fixed."

Also, by striking out of lines twenty-seven and twenty-eight the words, "as to room in said school."

Also, by inserting after the word "county," in line twenty-nine, the following: "The board of trustees shall fix reasonable tuition for such pupils. If such pupils are residents of the county the school corporation from which they attend shall pay their tuition out of its contingent fund."

Also, by striking out the words, "district township or independent district," and inserting in lieu thereof the words, "school corporation," in line thirty-two.

Also, by striking out of line thirty-five the words, "this act," and inserting in lieu thereof the words "the code."

Adopted.

Senator Trewin moved the adoption of the following committee amendment:

Also amend by striking out section five (5) of the bill and inserting the following: "Sec. 5. That section twenty-seven hundred and thirty-three of the code be repealed and the following substituted: 'Whenever citizens of any county having a county high school desire to abolish the same or to dispose of any part of the buildings or property thereof they may petition the board of supervisors at any regular session thereof in relation thereto, and sections three hundred and ninety-seven (397), three hundred and ninety-eight (398), three hundred and ninety-nine (399) and four hundred (400) of the code shall apply to and govern the whole matter, including the manner of presenting and determining the sufficiency of such petitions and remonstrances thereto, so far as applicable. If an election is ordered the same shall be held at the time of the general election or at a special election called for that purpose and the proposition shall be submitted and the election conducted in the manner provided in title six (6) of the code.'"

Senator Trewin offered the following amendment to the substitute for section 5:

Add to the end of substitute for section 5 the following:

If any proposition as herein provided be legally submitted and adopted, the board of supervisors is hereby empowered to carry the same into effect.

Adopted.

The question recurring on the adoption of the substitute for section 5, as amended, same was adopted.

Senator Hotchkiss moved that the rule be suspended, and that the bill be 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, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wilson, Young of Lee—42.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Harriman, Hobart, Malloy, Mitchell, Pusey, Wallace, Young of Delaware—8.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Unanimous consent being granted, on motion of Senator Byers, House file No. 177, a bill for an act to amend section 2400 of the code, relating to revocation of pharmacists' permit, with report of committee recommending that same do pass, was taken up, considered, and the report of the committee adopted.

Senator Byers 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, Bell, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, Mullan, Palmer, Penrose, Ranck, Titus, Trewin, Wilson, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Allyn, Berry, Blanchard, Eaton, Emmert, Harriman, Hobart, Malloy, McIntire, Mitchell, Perrin, Pusey, Wallace, Young of Delaware—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Byers, Senate file No. 134, a bill for an act to amend section 2400 of the code, relating to revocation of permit, was taken up and indefinitely postponed.

Unanimous consent being granted, on motion of Senator Lothrop, Senate file No. 163, a bill for an act to repeal section 1811 of the code, relating to the collection of taxes, with report

of committee recommending that same do pass, was taken up, considered, and the report of the committee adopted.

Senator Carney moved to recommit the bill to the Committee on Ways and Means.

Carried and so ordered.

Senator Lothrop demanded a roll call on the motion of Senator Carney.

The point of order being raised that the demand came too late, the result of the vote having been already announced, the President sustained the point of order.

Unanimous consent being granted, on motion of Senator Ellison, Senate file No. 200, a bill for an act to provide for the use of the deputy warden a house, heat and light, with report of committee recommending certain amendments and when so amended that the same do pass, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Ellison moved the adoption of the committee amendment, as follows:

Strike out the word "fifteen" and figures "(\$15)" in the next to the last line of section one (1), and insert in lieu thereof the word "ten" and figures "(\$10)", and when so amended that the same do pass.

Adopted.

Senator Ellison moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Barry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—41.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Bolter, Emmert, Healy, Hobart, Malloy, Pusey—9.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Hotchkiss was granted permission to withdraw joint resolution No. 2 from the file of the Senate.

Senator Druet was granted permission to introduce a bill.

#### INTRODUCTION OF BILLS.

By Senator Druet, Senate file No. 277, a bill for an act to amend section 2589 of the code, relative to examination of candidates for registration as pharmacists.

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

The Journal of Tuesday was taken up for correction.

The further correction of the Journal was deferred till this afternoon.

The hour of adjournment having arrived the President declared the Senate stood adjourned till 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

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Senate met in regular session at 2 o'clock P. M., President Milliman presiding.

#### REPORT OF STANDING COMMITTEE.

Senator Berry, from the Committee on Charitable Institutions, submits the following report:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was recommended substitute for House file No. 93, a bill for an act to amend sections 2708, 2709 and 2711 of title 13, chapter 8 of the code, in relation to discharge of boys and girls from industrial 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 the same do pass.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

## INTRODUCTION OF BILLS.

By Senator Allyn, Senate file No. 278, a bill for an act to amend section 1088 of the code, in regard to holding school elections.

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

## HOUSE MESSAGES.

House file No. 149, a bill for an act to facilitate the drainage of wet lands and to provide a more equitable apportionment of the taxes incident to such work and to repeal section 1940 and 1946 of the code, and to enact a substitute therefor, and to amend section 1941 of the code, was read first and second time and referred to Committee on Agriculture.

House file No. 150, a bill for an act to prohibit illegal voting at primary elections and caucuses and providing penalties therefor, was read.

House file No. 335, a bill for an act to legalize the acts and ordinances of the town of Winthrop, Iowa, was read first and second time and referred to Committee on Judiciary.

Substitute for House file No. 120, a bill for an act providing for the listing and taxing of mortgages or other liens upon real estate was read first and second time and referred to Committee on Ways and Means.

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

Unanimous consent being granted, on motion of Senator Kilburn, Senate file No. 79, a bill for an act to amend the road laws and require boards of supervisors to fix grades of all highways, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

Senator Carney moved that Senate file No. 79 be made a special order for to-morrow at 11 o'clock A. M. On this a division was called for and the motion prevailed.

Senator Bolter moved that the Senate proceed to take up House bills in the order in which they appear on the Calendar.

Carried.

## BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Trewin, House file No. 112, a bill for an act to amend section 2734 of the code of Iowa, relating to the qualifications of county superintendents, with report of committee recommending a substitute and that the same do pass, was taken up, considered and the report of the committee adopted.

Senator Trewin moved that the rule be suspended, and the bill be considered engrossed, and the reading just had be the the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Finch, Funk, Garst, Giiibertson, Gorrell, Harriman, Hayward, Healy, Hospers Hotchkiss, Junkin, Kilburn, Lothrop, Lyons, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware—37.

The nays were:

Senators Bolter, Everall, Young of Lee—3.

Absent or not voting:

Senators Bell, Blanchard, Hobart, Hurst, Lewis, Malloy, McArthur, McIntire, Mitchell, Pusey—10.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Garst, House file No. 103, a bill for an act making an appropriation for the relief of James Dally, with report of committee recommending it do pass, was taken up, considered and the report of the committee adopted.

The bill was read for information.

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, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn,



Lothrop, Lyons, Mitchell, Mullan, Palmer, Penrose, Perrin, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—40.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Emmert, Hobart, Lewis, Malloy, McArthur, McIntire, Pusey, Ranck—10.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Cheshire moved to reconsider the vote by which House file No. 19 was passed.

Carried.

Senator Cheshire moved to reconsider the vote by which House file No. 19, was passed to its third reading.

Carried.

Senator Cheshire moved to reconsider the vote by which the following amendment, offered by Senator Pusey, was adopted:

That section 1 be further amended by placing a period after the word "fit," in the next to the last line of subdivision 8 of section 126 of the code, and adding the words "the transportation charges on all matter distributed under this section shall be paid for by the state."

Carried.

Senator Cheshire moved that the following substitute be substituted for the Pusey amendment to the bill:

That section 1 of the bill be amended by adding thereto the following substitute to Senator Pusey's amendment, and by inserting in lieu thereof the words, "the transportation charges on all matter distributed under this section shall be paid for by the state."

Adopted.

The amended 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.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Mitchell, Mullan, Palmer, Penrose, Perrin, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—40.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Emmert, Hobart, Lewis, Malloy, McArthur, McIntire, Pusey, Ranck—10.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Garst, House file No. 250, a bill for an act making an appropriation to provide a special teacher for Linnie Haguewood, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Garst 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, Bolter, Byers, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Emmert, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Palmer, Penrose, Perrin, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—38.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Craig, Everall, Hobart, Lewis, Malloy, McArthur, McIntire, Mitchell, Mullan, Pusey, Ranck—12.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Lothrop, House file No. 808, a bill for an act to legalize the ordinances passed by the incorporated town of Danbury, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Lothrop 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, Bolter, Byers, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Emmert, Ericson, Finch, Garst, Gilbertson, Gorrell, Harriman, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, Lyons, Mitchell, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Craig, Everall, Funk, Hayward, Hobart, Lewis, Malloy, McArthur, McIntire, Mullan, Palmer, Pusey—14.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Emmert called up resolution relative to final adjournment.

Senator Emmert moved to amend by striking out Thursday, March 31st and inserting Wednesday, March 30th.

Senator Trewin moved that further consideration of this resolution be postponed until Tuesday next at 10 o'clock.

On this a roll call was demanded.

On the question, "Shall the consideration of the resolution be postponed?" the yeas were:

Senators Allyn, Berry, Byers, Cheshire, Druet, Eaton, Ellison, Finch, Garst, Gilbertson, Hayward, Healy, Hotchkiss

Kilburn, Lewis, Lothrop, Mitchell, Mullan, Penrose, Perrin, Ranck, Titus, Trewin—23.

The nays were:

Senators Alexander, Bolter, Carney, Carroll, Craig, Emmert, Ericson, Everall, Gorrell, Harriman, Hospers, Hurst, Junkin, Lyons, McIntire, Wallace, Wilson, Young of Delaware. Young of Lee—19.

Absent or not voting:

Senators Bell, Blanchard, Funk, Hobart, Malloy, McArthur, Palmer, Pusey—8.

The motion to postpone prevailed.

BILLS ON THIRD READING.

Substitute for House file No. 93, a bill for an act to amend sections 2708, 2709, 2711 of the code, relating to the discharge of boys and girls from industrial home, with report of committee recommending a substitute and that the substitute 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 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, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Finch, Garst, Gilbertson, Gorrell, Hayward, Healy, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, McIntire, Mitchell, Penrose, Perrin, Titus, Trewin, Wallace, Young of Delaware—33.

The nays were:

Senators Hurst, Lyons, McArthur, Young of Lee—4.

Absent or not voting:

Senators Alexander, Blanchard, Emmert, Everall, Funk, Harriman, Hobart, Malloy, Mullan, Palmer, Pusey, Ranck, Wilson—13.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Unanimous consent being granted, on motion of Senator Eaton, House file No. 150, a bill for an act to prohibit illegal voting at primary elections and caucuses, and providing penalties therefor, was taken up and considered.

Senator Eaton moved to amend the title of the bill by striking out the words "and caucus."

Adopted.

Senator Eaton moved to amend section 1 in first line by striking out the words "or caucus;" strike from fifth line the words "or caucus."

Adopted.

Senator Eaton moved to amend section 2 by striking out from second line the words "caucus or," and insert after the word "primary" the word "election." Amend line three by striking out the words "caucus or," and insert after the word "primary" the word "election." Amend fifth line by adding after the last word "primary" the word "election."

Adopted.

Senator Eaton moved to amend section 3 by striking out all of first line to the word "any," and change small-capital "A" to capital "A." Strike out of third line the words "caucus or," and strike from sixth line the words "caucus or."

Adopted.

Senator Eaton moved to add as section 4: "Nothing in this act shall be construed to apply to primaries or conventions held under the caucus system."

Senator Cheshire moved to amend section 4 by striking out the words "primaries or."

Adopted.

The amendment as amended was adopted.

Senator Byers moved to amend section 3 by striking out all of line 4 and all of line 5 down to the period, and inserting a period (.) after the word "elections."

Senator Titus moved that the time of adjournment be extended fifteen minutes or until the bill under consideration is disposed of.

Lost.

The time of adjournment having arrived the President declared the Senate stood adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Thursday, March 24, 1898. }

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

Prayer was offered by Rev. T. E. Fleming, of Eldora, Iowa.

Senator Hotchkiss moved that the Secretary of the Senate provide a daily Calendar for the use of the Senate.

Carried.

#### RESOLUTIONS.

Senator Wallace offered the following resolution:

##### CONCURRENT RESOLUTION.

*Be it resolved by the Senate, the House concurring,* That the railroad commissioners of the state of Iowa are hereby requested to investigate a wreck which occurred on the northern Iowa division of the Chicago & North-Western railway at Hubbard, Hardin county, Iowa, February 17, 1898, in which wreck two employes of the road, an engineer and a fireman, lost their lives, and another employe was seriously injured, and report to the governor the results of their investigation. And also have their report printed in the railway commissioner's report, provided that such report shall not be evidence or referred to in any case or in any court.

Laid over under the rules.

Senator Cheshire offered the following resolution memorializing senators and members of Congress from Iowa to use their influence toward making Port Arthur, Texas, a sub-port of entry:

WHEREAS, Lines of railway are now constructed between Port Arthur, Texas, and Kansas City, Mo., and steps are now being taken to extend said lines of railway from Kansas City to central Iowa and points further north; and,

WHEREAS, The building and extension of said lines of railway opens to the state of Iowa a new route to the seaboard, and thereby creating competing lines to the railway lines leading to the Atlantic; and,

WHEREAS, Since the construction of railway lines from Port Arthur, Texas, to Kansas City, Mo., the freight charges between Kansas City and Liverpool, England, have been reduced thirty-three cents per one hundred pounds, the former rate being seventy-nine cents, and since the construction of the railway line between these points it has been reduced to forty-six cents, equaling nearly twenty cents upon a bushel of wheat, and,

WHEREAS, It is to the interest of the people of Iowa and the great northwest that Port Arthur, Texas, be made a sub-port of entry, thus facilitating the exportation and importation of merchandise and freight over competing lines; therefore, be it

*Resolved*, That the senators and representatives in congress from Iowa, are hereby requested to vote and use all honorable means to make Port Arthur, Texas, a sub-port of entry, and thus open to the people of Iowa a new and competing route to the seaboard and to the markets of the world.

*Resolved*, That the secretary of state be requested to mail a copy of these resolutions to the senators and members of congress from Iowa, as soon as possible after its adoption.

Laid over under the rules.

#### REPORT OF STANDING COMMITTEES.

Senator Druet, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred House file No. 15, a bill for an act to regulate the practice of barbering, the licensing of persons to carry on such practice, and insure the better education of such practitioners in the state of Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

S DRUET,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred substitute for House file No. 244, a bill for an act to regulate the practice of osteopathy in the state of Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

S DRUET,  
*Chairman.*

Ordered passed on file.

Senator Cheshire, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 269, a bill for an act to amend section thirteen hundred and six of the code, in regard to levy of taxes in cities of the second class, beg leave to report 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 Cities and Towns.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 24, a bill for an act providing for the giving of bonds by abstractors of title, and for the making of abstracts of title, and for their use as 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 same be indefinitely postponed.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 174, a bill for an act to amend section 1441 of the code of 1897, relating to service of notice of expiration of rights of redemption from tax sale, beg leave to report 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:

That the title of said bill be amended by inserting after the word "section," the words "fourteen hundred and forty-one," and that the figures "1441" be enclosed in parentheses.

That section 1, line 1, be amended by inserting after the word "section" the words "fourteen hundred and forty-one," and enclosing the figures "1441" in parentheses, and that when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 264, a bill for an act to legalize the organization of the independent school district of Everly, in Clay county, Iowa, and the acts of its board of directors, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.



Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate file No. 274, a bill for an act to legalize the levy of certain taxes for road purposes by the trustees of Morning Sun township, in Louisa county, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 251, a bill for an act to authorize the executive council to pass upon and pay certain claims, the payment of which was provided for by an act of the Twenty-sixth General Assembly, entitled, "An act to appropriate money to pay the claims of individuals and counties in Iowa, for making an exhibit at the World's Exposition in New Orleans," beg leave to report 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:

That section 1 of the bill be stricken out and that the following be substituted in lieu thereof:

SECTION 1. The executive council shall, on the first day of May, 1898, pass upon all claims filed and pay all claims allowed under the provisions of "An act to appropriate money to pay the claims of individuals and counties in Iowa for making an exhibit at the World's Exposition in New Orleans," passed by the Twenty-sixth General Assembly, but if the amount appropriated by said act is insufficient to pay said claims in full, the same shall be paid pro rata, and when so amended the bill do pass.

THOS. A. CHESHIRE,  
*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 legalize acknowledgments taken and certified according to the form and provisions of the code of 1873, and by the officers therein authorized to take and certify acknowledgments, beg leave to report 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:

That section 1 be amended by striking out of lines three and four of the original bill the words, "first day of October," and inserting in lieu thereof the words, "twenty-ninth day of September."

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 241, a bill for an act to repeal section 3488 of the code, relating to the sheriff, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 273, a bill for an act to amend section twenty-two hundred and eighty-three of the code, and to provide for the transfer and removal of state prison patients at state expense, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 233, a bill for an act to provide for and regulate the administration of trusts by banks and other 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 226, a bill for an act to legalize certain acknowledgments of deeds, mortgages and other instruments affecting the title to real estate, beg leave to report 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.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Senator Garst, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 96, a bill for an act making appropriation for the

state university, to cover the loss by fire and in aid of the general library, beg leave to report that they have had they same under consideration and have instructed me to report the substitute hereto attached back to the Senate with the recommendation that the said substitute do pass.

WARREN GARST,  
*Chairman.*

SUBSTITUTE FOR SENATE FILE NO. 96.

A BILL for an act to amend section twenty-six hundred and forty-four (2644) of chapter three (3), title thirteen (13) of the code, relating to state university.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section twenty-six hundred and forty-four (2644) of chapter three (3), title thirteen (13) of the code, be and the same is hereby amended, by striking out the word "four" in the ninth line thereof and inserting in lieu thereof the word "five." Also by striking out the word "five" in the last line of said section and inserting in lieu thereof the word "six."

SEC. 2. That said section be further amended by adding thereto the following: "The board of regents or managing board of the state university shall have authority to expend from time to time in the purchase of books for the university library not to exceed forty-one thousand and nine hundred dollars (\$41,900) in the aggregate, and warrants shall be issued therefor, payable when the additional years' tax herein authorized is collected. There shall also be paid out of said additional years' tax the sum of thirteen thousand and one hundred dollars (\$13,100), expended in restoring the burned library building and repairing and replacing apparatus injured and destroyed, and in preserving the damaged books and property and warrants shall be issued therefor.

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

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred House file No. 217, a bill for an act to repeal section 5016 of the code, relating to dead swine, and to enact a substitute 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 do pass.

W. F. HARRIMAN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred House file No. 282, a bill for an act to protect the interests of owners of standard-bred, thoroughbred and pure bred registered domestic male animals, kept for general service, beg leave to report 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:

Strike out the words "one year" in line 8 of section 1 thereof and insert the words "six months" in lieu thereof.

Amend section 1 by striking out the words "bull or other domestic animal" in lines three (3) and four (4) thereof.

W. F. HARRIMAN,  
*Chairman.*

Ordered passed on file.

Senator Mitchell, from the Committee on Penitentiaries and Pardons, submitted the following report:

MR. PRESIDENT—Your Committee on Penitentiaries and Pardons, to whom was referred substitute for substitute for House file No. 288, a bill for an act to establish and maintain a department of the Iowa penitentiary at Anamosa for women and girls, said department to be known as the Iowa industrial reformatory for women, beg leave to report 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.*

Ordered passed on file.

Senator Garst, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred substitute for House file No. 208, a bill for an act to further provide for the erection of a historical, memorial and art building, beg leave to report 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:

Insert after the period in line six the following: "Twenty thousand dollars (\$20,000) of said sum shall not be available until after July 1, 1899, and the balance not until after December 1, 1899." Strike out all of section 3 of said substitute, and when so amended that the same do pass.

WARREN GARST,  
*Chairman.*

Ordered passed on file and placed on the Calendar.

Senator Trewin, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House file No. 99, a bill for an act to amend section 2738 of the code, relative to the disbursement of the institute 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 the same be amended by adding to section 1 the following: "No warrant shall be

drawn by the auditor in excess of the amount of institute fund then in the county treasury," and when so amended the same do pass.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Senator Funk moved that bills from the appropriation committee be given preference over all other business before the Senate when called up by the chairman of the committee.

Adopted.

#### BILLS ON THIRD READING.

Senate resumed consideration of House file No. 150, pending at time of adjournment last evening, the following amendment, offered by Senator Byers, being under discussion:

Amend section 3 by striking out all of line four and first part of line five to the period, and inserting a period after the word "elections."

Lost.

Senator Eaton moved to amend section 3 by striking out the words "presiding officer" in lines four and six.

Adopted.

Senator Eaton moved to change the number of section 4 to section 5.

Adopted.

The bill, as amended, was read for information.

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, Allyn, Bell, Berry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Hospers, Hotchkiss, Kilburn, Lewis, Lothrop, Mitchell, Mullan, Palmer, Penrose, Titus, Wallace—30.

The nays were:

Senators Bolter, Everall, Gorrell, Lyons, Perrin, Young of Lee—6.

Absent or not voting:

Senators Blanchard, Emmert, Healy, Hobart, Hurst, Jinkin, Malloy, McArthur, McIntire, Pusey, Ranck, Trewin, Wilson, Young of Delaware—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

House file No. 161, a bill for an act to amend section 4606 of the code, in relation to husband and wife as witnesses, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

Senator Cheshire moved that the title be amended by inserting the word "one" after the word "chapter," and also by inserting the word "twentythree" after the word "title," and by enclosing the figures "1" and "23" in parentheses.

Adopted.

Senator Cheshire moved that section one be amended by inserting the words "forty-six hundred and six" after the word "section" in line one, and by enclosing the figures "4606" in parentheses; and also, by inserting after the word "chapter" the word "one," and by enclosing the figure "1" in parentheses; and also, by inserting after the word "title" the word "twenty-three," and by enclosing the figures "23" in parentheses.

Adopted.

The bill as amended was read for information.

Senator Cheshire moved to amend the bill by inserting between the words "of" and "fraud," in the sixth line, the words "one of consideration or."

Adopted.

The section as amended was read.

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 Allyn, Bell, Bolter, Byers, Carney, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Gilbertson, Gorrell, Hayward, Hospers, Hurst, Kilburn, Lewis, Lothrop, McArthur, McIntire, Mitchell, Palmer, Perrin, Ranck, Titus, Wallace, Young of Lee—31.

The nays were:

Senators Alexander, Carroll, Harriman, Hotchkiss, Lyons, Mullan, Wilson, Young of Delaware—8.

Absent or not voting:

Senators Berry, Blanchard, Funk, Garst, Healy, Hobart, Junkin, Malloy, Penrose, Pusey, Trewin—11.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

House file No. 289, a bill for an act to legalize the official acts of L. B. Dunton, a notary public, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Lewis moved to amend section 1 by striking out all after the word "period" in line 2 of the bill, down to and including the word "thereto" in line 3.

Lost.

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, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—41.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Carney, Funk, Healy, Hobart, Junkin, Malloy, Pusey—9.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

House file No. 249, a bill for an act to legalize the incorporation of the town of Grafton, with the report of committee

recommending that it 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 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, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, McIntire, Mitchell, Mullan, Palmer, Perrin, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Bell, Berry, Blanchard, Bolter, Carney, Funk, Healy, Hobart, Junkin, Malloy, McArthur, Penrose, Pusey, Trewin— 14.

So the bill, having received a constitutional majority, was declared to have passed the Senate, and its title agreed to.

House file No. 164, a bill for an act to better protect deer, elk and goats and prevent injury thereto, with report of committee recommending amendment, and when so amended it do pass, was taken up, considered, and the report of the committee adopted.

Senator McArthur moved to strike out the title of the bill and insert in lieu thereof the following: "A bill for an act for the protection of deer, elk and goats and to provide punishment for the violation thereof."

Adopted.

Senator McArthur moved to amend by striking out in section one (1) all after the word "goat" in the fifth line thereof and add the words "except when distrained as provided by law."

Senator McArthur moved to substitute for section two (2) the following: "Any person violating the provisions of this



act shall be deemed guilty of a misdemeanor and be punished by imprisonment in the county jail for a period not exceeding thirty (30) days or by a fine not exceeding one hundred (100) dollars, or by both such fine and imprisonment."

Adopted.

Senator McArthur moved that the rule be suspended, and that the bill be 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, Bolter, Byers, Carroll, Cheshire, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Gilbertson, Gorrell, Hayward, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, McArthur, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—34.

The nays were:

Senators Craig and McIntire—2.

Absent or not voting:

Senators Bell, Berry, Blanchard, Carney, Funk, Garst, Harriman, Healy, Hobart, Junkin, Malloy, Mitchell, Pusey, Trewin—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

House file No. 203, a bill for an act to amend sections 696, 700 and 737 of the code, in relation to the general powers of cities and towns, with report of committee recommending it 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 reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, McIntire,

Mullan, Penrose, Perrin, Ranck, Trewin, Wilson, Young of Delaware, Young of Lee—35.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Emmert, Healy, Hobart, Hurst, Malloy, Mitchell, Palmer, Pusey, Titus, Wallace—15.

So the bill, having received a constitutional majority, was declared to have passed the Senate and 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. 263, a bill for an act to legalize the acts of the mayor and city council of the city of Waterloo in making a certain contract with one J. B. McGorrisk for paving certain streets in said city.

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:

Substitute for Senate file No. 6, a bill for an act to amend title to chapter 6, title 13 of the code. Also sections 2683, 2685, 2688 and 2691 of said chapter, in relation to the orphans' home at Davenport.

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 joint resolution, in which the concurrence of the Senate is asked:

Joint resolution relative to the pardon of Bernard Kennedy.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

The President of the Senate announced he had signed the following bills in the presence of the Senate: Senate files Nos. 116, 80, 249, 192.

BILLS ON THIRD READING.

House file No. 266, a bill for an act to amend section 4142 of the code, relative to cost of translating shorthand notes in appeal to supreme court, with report of committee recommending it 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 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, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Finch, Garst, Gilbertson, Gorrell, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wilson, Young of Delaware, Young of Lee—89.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Emmert, Everall, Funk, Harri-  
man, Hobart, Malloy, McIntire, Pusey, Wallace—11.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

House file No. 228, a bill for an act to amend section 4045 of the code, in relation to redemption by debtor, with report of committee recommending it 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 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, Bolter, Byers, Carroll, Cheshire, Craig, Eaton, Emmert, Ericson, Garst, Gilbertson, Gorrell, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Wallace, Young of Delaware, Young of Lee—31.

The nays were:

Senators Carney, Hayward, McArthur, Wilson—4.

Absent or not voting:

Senators Alexander, Berry, Blanchard, Druet, Ellison, Overall, Finch, Funk, Harriman, Hobart, Malloy, McIntire, Pusey, Titus, Trewin—15.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

House file No. 200, a bill for an act to provide for publishing the road laws in pamphlet form, with report of committee recommending it 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 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, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Eaton, Emmert, Ericson, Overall, Finch, Garst, Gilbertson, Gorrell, Harriman, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McArthur, Mitchell, Palmer, Perrin, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—38.

Senator McIntire voted in the negative.

Absent or not voting:

Senators Blanchard, Druet, Ellison, Funk, Hayward, Healy, Hobart, Malloy, Mullan, Penrose, Pusey—11.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Garst was granted permission to introduce the following bills:

## INTRODUCTION OF BILLS.

By Committee on Appropriations, Senate file No. 279, a bill for an act repealing section 2291 of the code, in relation to compensation for keeping patients in the insane hospitals, and to enact a section in lieu thereof:

Read first and second time and placed on the Calendar.

By Committee on Appropriations, Senate file No. 280, a bill for an act amending section 2691 of the code, in relation to the support of the orphans' home and home for destitute children.

Read first and second time and placed on the Calendar.

By Committee on Appropriations, Senate file No. 281, a bill for an act making appropriation for the payment of the indebtedness of the school for the deaf.

Read first and second time and placed on the Calendar.

By Committee on Appropriations, Senate file No. 282, a bill for an act amending section 2727 of the code, in relation to support of the school for the deaf.

Read first and second time and placed on the Calendar.

By Committee on Appropriations, Senate file No. 283, a bill for an act to amend section 2608 of the code, in relation to the support of the soldiers' home.

Read first and second time and placed on the Calendar.

By Committee on Appropriations, Senate file No. 284, a bill for an act to amend section 2718 of the code, in relation to the support of the college for the blind.

Read first and second time and placed on the Calendar.

By Committee on Appropriations, Senate file No. 285, a bill for an act to amend section 2724 of the code, in relation to admission to the school for the deaf.

Read first and second time and placed on the Calendar.

By Committee on Appropriations, Senate file No. 286, a bill for an act amending section 2713 of the code, in relation to the support of the industrial school.

Read first and second time and placed on the Calendar.

The President of the Senate announced that he had signed the following bills in the presence of the Senate:

House file No. 202, substitute for House files Nos. 75 and 76, joint resolution No. 5, House file No. 312, House file No. 285, House file No. 147, House file No. 224, House file No. 267, House file No. 92 and House file No. 16.

#### SPECIAL ORDER.

The hour for special order, Senate file No. 79, a bill for an act to amend the road laws and require boards of supervisors to fix grades of all highways, having arrived, the same was taken up for further consideration.

The substitute was read.

Senator Wallace moved that when the Senate adjourn it be to meet at 2 o'clock this afternoon.

Carried.

Senator Druet moved that Senate file No. 31 be recommitted to the Committee on Public Health.

Carried and so ordered.

The time of adjournment having arrived, the President declared the Senate adjourned until 2 o'clock P. M. to-day.

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#### AFTERNOON SESSION.

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

#### BILLS ON THIRD READING.

Substitute for Senate file No. 79, pending at time of adjournment this morning, was taken up for further consideration.

Senator Wilson offered the following amendment to section 2 and moved its adoption:

Amend section 2, line 5, by striking out the words "together with," and insert in lieu thereof the words "and any board of township trustees shall have power to provide that."

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 Senate substitutes for House files Nos. 98 and 186, a

bill for an act to amend section 1752, chapter 4, title 9 of the code, relative to insurance other than life.

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 bill, in which the concurrence of the Senate is asked:

Substitute for House file No. 215, a bill for an act to amend section 2289 of the code, relating to the discharge of the incurable insane.

JAMES D. ROWEN,  
*Chief Clerk.*

Passed on file.

#### BILLS ON THIRD READING.

The Senate resumed consideration of substitute for Senate file No. 79.

Senator Cheshire offered the following amendment and moved its adoption:

I move to amend section 1 of the bill by inserting after the word "township," in the third line of the printed bill, the words "and shall also determine whether a poll tax of two and one-half dollars shall be levied and collected upon each able-bodied man in the township between the ages of twenty-one and forty-five years."

Senator Kilburn raised the point of order that the amendment was practically the same as the one just voted down.

The point was overruled.

The question recurring on the amendment, same was lost.

Senator Carney moved that the rule be suspended and Senator Kilburn allowed time, not exceeding ten minutes, in which to speak upon the bill.

Carried.

Senator Lewis moved the adoption of the substitute.

Adopted.

Senator Lewis moved that the rule be suspended, and that the bill be considered engrossed and the reading had this morning be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Byers, Cheshire, Craig, Druet, Emmert, Funk, Garst, Gilbertson, Gorrell, Healy, Hotchkiss, Kilburn, Lewis, Lyons, Mitchell, Mullan, Palmer, Perrin, Ranck, Titus, Trewin, Wallace, Young of Delaware—24.

The nays were:

Senators Allyn, Bolter, Carney, Carroll, Ericson, Everall, Harriman, Hobart, Hospers, Lothrop, McIntire, Wilson, Young of Lee—18.

Absent or not voting:

Senators Bell, Berry, Blanchard, Eaton, Ellison, Finch, Hayward, Hurst, Junkin, Malloy, McArthur, Penrose, Pusey—13.

So the bill failed of passage.

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

#### REPORTS OF STANDING COMMITTEE.

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

MR. PRESIDENT—Your Committee on Insurance, to whom was referred House file No. 256, a bill for an act to provide for consolidation of life and accident insurance companies or associations doing business under the laws of Iowa, and for transfer or reinsurance of their risks, beg leave to report 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 and when so adopted it do pass.

G. M. CRAIG,  
*Chairman.*

Ordered passed on file.

#### SUBSTITUTE FOR HOUSE FILE NO. 256.

A BILL for an act providing for consolidation of life and accident insurance companies or associations, and for transfer or reinsurance of risks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. Any life or accident insurance company or association organized or doing business under the laws of this state, may consolidate with or transfer its risks to, or reinsure the same in any other life or accident insurance company or association authorized to do business in this state. The contract of consolidation, transfer or reinsurance of risks shall be signed by the president and secretary of each of the consolidated companies or associations, and shall be submitted to and approved by a majority vote of a meeting of the members or stockholders of each of the



companies or associations, which meeting shall be called by the president or secretary of the companies or associations by a written or printed notice mailed to each member, stockholder, certificate or policy holder thereof, thirty days before the day fixed for such meeting.

SEC. 2. If the consolidation of the companies or associations, or the transfer or reinsurance of risks be approved by such meeting, all the members, policy of certificate holders of the company or association, which is consolidated with another company or association, shall thereupon, without further proceedings, become members of and policy or certificate holders in the company or association with which the consolidation is made, and entitled to all the rights, privileges and benefits of said company or association, as though the policies or certificates held by them had been originally issued by the company or association with which the consolidation is made, and shall be liable to such company or association to the same extent as they would have been to the company or association which issued the policies or certificates held by them if such consolidation had not been made, except as hereinafter provided.

SEC. 3. Any member, policy or certificate holder of the company or association, whose membership is consolidated with, transferred to, or reinsured in such other company or association, who does not desire to have his membership transferred, or to be reinsured in such company or association, or who desires to have his membership transferred to, or to be reinsured in a company or association other than that which is named in the contract of consolidation, may file with the secretary of the company or association with which the consolidation, transfer, or reinsurance is made, within ten days after the meeting at which such consolidation, transfer or reinsurance is approved, a written notice that he declines to consent to such consolidation, transfer or reinsurance, or that he prefers that his membership be transferred to, or that he be reinsured in another company or association; and upon the filing of such notice he shall cease to be a member of, or a policy or certificate holder in the company or association with which the consolidation is made, and be relieved from all liabilities on his policy or certificate to the companies or associations which are consolidated, and from all liabilities which he would incur by remaining a member of the company or association with which the consolidation, transfer, or reinsurance is made.

SEC. 4. If any member of a company or association which is consolidated with another company or association shall give notice of his desire to be transferred to or reinsured in a company or association other than that named in the contract of consolidation, as provided in section two hereof, it shall be the duty of the officers and managers of the company or association which issued the policy or certificate to such member, to at once effect the transfer or reinsurance of such member in the company or association preferred by him, which transfer or reinsurance shall be upon such conditions that he will be accorded all rights and privileges of the members, or policy or certificate holders of the company to which his membership is transferred or in which he is reinsured, to the same extent as though his policy or certificate had been issued by the company or association to which his membership is transferred, or in which he is reinsured.

SEC 5. When the stockholders or members of a company or association which is consolidated with another company or association, have approved the contract of consolidation, and procured the transfer or reinsurance of all its members, policy or certificate holders, as herein provided, it shall not be liable upon any policy or certificate issued to any member of such company or association which matures after such consolidation, transfer or reinsurance; and the company or association with which the contract of consolidation, transfer or reinsurance is made, shall only be liable to the members of the other company or association which are transferred to or reinsured by it, for such losses or indemnities as are covered by the policies or certificates of membership held by the members so transferred or reinsured; and the members of the company or association transferred or reinsured in another company or association, as herein provided, shall be liable upon assessments or otherwise only for such losses or indemnities as are covered by the policies or certificates of membership held by them.

SEC 6. Any life or accident insurance company or association organized under the laws of this state may reinsure its risks in any other company or association authorized to do business in the state, and pay for such reinsurance out of the mortuary funds of said company or association not required to pay claims on policies or certificates of membership matured; and any life or accident insurance company authorized to do business in this state may reinsure the risks of any other life or accident insurance company or association authorized to do business in this state, and issue to the company or association whose risks it reinsures a contract to indemnify such company or association against losses or indemnities covered by the policies or certificates of membership issued upon the risks reinsured.

SEC 7. No consolidation of life or accident insurance companies or associations, transfer of membership, or reinsurance of risks or members, shall be legal and valid unless the terms of such consolidation, transfer or reinsurance is approved by the auditor of state.

SEC 8 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 at Des Moines, Iowa.

Substitute read first and second time and ordered printed in the Journal.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 116, a bill for an act amending sections two thousand five hundred and thirty-nine (2539), two thousand five hundred and forty (2540) and two thousand five hundred and fifty-nine (2559) of the code, relating to the care and propagation of fish and the protection of birds and game.

Also, Senate file No. 80, an act to amend section four hundred and seven (407) of the code, relating to the redemption of county bonds.

Also, Senate file No. 249, an act to legalize the acts of the board of directors of the independent school district of Elma in the levying of taxes for schoolhouse purposes.

Also, Senate file No. 192, an act to amend sections seven hundred and forty-two (742), seven hundred forty-four (744), seven hundred and forty-five (745) and seven hundred and forty-seven (747), chapter five (5), title five (5) of the code, relating to the purchase and construction of waterworks.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 16, a bill for an act to amend section 2488 of the code, relating to the ventilation of mines.

Also, House file No. 92, a bill for an act to amend section one thousand six hundred and ten (1610) of the code, and to encourage the production of sugar from beets grown in this state.

Also, House file No. 267, a bill for an act for the relief of William M. Desmond.

Also, House file No. 224, a bill for an act to amend section two hundred and twenty-seven of the code, and to provide an additional judge for the Twelfth judicial district.

Also, House file No. 147, a bill for an act prohibiting the adulteration of candy and prescribing penalties for the violation of the provisions thereof.

Also, House file No. 312, a bill for an act to amend section eight hundred and fourteen (814) of the code, relative to street improvements.

Also, House file No. 285, a bill for an act to increase the number of district judges in the Eighteenth judicial district.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*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 amending sections two thousand five hundred and

thirty-nine (2539), two thousand five hundred and forty (2540) and two thousand five hundred and fifty-nine (2559) of the code, relating to the care and propagation of fish and the protection of birds and game.

Also, Senate file No. 80, an act to amend section four hundred and seven (407) of the code, relating to the redemption of county bonds.

Also, Senate file No. 249, an act to legalize the acts of the board of directors of the independent school district of Elma in the levying of taxes for schoolhouse purposes.

Also, Senate file No. 192, an act to amend sections seven hundred and forty-two (742), seven hundred and forty-four (744), seven hundred and forty-five (745) and seven hundred and forty-seven (747), chapter five (5), title five (5) of the code, relating to the purchase and construction of water-works.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*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. 202, a bill for an act making an appropriation for the purchase of fifteen thousand railroad commissioners' official maps, to be distributed by the members of the general assembly, and also railroad commissioners.

Also, substitute for House files No. 75 and 76, an act to amend sections twenty-six hundred and forty-six (2646) and twenty-six hundred and fifty (2650) of chapter 4, title 13 of the code, enlarging the board of trustees of the state college of agriculture and mechanic arts, and providing for the time of meeting of said board, and making the fiscal year of said college agree with the fiscal year of the state.

Also, House joint resolution No. 5, granting application for the pardon of James Johnson.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

Senator Hobart filed the following motion:

MR. PRESIDENT—I move to reconsider the vote by which the substitute for Senate file No. 79 was lost.

A. C. HOBART.

Senator Garst moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, IOWA, Friday, March 25, 1898. }

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

Prayer was offered by the Rev. Dr. Cathell, of Des Moines.

#### INTRODUCTION OF BILLS.

By Senator Finch, Senate file No. 287, a bill for an act to amend section 4027 of the code, relating to sales on execution.

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

#### HOUSE MESSAGES.

Substitute for House file No. 215, a bill for an act to amend section 2289 of the code, relating to the discharge of the incurable insane, was read first and second time and referred to Committee on Charitable Institutions.

Substitute for House files No. 98 and 186, bills for an act to amend section 1752, chapter 4, title 9 of the code, relative to insurance other than life, was read and passed on file.

House joint resolution No. 10, relative to the pardon of Bernard Kennedy, was read first and second time and passed on file.

Substitute for Senate file No. 6, a bill for an act to amend the title of chapter 6, title 13, of the code, and amend sections 2683, 2685, 2688 and 2692 of said chapter, in relation to the orphans' home and home for destitute children at Davenport, Iowa, was read and passed on file.

Senate file No. 263, a bill for an act to legalize the acts of the mayor and city council of the city of Waterloo in making a certain contract with one J. B. McGorrisk for paving certain streets in said city, was read and passed on file.

## RESOLUTION.

The resolution offered by Senator Cheshire yesterday relative to making Port Arthur, Texas, a sub-port of entry was called up by him and on motion was adopted.

Senator Carney offered the following

## CONCURRENT RESOLUTION.

WHEREAS, J. A. Cook, Henry Matter and John H. Serene, appointed by the general assembly as policemen, have in the discharge of their duties been obliged to remain on duty eleven Sundays during the session, for which they have received no compensation, therefore, be it

*Resolved by the Senate, the House concurring,* That the President of the Senate and the Speaker of the House include in the pay roll of extra employes made up at the close of the session, eleven additional days for each, J. A. Cook, Henry Matter and J. H. Serene, at \$2 per day.

J. L. CARNEY,  
THOS. A. CHESHIRE,  
J. H. TREWIN,  
*Senate Committee.*

M. K. WHELAN,  
C. F. JOHNSTON,  
HENRY H. BRIGHTON,  
*House Committee.*

Laid over under the rule.

The following communication from the custodian was submitted:

DES MOINES, Iowa, March 24, 1898.

The following employes appointed by the Twenty-seventh General Assembly, and assigned to duty by the custodian, had to be on duty besides the working days of every week, on Sundays, to take care of the visitors and keep order in the capitol, and should be paid for their extra work, viz:

John A. Cook, eleven Sundays; John A. Serene, eleven Sundays; Henry Matter, eleven Sundays; and this would include the month of March, 1898.

GEO. METZGER,  
*Custodian,*  
By R. KNAUER.

Senator Carroll called up the resolution offered by him Wednesday, in regard to correction of the Journal.

On motion same was adopted.

## BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Mullan, Senate file No. 263, a bill for an act to legalize the acts

of the mayor and city council of the city of Waterloo in making a certain contract with one J. B. McGorrisk for paving certain streets in said city, was taken up for consideration and read with House amendments.

Senator Mullan moved that the House amendments be concurred in.

Senators Alexander, Allyn, Bell, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Ericson, Finch, Funk, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, McArthur, McInire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Truwin, Wilson—38.

None.

Senators Berry, Blanchard, Eaton, Emmert, Everall, Garst Healy Junkin, Malloy, Wallace, Young of Delaware, Young of Lee—12.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Unanimous consent being granted, on motion of Senator Carney, Senate file No. 20, with report of committee recommending indefinite postponement, was taken up for consideration.

Senator Mullan moved that report of committee be adopted and the bill indefinitely postponed.

#### 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 transcribing notes of evidence taken before committee to investigate state institutions.

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 Senate is asked:

House file No. 320, a bill for an act to amend section 2850, chapter 16, title 13, of the code, relating to school fund loans.

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 Senate is asked:

House file No. 229, a bill for an act to reimburse Bremer county, Iowa, for the maintenance of Mary B. Coburn, Charles E. Coburn and Ada M. Mears, soldiers' orphans, at the Soldiers' Orphans' Home at Davenport, Iowa.

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 Senate is asked:

House file No. 296, a bill for an act to amend section 1679, chapter 3, title 9 of the code, in relation to the directors of the Weather and Crop Service having advisory power to co-operate with the farmers' institute organizations of the several counties of the state.

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. 232, a bill for an act to provide for the payment of the claims of Appanoose county against the state of Iowa for expenses incurred in the care, restraint and transportation of insane persons not having a known residence in Iowa.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.



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 Senate is asked:

Substitute for Senate file No. 111, a bill for an act relating to the conviction of and punishment of persons who have been convicted three or more times.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

#### BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Harriman House joint resolution No. 1, a joint resolution proposing to repeal sections 34, 35, 36, of article 3, of the constitution and to adopt a substitute, with report of committee without recommendation, was taken up for consideration.

The resolution was read for information.

Senator Harriman moved that the rule be suspended, and that the reading just had be the third reading of the joint resolution, which motion prevailed.

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

Senators Allyn, Bell, Berry, Bolter, Byers, Carroll, Craig, Druet, Eaton, Emmert, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lothrop, Lyons, McArthur, McIntire, Mitchell, Mulan, Palmer, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware—35.

The nays were:

Senators Alexander, Carney, Cheshire, Ellison, Ericson, Everall, Hurst, Lewis, Malloy, Penrose, Ranck, Wilson, Young of Lee—13.

Senators Blanchard and Hayward—2.

So the joint resolution, having received a constitutional majority, was declared to have passed the Senate.

#### REPORTS OF STANDING COMMITTEES.

Senator Cheshire, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 250, a bill for an act to repeal section five thousand, two hundred and seventy-four (5274) of the code, in relation to indictments, and to enact a substitute in lieu thereof, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No 335, a bill for an act to legalize the acts and ordinances of the town of Winthrop, 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.

THOS. A. CHESHIRE,  
*Chairman.*

Passed on file.

Senator Garst, from the Committee on Appropriations, submits the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 121, a bill for an act making appropriation for the penitentiary at Anamosa, Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the substitute hereto attached back to the Senate with the recommendation that the said substitute do pass.

WARREN GARST,  
*Chairman.*

SUBSTITUTE FOR SENATE FILE NO. 121.

A BILL for an act making appropriations for the penitentiary at Anamosa, Iowa.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That there be, and is hereby appropriated for the benefit of the penitentiary at Anamosa, Iowa, out of any money in the state treasury not otherwise appropriated, the following amounts, or so much thereof as may be necessary for the following purposes, to-wit:

For contingent and repair fund.....	\$ 8,000
For transportation of discharged convicts.....	4,000
For completion of hospital and laundry .....	2,000
For warden's house fund .....	200
For completing female department.....	7,000
To continue work on north cell house—	
For iron gratings and hinges.....	400
For freight on stone.....	4,500
For lime, sand and cement .....	1,200

For stone and quarry tools.....	\$ 300
For derrick supplies.....	800
For powder and fuse.....	400
For salaries of foremen.....	10,000
For warden's house—	
For windows and doors.....	1,300
For lumber for floors.....	75
For tile hallway.....	100
For lime, sand and cement.....	100
For lumber, copper and slate for roof.....	1,225
For heating, plumbing and wiring.....	375
For grates and mantels.....	50
Total.....	\$ 42,825

SEC. 2. The money herein appropriated shall be drawn from the state treasury on the written order of the warden of the penitentiary at such time and in such sums as he may deem necessary; provided, that not more than one-half of said amount shall be drawn in the year 1898 and the balance in the year 1899.

SEC. 3. Any sum remaining after the specified object for which it is appropriated shall have been completed may be used, so far as it may be necessary, for any other item, subject, however, to the approval of the executive council.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 55, a bill for an act making an appropriation for Benedict home at Des Moines, 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 be amended as follows:

Strike out the word "ten" in the third line of section 1, and insert in lieu thereof the word "five."

Strike out all of section 3.

And when so amended, that the same do pass.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 70, a bill for an act making an appropriation 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 substitute hereto attached back to the Senate with the recommendation that the said substitute do pass.

WARREN GARST,  
*Chairman.*

## SUBSTITUTE FOR SENATE FILE NO. 70.

A BILL for an act making an appropriation to the State College of Agriculture and Mechanic Arts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That there is hereby appropriated to the State College of Agriculture and Mechanic Arts out of any moneys in the state treasury not otherwise appropriated, the sum of five thousand dollars (\$5,000), to be used for the purpose of building a carpenter shop on the grounds of the State College of Agriculture and Mechanic Arts, the same to be drawn from the state treasury on the certificate of the board of trustees of said college

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 75, a bill for an act empowering and directing the state auditor to issue warrants to the state treasurer for the undrawn balance of the annual appropriations to the credit of the State College of Agriculture and Mechanic Arts, on September 30, 1897, beg leave to report 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 92, a bill for an act making appropriations for the Iowa Hospital for the Insane at Mount Pleasant, Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the substitute hereto attached back to the Senate with the recommendation that the said substitute do pass.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

## SUBSTITUTE FOR SENATE FILE NO. 92.

A BILL for an act making appropriations for the Iowa hospital for the insane at Mount Pleasant, Iowa.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the benefit of the hospital for the insane at Mount Pleasant, Iowa, the following amounts for the following purposes, to-wit:

For repair and contingent fund—for two years.....	\$ 6,000.00
For slate roof for three west sections of old wing.....	2,500.00
For painting—for two years.....	1,000 00

For furniture for hospital and wards.....	500.00
For library and diversions.....	500.00
<hr/>	
Total.....	\$ 10,000.00

SECTION 2. The money herein appropriated shall be paid on the written order of the trustees of the hospital; provided that not more than one-half of the amount appropriated shall be drawn during the year 1898.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 114, a bill for an act making appropriation for the State Industrial School, girls' department, at Mitchellville, Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the substitute hereto attached back to the Senate with the recommendation that the said substitute do pass.

WARREN GARST,  
*Chairman.*

SUBSTITUTE FOR SENATE FILE NO. 114.

A BILL for an act making appropriation for the State Industrial School, girls' department, at Mitchellville, Iowa.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That there is hereby appropriated for the benefit of the State Industrial School, girls' department, at Mitchellville, out of any money in the state treasury not otherwise appropriated, the following sums for the following purposes, to-wit:

For extension of waterwork and for building for water closets.....	\$1,500
For contingent and repair fund and painting.....	1,000
For chaplain fund.....	200
For library and school book fund .....	200
<hr/>	
Total .....	\$2,900

SEC. 2. The money herein appropriated for extension of waterworks and for building for water closets shall be drawn from the state treasury on the written order of the trustees of said school, but not more than one-half of same shall be drawn before July 15, 1898, and the remainder thereof not before October 15, 1898.

SEC. 3. The money herein appropriated; except for the purposes named in the preceding section hereof, shall be drawn on the written order of the trustees of said school, but not more than one-fourth of said amount shall be drawn before October 15, 1898, nor more than one-half before April 15, 1899, nor more than three-fourths before October 15, 1899.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 95, a bill for an act making appropriation for the better support of the state university in its several departments, and chairs, and in aid of the income fund, beg leave to report that they have had the same under consideration and have instructed me to report the substitute hereto attached with the recommendation that the said substitute do pass.

WARREN GARST,  
*Chairman.*

SUBSTITUTE FOR SENATE FILE NO. 95.

A BILL for an act making appropriation for the better support of the state university in its several departments and chairs, and in aid of the income fund.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. 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 ten thousand (\$10,000) dollars annually hereafter, said sum to be payable in quarterly instalments on the written order of the board of regents, the first instalment to be payable on the first day of September, 1898.

SEC. 2. There is hereby appropriated for the benefit of the state university, in addition to the amount appropriated in section 1 hereof, the following amounts for the following purposes, to-wit:

For law library .....	\$ 1,000
For repair and contingent fund .....	10,000
Total .....	\$ 11,000

SEC. 3. The itemized appropriations provided for in section 2 hereof shall be paid on the written order of the board of regents of said university, provided, that not more than one-half thereof shall be drawn in the year 1898.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 25, a bill for an act to amend section 2536, chapter 14, title 12, of the code, 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 the same be amended as follows:

Insert after the word "section" in the title the words "twenty-five hundred and thirty-six," and enclose the figures "2536" in parentheses. Insert after the word "chapter" in the title the word "fourteen," and enclose the figures "14" in parentheses. Insert after the word "title" in the title the word "twelve," and enclose the figures "12" in parentheses.

Strike out the word "ten" in the third line of section 1, and insert in lieu thereof the word "five." Strike out section 2. And when so amended that the same do pass.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Senator Lewis, from the Committee on Public Buildings, submitted the following report:

MR. PRESIDENT—Your Committee on Public Buildings, to whom was referred Senate file No. 170, a bill for an act to appropriate \$5,000 to paint and fresco committee rooms and corridors; \$500 for repairing the plumbing, and \$1,000 for completing installation of Welsbach burners in capitol building, beg leave to report 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.

W. R. LEWIS,  
*Chairman.*

Senator Lewis moved that report of the committee on Senate file No. 170 be adopted.

Carried, and Senate file No. 170 was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Public Buildings, to whom was referred Senate file No. 246, a bill for an act to assign room sixteen in the Capitol building to the railroad commission and to assign rooms thirteen and fourteen in the Capitol building to the attorney-general, and to make an appropriation to pay the expenses thereof, beg leave to report that they have had the same under consideration and a majority have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

W. R. LEWIS,  
*Chairman.*

Ordered passed on file.

#### MINORITY REPORT.

MR. PRESIDENT—Being unable to agree with the majority of the Committee on Public Buildings, I favor the passage of Senate file No. 246, because rooms thirteen and fourteen which it proposes to assign as the office of the attorney-general are in the proper location for his office, and furnish a consultation room, and are in every way suitable for his purpose; and now, whilst the question as to what rooms shall be assigned him is open and unsettled, it is advisable that such assignment of rooms be made as will endure for all time.

By a partition in room sixteen, it can be made in every way convenient and sufficient for the use of the railroad commission.

The office of attorney-general is likely to endure for all time, whilst the office of railroad commission may be of uncertain duration.

This whole matter should not be permitted to rest in the preference of the officers, however much we may be disposed to harmonize with their wishes. The assignment made should be such as is required by the public service.

W. R. LEWIS.

Also:

MR. PRESIDENT—Your Committee on Public Buildings, to whom was referred concurrent resolution, reported from the House March 19th, beg leave to report 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.

W. R. LEWIS,  
*Chairman.*

Ordered passed on file.

MINORITY REPORT.

MR. PRESIDENT—Being unable to agree with the majority of the Committee on Public Buildings in the above report, we submit the following minority report:

The resolution referred to should be amended by adding thereto, "provided, however, that such partition shall be so built as not to mar the walls or ceiling or painting thereon, and so that same can be removed without injury to the building or the finish thereof." If Senate file No. 246 shall be indefinitely postponed then the above resolution, after being so amended, should be adopted by the Senate, because the question of providing suitable rooms for the attorney-general has been a matter of much embarrassment to the executive council for some time past, and in the absence of any better provision the one proposed by this resolution will relieve them of this embarrassment and provide the attorney-general with an office of two rooms, which is a matter of necessity for his department

W. R. LEWIS,  
G. S. GILBERTSON.

Senator Mitchell, 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. 164, a bill for an act to amend section 5717 of the code, in relation to the wardens of penitentiaries and their supplies, beg leave to report 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 the words "an allowance for" before the word provisions, and "not exceeding three hundred dollars per annum" after the word "provision," in line five (5) of the bill, and when so amended, it do pass.

W. O. MITCHELL,  
*Chairman.*

Ordered passed on file.



## REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day sent to the governor for his approval, Senate file No. 118, a bill for an act amending sections two thousand five hundred and thirty-nine (2539), two thousand five hundred and forty (2540), two thousand five hundred and fifty-nine (2559) of the code, relating to the care and propagation of fish and the protection of birds and game.

Also, Senate file No. 80, a bill for an act to amend section four hundred and seven (407) of the code, relating to the redemption of county bonds.

Also, Senate file No. 249, a bill for an act to legalize the acts of the board of directors of the independent school district of Elma in the levying of taxes for schoolhouse purposes.

Also, Senate file No. 192, a bill for an act to amend sections seven hundred and forty-two (742), seven hundred and forty-four (744), seven hundred and forty-five (745), and seven hundred and forty seven (747), chapter five (5), title five (5) of the code, relating to the purchase and construction of water-works.

G. M. TITUS,  
*Chairman.*

Passed on file.

## BILLS ON THIRD READING.

Substitute for House file No. 54, a bill for an act to repeal section 1347 of the code, relating to the taxing of peddlers, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Byers 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, Byers, Carney, Carroll, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Gilbertson, Gorrell, Harriman, Hobart, Hotchkiss, Hurst, Julkin, Kilburn, Lewis, Lyons, Malloy, McIntire, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Young of Lee—32.

The nays were:

Senators Cheshire, Craig, Lothrop, Young of Delaware—4.

Absent or not voting:

Senators Alexander, Bell, Berry, Blanchard, Bolter, Funk, Garst, Hayward, Healy, Hospers, McArthur, Mullian, Trewin, Wilson—14.

The bill, having received a constitutional majority, was declared to have passed the Senate.

Senator Byers moved to amend the title by striking out the period (.) at end of the title and adding the words "and enact a substitute therefor."

Adopted.

The title as amended was agreed to.

The hour for adjournment having arrived the President declared the Senate stood adjourned until 2 o'clock P. M. to-day.

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#### AFTERNOON SESSION.

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

#### RESOLUTION.

Senator Gorrell offered the following resolution by request:

WHEREAS, The government of the United States has recently bought the cruiser Amazonas, and the cruiser Abronall; and,

WHEREAS, It is now negotiating for other cruisers; and,

WHEREAS, There is no vessel in the United States navy bearing the name of the capital city of Iowa; be it

*Resolved*, That this body, the Senate branch of the legislature of the state of Iowa, request the honorable secretary of the navy, John D. Long, to christen one of these cruisers the Des Moines, as an honor to the great state of Iowa; and be it further

*Resolved*, That a copy of these resolutions be sent to the Iowa representatives in congress, with request that the matter be vigorously urged by them.

Laid over under the rule.

Senator Titus called up his motion to reconsider the vote by which the consideration of the resolution to adjourn was postponed until Tuesday, March 28th.

On the question shall the vote be reconsidered the yeas and nays were demanded.

On the question "Shall the vote be reconsidered?" the yeas were:

Senators Alexander, Carney, Carroll, Craig, Eaton, Emmert, Ericson, Everall, Finch, Funk, Gorrell, Harriman, Hayward, Hobart, Hospers, Hurst, Junkin, Mitchell, Ranck, Titus, Wallace, Young of Lee—22.

The nays were:

Senators Berry, Cheshire, Druet, Gilbertson, Healy, Lewis, McArthur, Penrose—8.

Absent or not voting:

Senators Allyn, Bell, Blanchard, Bolter, Byers, Ellison, Garst, Hotchkiss, Kilburn, Lothrop, Lyons, Malloy, McIntire, Mullan, Palmer, Perrin, Pusey, Trewin, Wilson, Young of Delaware—20.

So the motion to reconsider prevailed.

Senator Titus moved to amend the resolution by changing the date to Wednesday, March 30th.

Ruled out of order.

On the question to postpone consideration of the time of adjournment until Tuesday at 11 o'clock discussion followed.

Senator Mitchell moved the previous question.

On the question, "Shall the main question be now put?" the motion prevailed.

On the question, "Shall the consideration of the motion to adjourn be postponed until Tuesday next at 11 o'clock A. M.?" a roll call was demanded.

On the question, "Shall the consideration of the motion to adjourn be postponed until Tuesday at 10 o'clock A. M.?" the yeas were:

Senators Allyn, Bell, Berry, Byers, Cheshire, Druet, Eaton, Ellison, Finch, Garst, Gilbertson, Healy, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Trewin, Young of Delaware—31.

The nays were:

Senators Alexander, Bolter, Carney, Carroll, Craig, Emmert, Ericson, Everall, Funk, Gorrell, Hospers, Lyons, Titus, Wallace, Wilson—15.

Absent or not voting:

Senators Blanchard, Harriman, Hayward, Young of Lee—4.

So the consideration was postponed.

#### 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. 26, a bill for an act to amend chapter 16, title 12, of the code, in relation to the state board of health.

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 Senate is asked:

House file No. 185, a bill an act for the relief of James F. Ward.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

#### REPORT OF COMMITTEE.

Senator Garst, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred House file No. 165, a bill for an act appropriating additional money for an exhibit of the resources of the state of Iowa, at the trans-Mississippi and international exposition, to be held at Omaha, in the year 1898, beg leave to report 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 the word "thirty," in line one, and insert the word "ten" in lieu thereof, and strike out the figures "\$30,000" in line two, and insert in lieu thereof the figures "\$10,000."

Amend the bill by adding thereto the following at the end of section one: "Not to exceed eight thousand dollars (\$8,000) of the amount herein appropriated to be expended in the erection of a building."

And when so amended that the bill do pass.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Senator Garst moved that House file No. 165 be taken up for immediate consideration.

Carried, and House file No. 165 was taken up and report of committee recommending amendments, and when so amended it do pass, was adopted.

Senator Garst moved to amend the committee amendment by striking out the word "ten" in line one and insert the word "twenty" in lieu thereof, and strike out the figures "(\$10,000)" in line two and insert in lieu thereof the figures "(\$20,000.)"

Senator Carroll presiding.

The amendment to the committee amendment was adopted.

On the amendment as amended a roll call was demanded.

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

Senators Alexander, Allyn, Bolter, Byers, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Emmert, Ericson, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hospers, Hurst, Junkin, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Young of Delaware, Young of Lee—37.

The nays were:

Senators Bell, Berry, Craig, Everall, Finch, Harriman, Hotchkiss, Kilburn, Lewis, Lyons, Wallace, Wilson—12.

Absent or not voting:

Senator Blanchard.

The amended amendment was adopted.

The second committee amendment to the bill was adopted.

The bill as amended was adopted.

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 Allyn, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hospers, Hurst,

Junkin, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Young of Delaware, Young of Lee—37.

The nays were:

Senators Bell, Berry, Finch, Hotchkiss, Lewis, Lyons, Wallace, Wilson—8.

Absent or not voting:

Senators Alexander, Blanchard, Everall, Harriman, Kilburn—5.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Garst, Senate file No. 121, a bill for an act making appropriation for the penitentiary at Anamosa, Iowa, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

The substitute was adopted.

Senator Garst 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, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Kilburn, Lewis, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware—38.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Emmert, Everall, Hurst, Junkin, Lothrop, Lyons, Malloy, Pusey, Young of Lee—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and the title agreed to.

On motion of Senator Harriman concurrent House resolution relative to military academy was called for.

Senator Harriman moved that the resolution be called from the committee and considered now.

Lost.

On motion of Senator Garst, substitute for House file No. 208, a bill for an act to further provide for the erection of a historical, memorial and art building, with report of committee recommending amendments, and when so amended it do pass, was taken up, considered, and the report of the committee adopted.

Senator Garst moved to insert after the period in line six the following: "Twenty-thousand dollars (\$20,000) of said sum shall not be available until after July 1, 1899, and the balance not until after December 1, 1899." Strike out all of section 3 of said substitute.

Adopted.

Senator Cheshire moved to amend section 1 of the bill by striking out the following words: "The contract for the erection of said building shall include the making of a tunnel or conduit across the street and the extension of the steam, hot water and gas pipes of the capital to connections with those in the new edifice."

Adopted.

The bill, as amended, was read.

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 Allyn, Bell, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lothrop, McArthur, McIntire, Mullan, Palmer, Perrin, Pusey, Ranck, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—40.

Senator Lewis voted in the negative.

Absent or not voting:

Senators Alexander, Blanchard, Emmert, Finch, Lyons, Malloy, Mitchell, Penrose, Titus—9.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Trewin moved to recommit House file No. 204.

Carried.

The bill was recommitted.

President Milliman presiding.

On motion of Senator Garst, Senate file No. 55, a bill for an act making an appropriation for Benedict home at Des Moines, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

Senator Garst moved to strike out the word "ten" in the third line of section 1 and insert in lieu thereof the word "five."

Adopted.

Senator Garst moved to strike out all of section 2.

Adopted.

The bill as amended was read.

Senator Garst 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, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Ericson, Funk, Garst, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, McArthur, Mitchell, Mullan, Palmer, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware—36.

The nays were:

Senators Everall, Finch, Gilbertson, Hurst, Lyons, Malloy, Wilson—7.

Absent or not voting:

Senators Alexander, Blanchard, Eaton, Emmert, McIntire, Penrose, Young of Lee—7.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Hayward moved that when the Senate adjourn to-day it be until 7:30 o'clock P. M. this evening.

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



## 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. 191, a bill for an act to amend section nine hundred and one (901), chapter eleven (11), of the code, relating to taxation, and providing for publishing the report of the auditor or clerk of 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 same do pass with the following amendment:

Strike out all after the word "list" in line three (3), section one (1), and add the following: "Together with the proceedings of the council, in such newspaper or papers, if any are published in such city or town, as are designated by the council. The compensation for such publication for all such papers shall not exceed that provided for in section four hundred forty-one (441) of the code, providing for publishing the proceedings of the board of supervisors.

A. C. HOTCHKISS,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Printing, to whom was referred Senate file No. 221, a bill for an act to amend section four hundred and forty-one (441) of the code, relating to county official newspapers, the matter to be published therein, and their compensation, beg leave to report 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 with the following amendment:

Strike out all after the word "provided" in third line of section one (1) and insert in lieu thereof the following: "That not more than one such official paper in any county shall be published in other than the English language "

A. C. HOTCHKISS,  
*Chairman.*

Ordered passed on file.

Senator Hobart, from the Committee on Compensation of Public Officers, submits the following report:

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred Senate file No. 212, a bill for an act to amend section 496, chapter 5, of the code, in relation to the employment of deputies and assistants in the office of the county recorder, beg leave to report 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 by striking out the three last lines thereof and inserting in lieu

thereof the following: inserting after the word "service" in the seventeenth (17th) line, the words "and the service of such assistants," and that when so amended the bill do pass.

A. C. HOBART,  
*Chairman.*

Ordered passed on file.

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

The hour of adjournment having arrived the President declared the Senate stood adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Saturday, March 26, 1898. }

Senate met in regular session at 9:30 o'clock A. M., President Milliman presiding.

Prayer was offered by Rev. M. D. Reed, of Glenwood, Iowa.

On request of Senator Gilbertson, leave of absence was granted Senator Hospers.

On request of Senator Lyons, leave of absence was granted Senator Wilson.

On request of Senator Berry, leave of absence was granted Senator Junkin.

On request of Senator Palmer, leave of absence was granted Senator Alexander.

On request of Senator Perrin, leave of absence was granted Senator Bell.

#### INTRODUCTION OF BILLS.

By Senator Hayward, Senate file No. 288, a bill for an act to amend section 256 of the code, in relation to supreme courts.

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

#### RESOLUTIONS.

Senator Gorrell called up resolution relative to the naming of a battleship "Des Moines," and moved its adoption.

Senator Garst moved to amend the resolution by substituting the words "Coon Rapids" for "Des Moines."

Senator Funk moved that the resolution be made a special order for April 10th at 8 o'clock A. M.

On this question a roll call was demanded.

On the question, "Shall the resolution be made a special order?" the yeas were:

Senators Allyn, Byers, Carroll, Craig, Funk, Garst, Hotchkiss, Lothrop, Malloy, McArthur, McIntire, Palmer, Penrose, Ranck—14.

The nays were:

Senators Berry, Carney, Cheshire, Druet, Ellison, Emmert, Ericson, Everall, Finch, Gilbertson, Gorrell, Hayward, Hobart, Lewis, Lyons, Mitchell, Pusey, Trewin, Young of Delaware, Young of Lee—20.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Bolter, Eaton, Harriman, Healy, Hospers, Hurst, Junkin, Kilburn, Mullan, Perrin, Titus, Wallace, Wilson—16.

The motion was lost.

On the amendment offered by Senator Garst a roll call was demanded.

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

Senators Allyn, Byers, Carroll, Druet, Ericson, Finch, Funk, Garst, Healy, Hotchkiss, Lewis, Lothrop, McArthur, Palmer, Penrose, Perrin, Pusey, Ranck—18.

The nays were:

Senators Berry, Carney, Cheshire, Ellison, Emmert, Everall, Gilbertson, Gorrell, Hayward, Hobart, Malloy, McIntire, Mitchell, Trewin, Young of Delaware, Young of Lee—16.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Bolter, Craig, Eaton, Harriman, Hospers, Hurst, Junkin, Kilburn, Lyons, Mullan, Titus, Wallace, Wilson—16.

The amendment was adopted.

Senator Garst moved that further consideration of this resolution be deferred until April 15.

On this question a roll call was demanded.

On the question, "Shall the resolution be postponed?" the yeas were:

Senators Allyn, Carroll, Ellison, Ericson, Funk, Garst, Healy, Hotchkiss, Hurst, Lothrop, McArthur, Mullan, Palmer, Ranck, Young of Lee—13.

The nays were:

Senators Berry, Byers, Carney, Cheshire, Ellison, Emmert, Everall, Finch, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Lewis, Lyons, McIntire, Mitchell, Penrose, Perrin, Pusey, Trewin, Wallace, Young of Delaware—23.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Bolter, Craig, Druet, Eaton, Hoppers, Junkin, Kilburn, Malloy, Mullan, Titus, Wilson—14.

The motion to postpone did not prevail.

Senator Garst moved that the amended resolution be adopted.

On this question a roll call was demanded.

Senator Berry moved that the whole matter be laid on the table.

Carried.

Senator Wallace called up the resolution relative to the railroad commissioner's investigating the railroad wreck on the Chicago and North-Western railway and moved its adoption.

Adopted.

The President of the Senate announced that he had signed, in the presence of the Senate, Senate file No. 201.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 201, a bill for an act to create a state board of control, and to provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions and to make appropriation therefor, and for defining of certain offenses and providing penalties therefor.

G. M. TITUS,

*Chairman.*

Ordered passed on file.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 201, a bill for an act to create a state board of control, and to provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions, and to make an appropriation therefor, and for the defining of certain offenses and providing penalties therefor.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

## REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day sent to the governor for his approval, Senate file No. 201, a bill for an act to create a state board of control, and to provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions and to make appropriation therefor, and for the defining of certain offenses and providing penalties therefor.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

Senator Young of Lee offered the following article on "personal privilege" and moved that it be printed in the Journal:

MR. PRESIDENT—I rise to a personal privilege. The Gate City of March 15, 1898, contains an unjust and villainous attack upon me, basing its article on the State Register and also upon a communication taken, purporting to have been sent from the city of Des Moines by one H. M. Belvel, and published in several newspapers in Iowa, The editor of the Gate City, Mr. Dr. Moorhead, is not my friend, I having defeated him for state Senator at the last election, and instead of treating me gentlemanly he continues his warfare against me because the people of his county defeated him at the polls and elected me in his stead. H. M. Belvel, I met for the first time about the opening of the session of the general assembly. He endeavored to have me pay him money for what he termed "writing up members" of the general assembly. I refused to pay him or submit to his demands for money, not requesting him to write anything for or about me. He became angered because I so refused and he has been for some time sending scurrilous articles throughout the state against me. I will

not be imposed upon by him, hence his enmity against me. Had not these articles passed through portions of the state where I am not acquainted, I would make no reply. In my own home where I am known they cannot injure me, but where I am not known they may. I take this method of stating that these attacks upon me are unwarranted and the facts set out in these articles, claimed to have been stated by me, are untrue and wholly published and said for malicious purposes to injure me. I take this method of denouncing this uncalled for attack on me and let the matter rest with the man who was responsible for it.

D. A. YOUNG.

Ordered printed in the 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. 309, a bill for an act to amend section 4600 of the code, relating to fees of justice of the peace and constables.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to concur in the Senate amendment to title to substitute for House file No. 54, a bill for an act to repeal section 1347 of the code, relating to the taxing of peddlers.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to concur in Senate amendments to House file No. 165, a bill for an act appropriating additional money for an exhibit of the resources of the state of Iowa at the Trans-Mississippi and International exposition, to be held at Omaha in the year 1898.

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. 181, a bill for an act to amend sections 2736 and 2737, chapter 13, title 13, of the code, relating to county superintendents and the examination of applicants for teachers' certificates.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

#### HOUSE MESSAGES.

House file No. 296, a bill for an act to amend section 1679, chapter 3, title 9 of the code, in relation to the directors of the weather and crop service having advisory power to co-operate with the farmers' institute organizations of the several counties of the state, was read first and second time and referred to Committee on Agriculture.

Senate file No. 232, a bill for an act to provide for the payment of the claims of Appanoose county against the state of Iowa for expenses incurred in the care, restraint and transportation of insane persons not having a known residence in Iowa, was read and passed on file.

Substitute for Senate file No. 111, a bill for an act relating to the conviction and punishment of persons who have been convicted three or more times, was read.

Senator Ellison moved that the Senate concur in House amendments to substitute for Senate file No. 111.

On the question, "Shall the bill pass?" the yeas were:

Senators Berry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Hayward, Hobart, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Eaton, Funk, Harriman, Healy, Hospers, Junkin, Wilson—13.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.



House file No. 185, a bill for an act for the relief of James T. Ward, was read first and second time and referred to Committee on Claims.

Senate file No. 26, a bill for an act to amend chapter 16, title 12, of the code, in relation to the state board of health, was read and passed on file.

House file No. 293, a bill for an act to amend section 5099 of the code, in relation to peace officers, was read first and second time and referred to Committee on Judiciary.

House file No. 320, a bill for an act to amend section 2850, chapter 16, title 13 of the code, relating to school fund loan, was read first and second time and referred to Committee on Schools.

House concurrent resolution, relative to transcribing notes of evidence taken before committee to investigate state institutions, was read first and second time.

Senator Carroll moved that the resolution be referred to Committee on Appropriations.

Carried, and so referred.

House file No. 229, a bill for an act to reimburse Bremer county, Iowa, for the maintenance of Mary B. Coburn, Charles E. Coburn and Ada M. Mears, soldiers' orphans at soldiers' orphans' home at Davenport, Iowa, was read first and second time and referred to Committee on Appropriations.

Senate file No. 181, a bill for an act to amend sections 2736 and 2737, chapter 13, title 13 of the code, relative to county superintendents and the examination of applicants for teachers' certificates, was read and passed on file.

House file No. 309, a bill for an act to amend section 4600 of the code, relating to fees of justices of the peace and constables, was read first and second time and referred to Committee on Compensation of Public Officers.

House file No. 165, a bill for an act making an appropriation for the Omaha exposition, was read first and second time.

Senator Pusey moved that the Senate insist on its amendments to this bill.

On this question a roll call was demanded.

On the question, "Shall the Senate insist upon its amendment?" the yeas were:

Senators Allyn, Berry, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Enmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hotchkiss, Kilburn, Lewis, Lathrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Penrose, Perrin, Pusey, Ranck, Titus, Trewin Young of Delaware, Young of Lee—38.

Senator Hurst voted in the negative.

Ab-sent or not voting:

Senators Alexander, Bell, Blanchard, Bolter, Byers, Eaton, Hospers Junkin, Palmer, Wallace, Wilson—11.

So the Senate insisted on its amendments and conference committee asked for.

Substitute for House file No. 54, a bill for an act to repeal section 1347 of the code, relative to the taxing of peddlers, was read and passed on file.

#### REPORTS OF STANDING COMMITTEES.

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 House file No. 120, a bill for an act providing for the listing and taxing of mortgages or other liens on real estate, beg leave to report 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.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

Also:

MR PRESIDENT—Your Committee on Ways and Means, to whom was referred House file No. 255, a bill for an act to amend section 1333 of the code, relative to taxation of insurance 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 same be indefinitely postponed.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate file No. 163, a bill for an act to repeal section thirteen hundred and eleven (1311), chapter one (1), title seven (7) of the code, relating to "the assessment of taxes," beg leave to report 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

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred House file No. 230, a bill for an act to amend subdivision seven of section 1304 of the code, providing for exemption in favor of soldiers' and sailors' wives when they own such homestead or real estate in their own name, beg leave to report 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:

Amend title by striking out the words "or real estate."

Amend section 1, line 4, by striking out the words "or real estate," and that when so amended the bill do pass.

A. B. FUNK,  
*Chairman.*

Ordered passed on file.

Senator Ericson, from the Committee on Claims, submits the following report:

MR. PRESIDENT—Your Committee on Claims, to whom was referred Senate file No. 206, a bill for an act to appropriate \$494 to reimburse Powshiek county for expenses of the extradition of Richard Rowe from Mexico, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate without recommendation.

C. J. A. ERICSON,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Claims, to whom was referred Senate file No. 228, a bill for an act to compensate Sherman Hill for injuries received while in the employ of the state, and to make appropriation 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 indefinitely postponed because no proof is offered.

C. J. A. ERICSON,  
*Chairman.*

Ordered passed on file.

Senator Mitchell, from the Committee on Penitentiaries and Pardons, submits the following report:

MR. PRESIDENT—Your Committee on Penitentiaries and Pardons, to whom was referred House joint resolution No. 10, the pardon of Bernard Kennedy, beg leave to report 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.*

Ordered passed on file.

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

MR. PRESIDENT—Your Committee on Insurance, to whom was referred House file No. 220, a bill for an act to amend section 1815, chapter 8, title 9, of the code, relative to life insurance companies and 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 following substitute be adopted, and when adopted, that the substitute do pass.

G. M. CRAIG,  
*Chairman.*

SUBSTITUTE FOR HOUSE FILE NO. 220.

A BILL for an act to amend section seventeen hundred and eighty-two (1782) of the code, in relation to life insurance companies and associations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That section seventeen hundred and eighty-two (1782) of the code be, and the same is hereby amended by inserting in the first, sixth and eighth lines, immediately after the word "company," the words "or association "

Substitute read first and second time and passed on file.

Senator Lewis, from the Committee on Public Buildings, presented the following report:

MR. PRESIDENT—Your Committee on Public Buildings, to whom was referred substitute for House file No. 146, a bill for an act to grant the city of Des Moines lots seven (7) and eight (8), of block thirty-three (33), of the original town of Fort Des Moines, now included in the city of Des Moines, 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 same be amended as follows:

Amend the title by changing the period immediately after the word "Iowa" to a comma, and adding the words "and providing for the purchase of a new site for the Iowa memorial and historical art building."

Strike out of section 2 of the bill all of said section after the figures and parentheses "(15,000)" in the third line, and substitute therefor "which sum, when it shall be needed therefor, shall be used, and is hereby appropriated for the purchase of a new site for the Iowa memorial and historical art building, which shall be paid upon the conveyance of such new site for said building to the state of Iowa by good and sufficient warranty deed and delivery therewith of an abstract of title, showing unencumbered fee simple title to the state. Said new site to be selected and purchased by the executive council and the curator, and payment therefor to be made by a warrant to be drawn by the auditor of state on the treasurer of state upon a written statement to be signed by the governor, secretary of state and curator, that the requirements of this act as to purchase, conveyance and title thereto have been complied with, and until otherwise provided by law, the old site for the Iowa memorial and historical building shall be held by the state as the site for the arsenal and storage of quartermaster's property."

Strike out of line 6 of section 3, the words "such department" and insert in lieu thereof the words "the state," and strike out of line 7 the words "the property" and insert in lieu thereof the words "said lots seven (7) and eight (8), in block thirty-three (33)."

Also, amend by adding to section 3 the following: "And there is hereby appropriated from any moneys in the treasury, not otherwise appropriated, such sum as shall be necessary to pay the expenses of the removal of said building and the preservation of the material thereof, which shall be paid on the recommendation of the executive council, by warrant or warrants drawn by the auditor of state upon the treasurer of state, in favor of the persons entitled thereto."

And that the bill, when so amended, do pass.

W. R. LEWIS,  
*Chairman.*

Senator Pusey, 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. 174, a bill for an act to amend section fifteen hundred and eight (1508) of the code, relative to roads in 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 same be indefinitely postponed.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate file No. 289, a bill for an act to amend section 1306 of the code, in regard to levy of taxes in cities of the second class, beg leave to report 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.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred substitute for House file No. 10, a bill for an act to amend section eight hundred and ninety-one (891) of the code, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate file No. 237, a bill for an act to amend chapter seven (7) of title five (5) of the Code of 1897, entitled, "Street improvements, sewers and special assessments," beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate in compliance with the direction of the Senate made on the — day of March, 1898, to the end that the same may be withdrawn from the files.

N. M. PUSEY,  
*Chairman.*

Senator Pusey moved that report of committee be adopted.

Carried, and bill ordered withdrawn.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate file No. 62, a bill for an act to abolish poll tax and to repeal sections eight hundred and ninety-one (891), eight hundred and ninety-two (892) and eight hundred and ninety-three (893) of the code, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed for the reason that the substitute for House file No. 10 takes the place of said Senate file No. 62.

N. M. PUSEY,  
*Chairman.*

Report of committee adopted and Senate file No. 62 indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate file No. 158 a bill for an act to require cities to create ordi-

nances regulating plumbing and house drainage, to provide for a board of examiners, to be known as the examining and supervising board of plumbers, to regulate the duties of said board, and to provide penalties for violation thereof, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the following be substituted therefor:

SUBSTITUTE FOR SENATE FILE NO 158.

A BILL for an act to amend section seven hundred and thirty-seven of the code.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA;

SECTION 1. That section seven hundred and thirty-seven of the code be, and the same is hereby amended by inserting in the fifth line thereof, after the word "powers," the following words, "to create a board for the examination of plumbers, to be known as 'the examining and supervising board of plumbers' and to define its duties and powers."

And the committee have instructed me to recommend that the above substitute for Senate file No. 158, do pass.

N. M. PUSEY,  
*Chairman.*

Substitute was read first and second time and passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House file No. 298, a bill for an act to amend sections nine hundred and fifty-two (952), nine hundred and fifty-three (953), nine hundred and fifty-eight (958), nine hundred and seventy-nine (979) and one thousand and twenty (1020) of the code, in relation to cities under special charters, beg leave to report that they have had the same under consideration and have amended the same as follows:

That the title be amended by inserting after the figures "(958)" the words and figures "nine hundred and seventy-one (971)."

That said bill be further amended by striking out section 1 and inserting in lieu thereof the following:

SECTION 1. That section nine hundred and fifty-two of the code be and the same is hereby amended by striking out the word "thirty," in the fifth line thereof, and inserting in lieu thereof the word "thirty-two." And by striking out the words "and section seven hundred and thirty-two," in the sixth line.

That section 2 of said bill be stricken out and the following inserted in lieu thereof:

SEC. 2. That section nine hundred and fifty-three of the code be and the same is hereby amended by striking out of the third line thereof the word "one-half" and inserting in lieu thereof the word "one."

That said bill be further amended by inserting the following as section 3:

SEC. 3. That section nine hundred and seventy-one of the code be and the same is hereby amended by inserting in line two thereof, after the word "twenty," the word "one."

That said bill be further amended by making section 3 of the bill read "Section 4," and section 4 of the bill read "Section 5," and section 5 of the bill read "Section 6."

And said committee have instructed me to report said House file No. 298, with said amendments back to the Senate with the recommendation that when so amended it do pass.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

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

MR. PRESIDENT—Your Committee on Claims, to whom was referred House file No. 185, a bill for an act for the relief of James T. Ward, beg leave to report 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.

C. J. A. ERICSON,  
*Chairman.*

Ordered passed on file.

Senator Garst, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No 67, a bill for an act making appropriation to complete the hospital for the insane at Cherokee, beg leave to report that they have had the same under consideration and have instructed me to report the substitute hereto attached back to the Senate with the recommendation that the said substitute do pass.

WARREN GARST,  
*Chairman.*

SUBSTITUTE FOR SENATE FILE NO. 67.

A BILL for an act making an appropriation to continue the work on the building for the hospital for the insane at Cherokee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. For the purpose of continuing the work on the building for the hospital for the insane at Cherokee, there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred thousand dollars (\$100,000), fifty thousand dollars (\$50,000) of which may be drawn on or after the first day of July, 1899, and fifty thousand dollars (\$50,000) of which may be drawn on or after the first day of July, 1900.



SEC. 2. This appropriation is in addition to the amount appropriated by chapter one hundred and thirty-six (136) of the acts of the Twenty-fifth General Assembly, and by chapter one hundred and forty (140) of the acts of the Twenty-sixth General Assembly.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 84, a bill for an act to make appropriations for 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 substitute hereto attached back to the Senate with the recommendation that the said substitute do pass.

WARREN GARST,  
*Chairman.*

SUBSTITUTE FOR SENATE FILE NO. 84.

A BILL for an act making appropriations for the orphans' home and home for destitute children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That there be, and is, hereby appropriated for the benefit of the orphans' home and home for destitute children the following amounts for the following purposes, respectively:

For building sewer.....	\$ 2,500
For contingent and repair fund.....	3,000
For library.....	300
Total.....	\$ 5,800

SEC. 2. The various sums named in this bill may be drawn in whole or in part on the written order of the board of trustees of said orphans' home and home for destitute children at such times and in such amounts as the said board may determine; provided, that of the contingent and repair fund and of the library fund one-fourth may be drawn on or after July 15, 1898; one-fourth on or after October 15, 1898; one-fourth on or after April 15, 1899, and one-fourth on or after October 15, 1899; and of the amount appropriated for building sewer one-half may be drawn on or after July 15, 1898, and one-half on or after October 15, 1898.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 167, a bill for an act to make an appropriation to further extend the use of the Iowa traveling libraries, beg leave to report 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 220, a bill for an act to make an appropriation to the Iowa state agricultural society, beg leave to report that they have had the same under consideration and have instructed me to report the substitute hereto attached back to the Senate with the recommendation that the said substitute do pass.

WARREN GARST,  
*Chairman.*

SUBSTITUTE FOR SENATE FILE NO. 220.

A BILL for an act to make an appropriation to the Iowa state agricultural society.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That there be, and hereby is, appropriated for the benefit of the Iowa state agricultural society, out of any money in the state treasury not otherwise appropriated, the sum of five thousand (\$5,000) dollars.

SEC. 2. Of the money herein appropriated, one thousand dollars (\$1,000), or so much thereof as may be needed, shall be used by said society for the purpose of keeping the buildings on the society grounds insured for the biennial period, and the same shall be payable on the written order of the president and secretary of the society. Four thousand dollars (\$4,000), or so much thereof as may be needed, shall be used for the preservation of the property on the society grounds and the maintenance of the office and payment of the salary of the secretary of the society, and the payment of other necessary expenses that may be incurred during the years of 1898 and 1899, and shall be paid on the written order of the president and secretary of said society, after the expenditure has been authorized or approved by the executive council.

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 Des Moines Leader, newspapers published in Des Moines, Iowa.

Substitute read first and second time and passed on file.

Senator Cheshire, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate file No. 270, a bill for an act to amend section 216 of chapter 4, title 3 of the code, relating to the reporter and the reports of the supreme court, beg leave to report 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 the words "an even number" in the sixth line and insert the words "completed volumes" in lieu thereof.

Also, amend section 1 by adding thereto the following: "and the same compensation shall be allowed for volumes completed after the expiration of the reporter's term as is provided for the reporter in section 224 of the code," and that when so amended the bill do pass.

THOS. A. CHESHIRE,  
*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. 204, a bill for an act to amend section 2792 of the code, relating to the restoration of territory to the territory to which it geographically belongs, which has been set off, to an adjoining school township in the same or another county, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate file No. 229, a bill for an act to amend sections 2736 and 2737 of chapter 13 of the code, relating to examinations of applicants for teachers' certificates, beg leave to report 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.

J. H. TREWIN,  
*Chairman.*

Ordered passed on file.

#### BILLS ON SECOND READING.

On motion of Senator Garst, Senate file No. 279, a bill for an act repealing section 2291 of the code, relating to compensation for keeping patients in the insane hospitals, was taken up and considered.

The bill was read for information.

Senator Berry moved to amend section 1 by striking out the period (.) after the word "repealed" in line 2 and inserting a comma (,) in lieu thereof and by adding to such line the words "and the following enacted in lieu thereof."

Adopted.

Senator Berry moved to amend section 2 by striking out the word and figure "section 2" in line 1 of the printed bill.

Adopted.

Senator Berry 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 Allyn, Berry, Byers, Carney, Carroll, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hotchkiss, Hurst, Lewis, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware—37.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Bolter, Cheshire, Eaton, Hobart, Hospers, Junkin, Kilburn, Lothrop, Wilson, Young of Lee—13.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Garst, Senate file No. 285, a bill for an act to amend section 2724 of the code, in relation to admission to school for the deaf, was taken up and considered.

The bill was read for information.

Senator Garst 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, Berry, Byers, Carney, Carroll, Craig, Ellison, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hotchkiss, Hurst, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—34.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Bolter, Cheshire, Druet, Eaton, Emmert, Funk, Hobart, Hospers, Junkin, Kilburn, Lewis, Lothrop, Wilson—16.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, Senate file No. 286, a bill for an act amending section 2713 of the code, in relation to the support of the industrial school, was taken up and considered.

The bill was read for information.

Senator Garst 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 Allyn, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—42.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Eaton, Hobart, Hoppers, Junkin, Wilson—8.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

The President announced the following conference committee on House file No. 165: Senators Garst, Funk, Trewin and Ranck.

#### BILLS ON THIRD READING.

On motion of Senator Garst, Senate file No. 96, a bill for an act making an appropriation for the state university to cover the loss by fire, and in aid of the general library, with report of committee recommending a substitute was taken up.

The bill was read for information.

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 Allyn, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hotchkiss, Hurst, Lewis, Lothrop, Lyons, Malloy, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—37.

The nays were:

None

Absent or not voting:

Senators Alexander, Bell, Blanchard, Eaton, Emmert, Harriman, Hospers, Junkin, Kilburn, McArthur, McIntire, Mitchell, Wilson—13.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Young of Delaware moved that when the Senate adjourn it be till 2 o'clock P. M. to-day.

Carried.

#### BILLS ON THIRD READING.

On motion of Senator Garst, Senate file No. 70, a bill for an act making an appropriation to the college of agriculture, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

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 Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hotchkiss, Hurst, Lyons, Malloy, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—37.

Senator Lewis voted in the negative.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Eaton, Hospers, Junkin, Kilburn, Lothrop, McArthur, McIntire, Wilson—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate, and title agreed to.

On motion of Senator Garst, Senate file No. 75, a bill for an act empowering the state auditor to issue warrants on the state treasurer for the undrawn balance of the appropriation to the credit of the state college of agriculture, with report of committee recommending that it do pass, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Garst 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 Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hotchkiss, Hurst, Lewis, Lothrop, Lyons, Malloy, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Eaton, Harri- man, Hospers, Junkin, Kilburn, McArthur, McIntire, Mitchell, Pusey, Wilson—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, Senate file No. 92, a bill for an act making appropriation for the Iowa hospital for the insane at Mt. Pleasant, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

The substitute was read.

The substitute was adopted.

Senator Garst 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 Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hotchkiss, Hurst, Lewis, Lothrop, Lyons, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Young of Delaware—34.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Eaton, Emmert, Finch, Hospers, Junkin, Kilburn, Malloy, McArthur, McIntire, Trewin, Wilson, Young of Lee—16.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, Senate file No. 114, a bill for an act making an appropriation for the state industrial school, girls' department, at Mitchellville, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

Substitute was read and adopted.

Senator Garst 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 Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Emmert, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hotchkiss, Hurst, Lewis, Lothrop, Lyons, Malloy, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—37.

The nays were:

None.



Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Eaton, Ellison, Finch, Hospers, Junkin, Kilburn, McArthur, McIntire, Wilson—13.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Garst, Senate file No. 25, a bill for an act to amend section 2536 of the code, in relation to the state veterinary surgeon, with report of committee recommending amendments, was taken up, considered, and the report of the committee adopted.

Senator Garst moved to amend the title as follows:

Insert after the word "section" in the title the words "twenty-five hundred and thirty-six," and enclose the figures "2536" in parentheses. Insert after the word "chapter" in the title the word "fourteen," and enclose the figures "14" in parentheses. Insert after the word "title" in the title, the word "twelve," and enclose the figures "12" in parentheses.

**Adopted.**

The bill as amended was read.

Senator Garst 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 Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Emmert, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hotchkiss, Hurst, Lewis, Lothrop, Lyons, Malloy, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—38.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Eaton, Ellison, Everall, Hospers, Junkin, Kilburn, McArthur, Wilson—12.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Garst, Senate file 95, a bill for an act making an appropriation for the better support of the state university, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

The substitute was read.

The substitute was adopted:

Senator Garst moved that the rule be suspended, 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 Berry, Bolter, Carney, Carroll, Cheshire, Craig, Ellison, Emmert, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Byers, Druet, Eaton, Everall, Healy, Hospers, Junkin, McArthur, McIntire, Wilson—14.

The bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

House file No. 319, a bill for an act to amend section 5663 of the code, relating to the duties of guards at the penitentiaries, with report of committee recommending it do pass, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Healy moved to amend section 1 of the bill by adding after the word "warden," in the third line, the following words: "under the direction of the board of control."

Adopted.

Senator Mitchell 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 Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hotchkiss, Kilburn, Lewis, Lothrop, Lyons, Malloy, McIntire, Mitchell, Mullan, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—36.

The nays were:

Senators Berry and Harriman—2.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Eaton, Funk, Hospers, Hurst, Junkin, McArthur, Palmer, Wilson—12.

The bill, having received a constitutional majority, was declared to have passed the Senate and 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. 343, a bill for an act to amend section 2589 of the code, relating to examination for registration as pharmacists.

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. 185, a bill for an act to amend section 1744 of the code, relating to proof of loss under contracts of insurance.

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:

Substitute for Senate file No. 148, a bill for an act to repeal section 41 of the code and to enact a substitute therefor, relating to the amendment and repeal of the acts of the general assembly.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker of the House has appointed as a concurrent committee on the part of the House on House file No. 165, Messrs. Potter of Pottawattamie, Smith of Greene, Eaton and Penick.

JAS. D. ROWEN,  
*Chief Clerk.*

#### BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Penrose, House file No. 256, a bill for an act to provide for consolidation of life and accident insurance companies or associations, or for transfer or reinsurance of risks, with report of committee recommending a substitute, was taken up.

The hour of adjournment having arrived, the President declared the Senate adjourned until 2 o'clock P. M. to-day.

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#### AFTERNOON SESSION.

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

#### BILLS ON THIRD READING.

Senate resumed consideration of House file No. 256, a bill for an act to provide for consolidation of life and accident insurance companies or associations, or for transfer or reinsurance of risks.

The report of the committee recommending a substitute was adopted.

The substitute was read.

Senator Cheshire moved that House file No. 256 be made a special order for Monday, March 28th, at 2 o'clock P. M.

Carried.

On request of Senator Hurst, leave of absence was granted Senator Emmert until Monday.

#### CONCURRENT RESOLUTION.

Senator Carney called up concurrent resolution in regard to extra pay for Sunday services of J. A. Cook, Henry Matter and H. Serene, and moved its adoption.

Adopted.

#### INTRODUCTION OF BILLS.

By Committee on Compensation of Public Officers, Senate file No. 289, a bill for an act fixing the salary of the chief executive officer of certain state institutions.

Read first and second time and placed on Calendar.

#### BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Young of Delaware, Senate file No. 251, a bill for an act to authorize the executive council to pass upon and pay certain claims for making an exhibit at New Orleans exposition, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Young of Delaware moved that section 1 of the bill be stricken out and that the following be substituted in lieu thereof:

Section 1. The executive council shall, on the first day of May, 1898, pass upon all claims filed and pay all claims allowed under the provisions of "An act to appropriate money to pay the claims of individuals and counties in Iowa for making an exhibit at the World's Exposition in New Orleans," passed by the Twenty-sixth General Assembly, but if the amount appropriated by said act is insufficient to pay said claims in full, the same shall be paid pro rata, and when so amended the bill do pass.

Senator Young of Delaware moved to amend committee amendment by striking out the word "first" in line one of section 1 and inserting in lieu thereof the word "third."

Adopted.

The amended amendment was adopted.

Senator Young of Delaware 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 Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hotchkiss, Hurst, Lewis, Lothrop, Lyons, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Trewin, Wallace, Young of Delaware, Young of Lee—34.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Eaton, Ericson, Emmert, Healy, Hospers, Junkin, Kilburn, McIntire, Mitchell, Titus, Wilson—16.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, Senate file No. 220, a bill for an act to make an appropriation to the Iowa state agricultural society, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

The substitute was read.

The substitute was adopted.

Senator Garst 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 Berry, Byers, Carney, Cheshire, Craig, Druet, Ellison, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hotchkiss, Hurst, Lewis, Lothrop, Lyons, Malloy, Mullan, Palmer, Penrose, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware—29.

Senator Carroll voted in the negative.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Eaton, Emmert, Ericson, Hayward, Healy, Hobart, Hospers, Junkin, Kilburn, McArthur, McIntire, Mitchell, Perrin, Wilson, Young of Lee—20.

So 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 has passed the following bill, in which the concurrence of the House was asked:

Substitute for Senate file No. 19, a bill for an act to define the jurisdiction of courts in counties bordering on the Missouri river.

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. 4, a bill for an act to amend section 104 of the code, relating to interest on state warrants.

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. 122, a bill for an act to amend section 3494 of chapter 4 of the code, relating to the place of bringing action.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Senator Berry moved to take up House messages.

HOUSE MESSAGES.

Speaker of the House has appointed as a conference committee on the part of the House on House file No. 165, Messrs. Potter of Pottawattamie, Smith of Greene, Eaton, and Penick.

Ordered passed on file.

Senate file No. 4, a bill for an act to amend section 104 of the code, relating to interest on state warrants, was read and passed on file.

Senate file No. 122, a bill for an act to amend section 3494 of chapter 4 of the code, relating to the place of bringing action, was read and passed on file.

Substitute for Senate file No. 19, a bill for an act to define the jurisdiction of courts in counties bordering on the Missouri river, was read and passed on file.

Substitute for Senate file No. 148, a bill for an act to repeal section 41 of the code, and to enact a substitute therefor, relating to the amendment and repeal of acts of the general assembly, was read and passed on file.

Senate file No. 185, a bill for an act to amend section 1744 of the code, relating to proof of loss under contracts of insurance, was read and passed on file.

House file No. 343, a bill for an act to amend section 2589 of the code, relating to examination for registration as pharmacists, was read first and second time.

Senator Druet moved to take up House file No. 343.

Carried.

House file No. 343, a bill for an act to amend section 2599 of the code, relating to examination for registration as pharmacist, was taken up and considered.

The bill was read for information.

Senator Druet 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 Berry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—34.

The nays were:

None.



Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Eaton, Ellison, Emmert, Ericson, Harriman, Hospers, Junkin, McArthur, McIntire, Mitchell, Wilson—16.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Druet moved that Senate file No. 277 be indefinitely postponed, because it is identical with the one just passed.

Carried and Senate file No. 277 was indefinitely postponed.

#### BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Funk, House file No. 199, a bill for an act to amend sections 1305, 1321, 1360, 1361 and 1372 of the code, and to provide shorter forms for assessors' books and assessment rolls, with report of committee recommending it do pass, 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 reading just had be the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Berry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, Mullan, Palmer, Penrose, Pusey, Ranck, Titus, Wallace, Young of Lee—33.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Eaton, Emmert, Ericson, Hospers, Junkin, McArthur, McIntire, Mitchell, Perrin, Trewin, Wilson, Young of Delaware—17.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Garst, Senate file No. 84, a bill for an act to make an appropriation for the orphans' home and the

home for destitute children, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

The substitute was adopted.

Senator Garst 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 Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hotchkiss, Hurst, Lewis, Lothrop, Lyons, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Pu ey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—36.

The nays were:

None:

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Eaton, Emmert, Ericson, Healy, Hospers, Junkin, Kilburn, McIntire, Mitchell, Wilson—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Garst, Senate file No. 67, a bill for an act for an appropriation to complete the hospital for the insane at Cherokee, with report of committee recommending a substitute, was taken up, considered and the report of the committee adopted.

The substitute was read.

The substitute was adopted.

Senator Garst 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 Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hotchkiss, Hurst, Kilburn, Lothrop, Lyons, Malloy, Mullan, Palmer, Penrose, Perrin,

Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—35.

Senator Lewis voted in the negative.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Eaton, Emmert, Ericson, Harriman, Hospers, Junkin, Mitchell, McArthur, McIntire, Wilson—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, Senate file No. 167, a bill for an act to make an appropriation to further extend the use of the Iowa traveling libraries, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Garst 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 Bolter, Byers, Carney, Cheshire, Druet, Ellison, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Lee—29.

Senator Carroll voted in the negative.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Craig, Eaton, Emmert, Ericson, Harriman, Healy, Hobart, Hospers, Junkin, McArthur, McIntire, Mitchell, Ranck, Wilson, Young of Delaware—20

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Unanimous consent being granted, on motion of Senator Young of Delaware, House file No. 335, a bill for an act to legalize the acts and ordinances of the town of Winthrop, with report of committee recommending it do pass, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Young of Delaware, 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 Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Everall, Firch, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Emmert, Eaton, Ericson, Funk, Healy, Hospers, Junkin, McIntire, Mitchell, Wilson—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Unanimous consent being granted, on motion of Senator Pusey, House file No. 298, a bill for an act to amend sections 952, 953, 958, 979 and 1020, of the code, in relation to cities under special charter, was taken up and considered.

Senator Pusey moved that the title be amended by inserting after the figures "(958)" the words and figures "nine hundred and seventy one (971)."

Adopted.

Senator Pusey moved that section 1 of the bill be stricken out and the following inserted in lieu thereof:

Section 1. That section nine hundred and fifty-two of the code be, and the same is hereby amended, by striking out the word "thirty" in the fifth line thereof, and inserting in lieu thereof the words "thirty-two," and by striking out the words "and section seven hundred and thirty-two" in the sixth line.

Adopted.

Mr. Pusey moved that section 2 of the bill be stricken out and the following inserted in lieu thereof:

Sec. 2. That section 953 of the code be and the same is hereby amended by striking out of the third line thereof the words "one half" and inserting in lieu thereof the word "one."

Adopted.

Senator Pusey moved that the bill be further amended by inserting the following as section 3:

Sec 3. That section 971 of the code be and the same is hereby amended by inserting in line two thereof, after the word "twenty" the word "one."

That the bill be further amended by making section 3 of the bill read "section 4" and section 4 of the bill read "section 5" and section 5 of the bill read "section 6."

Adopted.

The bill as amended was read.

Senator Pusey 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 Bolter, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Everall, Finch, Funk, Gilbertson, Hayward, Hobart, Hotchkiss, Hurst, Lewis, Lothrop, Lyons, Malloy, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—30.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Byers, Eaton, Emmert, Ericson, Garst, Gorrell, Harriman, Healy, Hospers, Junkin, Kilburn, McArthur, McIntire, Mitchell, Wilson—20.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Unanimous consent being granted, on motion of Senator Harriman, Senate file No. 250, a bill for an act to repeal section 5274 of the code, in relation to indictments, and to enact a substitute therefor, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

Senator Harriman 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 Berry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Young of Lee—82.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Eaton, Emmert, Ericson, Everall, Healy, Hoppers, Junkin, McArthur, McIntire, Mitchell, Trewin, Wilson, Young of Delaware—18.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Titus, Senate file No. 274, a bill for an act to legalize the levy of certain taxes for road purposes by the trustees of Morning Sun township, Louisa county, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Titus 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 Berry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Finch, Funk, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hotchkiss, Hurst, Kilburn, Lothrop, Malloy, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Young of Delaware, Young of Lee—30.

Senator Lewis voted in the negative.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Eaton, Emmert, Ericson, Everall, Garst, Healy, Hoppers, Junkin, Lyons, McArthur, McIntire, Mitchell, Trewin, Wilson—19.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Unanimous consent being granted, on motion of Senator Hayward, Senate file No. 88, a bill for an act to repeal sections 3050, 3051 and 3052 of the code, relating to days of grace, with report of committee recommending a substitute, was taken up, considered and the report of the committee adopted.

The substitute was read.

Senator Lewis moved that further consideration be deferred until Monday, March 28th, and that it be made a special order for 3 o'clock on that day.

Carried.

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

Senator Gilbertson moved that the Senate do now adjourn.

Carried.

The President of the Senate declared the Senate stood adjourned until 9 o'clock A. M. Monday.

SENATE CHAMBER,  
DES MOINES, Iowa, Monday, March 28, 1898. }

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

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

On request of Senator Bolter leave of absence was granted Senator Finch.

On request of Senator Young of Lee leave of absence was granted Senator Lyon.

On request of Senator Berry leave of absence was granted Senator Gorrell.

#### INTRODUCTION OF BILLS.

By Senator Malloy, Senate file No. 290, a bill for an act to amend section 2764 of the code requiring secretaries of school corporations to register persons of school age.

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

By Senator Hobart, by request, Senate file No. 291, a bill for an act to amend section 4853 of chapter 6, title 24 of the code of 1897, in relation to forgery and counterfeiting.

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

#### REPORT OF STANDING COMMITTEES.

Senator Wallace, from the Committee on Horticulture and Forestry, submitted the following report:

MR. PRESIDENT—Your Committee on Horticulture and Forestry, to whom was referred Senate file No. 267, a bill for an act to prevent fraud in the sale of nursery stock and provide penalty for violation of the same, beg leave to report that they have had the same under consideration and



have instructed me to report the same back to the Senate with the recommendation that the same do pass.

J. WALLACE,  
*Chairman.*

Ordered passed on file.

Senator Kilburn, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate file No. 41, a bill for an act to amend section 1528 and section 1530, chapter 2, title 8 of the code, relative to roads bridges and ferries and the destruction of thistles, beg leave to report 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.

L. M. KILBURN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate file No. 34, a bill for an act to authorize township trustees to require grass and weeds to be cut in public roads and to repeal a part of section 1533 of the code in relation 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 recommendation that the same be indefinitely postponed for the reason that a similar bill has passed the House and is now on the Senate Calendar.

L. M. KILBURN,  
*Chairman.*

Report of committee adopted and Senate file No. 84 was indefinitely postponed.

The following minority report to House file No. 31 was filed.

MR. PRESIDENT—We, the minority of your Committee on Elections, to whom was referred House file No. 31, relating to the time of closing the polls at elections, do not concur in the majority report of the committee recommending indefinite postponement of the same. We recommend that the bill do pass.

D. H. YOUNG,  
C. S. RANCK.

Senator Everall moved that the Senate take up bills recommended for indefinite postponement.

Carried.

Senate file No. 24, a bill for an act to provide for the giving of bonds by abstractors of titles, with report of committee recommending indefinite postponement, was taken up, considered

and the report of the committee adopted, and Senate file No. 24 was indefinitely postponed.

Senate file No. 8, a bill for an act to regulate the practice of barbering, with report of committee recommending indefinite postponement, was taken up, considered and the report of the committee adopted, and Senate file No. 8 was indefinitely postponed.

House file No. 80, a bill for an act to amend section 2490 of the code, relative to the screening of coal, with report of committee recommending indefinite postponement, was taken up, considered, and the report of the committee adopted, and Senate file No. 80 was indefinitely postponed.

Senate file No. 272, a bill for an act to establish bird day, with report of committee recommending it be indefinitely postponed, was taken up, considered, and the report of the committee adopted, and Senate file No. 272 was indefinitely postponed.

Senate file No. 39, a bill for an act to amend section 5488 of the code, relating to evidence, with report of committee recommending it be indefinitely postponed, was taken up, considered, and the report of the committee adopted, and Senate file No. 39 was indefinitely postponed.

Senate file No. 195, a bill for an act to amend sections 1109, 1118, 1119, 1120 and 1121 of the code, relating to printing and marking the ballot, with report of committee recommending it be indefinitely postponed, was taken up, considered, and the report of the committee adopted, and Senate file No. 195 was indefinitely postponed.

Senate file No. 241, a bill for an act to repeal section 3488 of the code, relating to the sheriff, with report of committee recommending it be indefinitely postponed, was taken up, considered, and the report of the committee adopted, and Senate file No. 241 was indefinitely postponed.

House file No. 273, a bill for an act to amend section 2283 of the code, with report of committee recommending it be indefinitely postponed, was taken up, considered, and the report of the committee adopted, and House file No. 273 was indefinitely postponed.

Senate file No. 233, a bill for an act to provide for and regulate the administration of trusts by banks and other corporations, with report of committee recommending it be indefinitely postponed, was taken up, considered, and the report of the committee adopted, and Senate file No. 233 was indefinitely postponed.

Senate file No. 41, a bill for an act to amend section 1528 and section 1530, chapter 2, title 8 of the code, relative to roads and bridges, and for the destruction of thistles, with report of committee recommending it be indefinitely postponed, was taken up, considered, and the report of the committee adopted, and Senate file No. 41, was indefinitely postponed.

Senator Druet moved Senate take up legalizing acts.

Carried

#### BILLS ON THIRD READING.

On motion of Senator Druet, Senate file No. 255, a bill for an act to legalize the acts of the board of directors of the independent school district of Lincoln, Marion county, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

Senator Druet 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 Bolter, Cheshire, Craig, Druet, Ellison, Everall, Funk, Garst, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, McArthur, Mullan, Palmer, Penrose, Perrin Rauck, Trewin, Wallace, Young of Lee—27

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Byers, Carney, Carroll, Eaton, Emmert, Ericson, Finch, Gorrell, Healy, Junkin, Lyons, Malloy, McIntire, Mitchell, Pusey, Titus, Wilson, Young of Delaware—23.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Funk, Senate file No. 264, a bill for an act to legalize the organization of the independent school district of Everly, with report of committee recommending it do pass, 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 Bolter, Byers, Cheshire, Craig, Druet, Ellison, Everall, Funk, Gilbertson, Harriman, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, McArthur, Mullan, Palmer, Perrin, Ranck, Titus, Wallace, Young of Delaware, Young of Lee—26.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carney, Carroll, Eaton, Emmert, Ericson, Finch, Garst, Gorrell, Hayward, Healy, Junkin, Lyons, Malloy, McIntire, Mitchell, Penrose, Pusey, Trewin, Wilson—24.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Palmer, Senate file No. 213, a bill for an act to quiet the title to certain real estate in Washington county in A. B. Rogers, with report of committee recommending certain amendments, was taken up, considered and the report of the committee adopted.

Senator Palmer moved that said bill be amended by inserting after the title and before the enacting clause the following preamble:

"Whereas, In May, 1856, the United States granted to the state of Iowa the land mentioned in said bill, and

"Whereas, Said land went to tax sale and a tax deed was executed therefor to William Billingsly in July, 1857, and

"Whereas, Said land has since been conveyed many times to various grantees, and the said grantees and all of them since

said tax deed was made in 1856, have remained in the quiet, peaceable and undisturbed possession of said real estate, and

“Whereas, The state of Iowa cannot be made a party defendant in a suit, and title cannot be quieted in the present owner of said real estate proceedings in court; therefore,”

Adopted.

The bill as amended was read.

Senator Palmer moved that the rule be suspended, and that the bill be considered engrossed and that the reading just had be considered the third reading of the bill, which motion prevailed.

On the question “Shall the bill pass?” the yeas were:

Senators Bolter, Byers, Cheshire, Craig, Druet, Ellison, Funk, Garst, Gibertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Titus, Trewin, Wallace, Young of Delaware—28.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carney, Carroll, Eaton, Emmert, Ericson, Everall, Finch, Gorrell, Healy, Junkin, Lyons, McIntire, Mitchell, Pusey, Ranck, Wilson, Young of Lee—22.

The bill, having received a constitutional majority, was declared to have passed the Senate.

On motion of Senator Hayward, Senate file No. 212, a bill for an act to amend section 496 of the code, in relation to the employment of deputies in the office of the county recorder, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Hayward moved that the same be amended by striking out the three last lines thereof and inserting in lieu thereof the following: inserting after the word “service” in the seventeenth (17th) line, the words “and the service of such assistants,” and that the amendment be adopted.

Adopted.

Senator Hayward 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 Bolter, Byers, Cheshire, Craig, Ellison, Everall, Funk, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—29.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carney, Carroll, Druet, Eaton, Emmert, Ericson, Finch, Garst, Gorrell, Healy, Junkin, Lyons, McIntire, Mitchell, Pusey, Wilson—21.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Lothrop, Senate file No. 245, a bill for an act to amend section 289 of the code, relating to the clerk of the district court, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Lothrop 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 Bolter, Byers, Craig, Druet, Ellison, Everall, Funk, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Kilburn, Lewis, Lothrop, Malloy, McIntire, Mullan, Palmer, Penrose, Perrin, Ranck, Trewin, Wallace, Young of Delaware, Young of Lee—27.

The nays were:

Senators Cheshire and Titus—2.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carney, Carroll, Eaton, Emmert, Ericson, Finch, Garst, Gorrell, Healy, Hurst, Junkin, Lyons, McArthur, Mitchell, Pusey, Wilson—21.

The bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Mullan, Senate file No. 93, a bill for an act to legalize acknowledgments taken and certified according to the form and provisions of the code of 1873, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Mullan moved that section 1 of the code be amended by striking out of lines 3 and 4 of the original bill, the words "first day of October," and inserting in lieu thereof the words "twenty-ninth day of September."

Adopted.

Senator Mullan 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 Bolter, Byers, Cheshire, Craig, Druet, Ellison, Everall, Funk, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Malloy, McIntire, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—30.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carney, Carroll, Eaton, Emmert, Ericson, Finch, Garst, Gorrell, Healy, Junkin, Lyons, McArthur, Mitchell, Pusey, Wilson—20.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to-

On motion of Senator Hobart, Senate file No. 140, a bill for an act to amend section 2959 of the code, relating to the conveyance of real estate, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Hobart moved to amend the bill as follows:

Strike out the word "deed" in line 11 of section 1 and insert the words "foregoing instrument" in lieu thereof.

Also amend same section by inserting the word "thereof" after the word "execution" in the same line.

Strike out the words "notary public in and for said county" in the fourteenth line of section 1.

Insert the word "foregoing" between the words "the" and "instrument" in line 19 of section 1.

Adopted.

Senator Perrin moved to amend line lettered (6) by striking out colon and add words "in fact" to line.

Adopted.

Senator Hobart 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 Bolter, Byers, Cheshire, Craig, Druet, Ellison, Everall, Garst, Gilbertson, Harriman, Hayward, Hobart, Hoppers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mullan, Palmer, Penrose, Perrin, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—30.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carney, Carroll, Eaton, Emmert, Ericson, Finch, Funk, Gorrell, Healy, Junkin, Lyons, Mitchell, Pusey, Ranck, Wilson—20.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Cheshire, Senate file No. 210, a bill for an act to amend section 853 of the code, and to grant additional powers to boards of park commissioners, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

Senator Cheshire moved to amend the bill as follows:

Amend section 1 by striking out the words "opposite bank" in the ninth line and inserting the words "center line" in lieu thereof.

Adopted.



Senator Cheshire moved to amend the bill by inserting after the word "river" in the thirteenth line the words "to such center line."

Adopted.

Senator Cheshire moved to amend the bill by inserting after the word "such" in the sixteenth line the words "portion of the."

Adopted.

Senator Cheshire moved to amend the bill by adding at the end of the section the following:

"Provided, that where such board controls or owns land on both sides of such river, so as to control the entire bed thereof, and the ice formed thereon, it shall permit the cutting of a canal or opening in such ice sufficient to enable parties cutting ice above to float it through or along the portion of the river thus under the complete control of said board."

The bill as amended was read.

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 Bolter, Byers, Cheshire, Craig, Druet, Eaton, Ellison, Funk, Gilbertson, Harriman, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mullan, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—28.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Berry, Blanchard, Carney, Carroll, Eaton, Emmert, Ericson, Everall, Finch, Garst, Gorrell, Hayward, Healy, Junkin, Lyons, Mitchell, Palmer, Pusey, Wilson—22.

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

House file No. 344, a bill for an act to legalize the acts and ordinances of the town of Fairbanks, Iowa.

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 Senate is asked:

Substitute for House file No. 84, a bill for an act making appropriation for the college for the blind at Vinton, Iowa.

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 Senate is asked:

Substitute for House file No. 134, a bill for an act making appropriation for the Iowa hospital for the Insane, at Clarinda, Iowa.

JAS. D. ROWEN,  
*Chief Clerk*

Ordered passed on file.

Senator Garst moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

House file No. 344, a bill for an act to legalize the acts and ordinances of the town of Fairbanks, Iowa, was read first and second time and referred to Committee on Judiciary.

Substitute for House file No. 84, a bill for an act making appropriation for the college for the blind at Vinton, Iowa, was read first and second time and referred to Committee on Appropriations.

Substitute for House file No. 134, a bill for an act making appropriation for the Iowa hospital for the insane at Clarinda, Iowa, was read first and second time and referred to Committee on Appropriations.

The President of the Senate announced that he had signed the following bills in the presence of the Senate: Senate file No. 263, substitute for Senate file No. 6, Senate file No. 181, Senate file No. 26, substitute for Senate file No. 19, Senate file No. 232, substitute for Senate file No. 111, Senate file No. 14, substitute for Senate file No. 148, Senate file No. 122, Senate file No. 185, House file No. 277, substitute for House file No. 93, House file Nos. 308, 103, 289, 250, substitute for House file Nos. 98, 136, House file No. 203, House joint resolution No. 1, substitute for House file No. 208, House file Nos. 164, 177.

#### BILLS ON THIRD READING.

On motion of Senator Trewin, Senate file No. 273, a bill for an act to amend section 2752 of the code, relating to directors of school townships, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Trewin 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 Berry, Byers, Carney, Cheshire, Craig, Druet, Ellison, Everall, Funk, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mullan, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—31.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Carroll, Eaton, Emmert, Ericson, Finch, Garst, Gorrell, Healy, Junkin, Lyons, Mitchell, Palmer, Pusey, Wilson—19.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Trewin, House file No. 99, a bill for an act to amend section 2738 of the code, relative to the disbursement of the institute fund, with report of committee recommending amendments and when so amended it do pass, was taken up, considered, and the report of the committee adopted.

Senator Trewin moved to amend the bill by adding to section 1 the following: "no warrant shall be drawn by the auditor in excess of the amount of institute fund then in the county treasury."

Adopted.

Senator Trewin 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, Berry, Byers, Carney, Cheshire, Craig, Druet, Ellison, Everall, Funk, Gilbertson, Hayward, Healy, Hobart, Hospers, Hotchkiss, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—31.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Carroll, Eaton, Emmert, Ericson, Finch, Garst, Gorrell, Harriman, Hurst, Junkin, Lyons, Mitchell, Pusey, Wilson—19.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator McIntire, Senate file No. 174, a bill for an act to amend section 1441 of the code, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator McIntire moved that the title of said bill be amended by inserting after the word "section," the words "fourteen hundred and forty-one," and that the figures "1441" be enclosed in parentheses.

Adopted.

Senator McIntire moved that section 1, line 1, be amended by inserting after the word "section" the words "fourteen hundred and forty-one," and enclosing the figures "1441" in parentheses, and that when so amended the bill do pass.

Adopted

Senator Carney offered the following amendment to the bill:

Strike out the word "situate" in line 2 and insert the word "taxed" in lieu thereof, also strike out the word "fifth" in third line and insert the word "fourth" in lieu thereof.

Senator Titus moved that further consideration of Senate file No. 174 be postponed until the disposition of special order No. 2 on the Calendar.

On motion of Senator Berry, substitute for House file No. 220, a bill for an act to amend section 1815 of the code, relative to life insurance companies and associations, with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

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 Berry, Byers, Cheshire, Craig, Ellison, Everall, Funk, Garst, Gilbertson, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—80.

Senator Carney voted in the negative.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Carroll, Druet, Eaton, Emmert, Ericson, Finch, Gorrell, Harriman, Healy, Junkin, Lyons, Mitchell, Pusey, Wilson—19.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Young of Lee, Senate file No. 269, a bill for an act to amend section 1306 of the code, in regard to levy of taxes in cities of the second class, with report of committee recommending indefinite postponement, was taken up, considered, and the report of the committee adopted, and Senate file No. 269 was indefinitely postponed.

On motion of Senator Hobart, Senate file No. 139, a bill for an act amending section 2945 and section 2946 of the code,

relating to the conveyance of real estate, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Hobart moved that section 2 of said bill be struck out and the following adopted in lieu thereof:

"Section 2. That section twenty-nine hundred and forty-six be amended by striking out the words, "a notary public (or other officer)," in line 12 thereof, and inserting in lieu thereof the following: "an officer (naming him by his official title) of such state, territory or district." And that said section be further amended by striking out the words, "and that said conveyance and the acknowledgment thereof are in due form of law," in lines 15 and 16 thereof.

Adopted.

Senator Hobart moved that said bill be further amended by adding thereto as section 3 the following:

"Section 3. This act being deemed of immediate importance shall be in force and effect from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published in Des Moines, Iowa."

Adopted.

Senator Hobart 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 Berry, Byers, Carney, Cheshire, Craig, Druet, Ellison, Everall, Funk, Gilbertson, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mullan, Palmer, Penrose, Perrin, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—32.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Carroll, Eaton, Emmert, Ericson, Finch, Garst, Gorrell, Juukin, Lyons, Mitchell, Pusey, Ranck, Wilson—18.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Craig, House file No. 157, a bill for an act to amend section 1832 of the code, relative to the issuing of auditors' certificates to fraternal benefit societies, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Berry, moved to amend section 1 of the bill as follows: By striking out all after the word "each" in line 11 and change comma (,) after the word "each" to a period (.).

Adopted.

Senator Craig moved that time of adjournment be extended until House file No. 157 is disposed of.

Carried.

Senator Craig moved that the rule be suspended, and the bill be 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 Berry, Byers, Carney, Cheshire, Craig, Druet, Ellison, Everall, Funk, Garst, Gilbertson, Harriman, Hayward, Healy, Hobart, Hotchkiss, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mullan, Penrose, Perrin, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—30.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Carroll, Eaton, Emmert, Ericson, Finch, Gorrell, Hospers, Hurst, Junkin, Lyons, Mitchell, Palmer, Pusey, Ranck, Wilson—20.

So the bill, having received a constitutional majority, was declared to have passed the Senate and 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:

Substitute for House file No. 70, a bill for an act making appropriation for the institution for feeble-minded children at Glenwood, Iowa.

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 Senate is asked:

Substitute for House file No. 130, a bill for an act making appropriation for the penitentiary at Fort Madison, Iowa.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to concur in Senate amendment to House file No 161, a bill for an act to amend section 4606, chapter 1, title 23, of the code, in relation to husband and wife as witnesses.

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 Senate is asked:

Substitute for House file No. 105, a bill for an act amending section 2682 of the code, relating to annual appropriations for the normal school at Cedar Falls, Iowa.

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 is asked:

Substitute for Senate file No. 235, a bill for an act to amend section 3847 of the code, relating to security for costs.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.



Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to concur in the Senate amendments to House file No. 96, a bill for an act to protect the meandered lakes of Iowa and to give the executive council the control of certain lakes and lake beds.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

#### HOUSE MESSAGES.

Substitute for House file No. 70, a bill for an act making appropriation for the institution for feeble-minded children at Glenwood, Iowa, was read first and second time and referred to Committee on Appropriations.

Substitute for House file No. 130, a bill for an act making an appropriation for the penitentiary at Fort Madison, Iowa, was read first and second time and referred to Committee on Appropriations.

House file No. 161, a bill for an act to amend section 4606, chapter 1, title 23 of the code, in relation to husband and wife as witnesses, was read first and second time and referred to Committee on Judiciary.

Substitute for House file No. 105, a bill for an act amending section 2682 of the code, relating to annual appropriations for the normal school at Cedar Falls, Iowa, was read first and second time and referred to Committee on Appropriations.

Substitute for Senate file No. 235, a bill for an act to amend sections 38 and 47 of the code, relating to security for costs, was read first and second time and passed on file.

House file No. 96, a bill for an act to protect the meandered lakes of Iowa and to give the executive council the control of certain lakes and lake beds, was read first and second time and referred to Committee on Judiciary.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 263, a bill for an act to legalize the acts of the mayor and city council of the city of Waterloo in making a certain contract with one J. B. McGorriak for paving certain streets in said city.

Also, substitute for Senate file No. 6, an act to amend the title of chapter six (6), title thirteen (13) of the code, and to amend sections twenty-six hundred and eighty-three (2683), twenty-six hundred and eighty-five (2685), twenty-six hundred and eighty-eight (2688) and twenty-six hundred and ninety-two (2692) of said chapter, in relation to the orphans' home and home for destitute children at Davenport, Iowa.

Also Senate file No. 181, an act to amend sections twenty-seven hundred and thirty-six (2736) and twenty-seven hundred and thirty-seven (2737), chapter 13 of title 13 of the code, relating to county superintendents and the examination of applicants for teachers' certificates.

Also, Senate file No. 26, an act to amend section two thousand five hundred and sixty-four (2564), chapter sixteen, title twelve of the code, in relation to the state board of health.

Also, substitute for Senate file No. 19, an act to define the jurisdiction of courts in counties bordering on the Missouri river.

Also, Senate file No. 232, an act to provide for the payment of the claims of Appanoose county against the state of Iowa for expenses incurred in the care, restraint and transportation of insane persons not having a known residence in Iowa.

Also, substitute for Senate file No. 111, an act relating to the indictment and punishment of persons who have been convicted three or more times and making certain evidence competent proof upon the trial thereof.

Also, Senate file No. 4, a bill for an act to amend section one hundred and four (104) of the code, relating to interest on state warrants.

Also, substitute for Senate file No. 148, an act to repeal section forty-one (41) of the code, and enact a substitute therefor, relating to the amendment and repeal of acts of the general assembly.

Also, Senate file No. 122, an act to amend section three thousand four hundred and ninety-four (3494) of chapter four (4) of the code, relating to place of bringing action.

Also, Senate file No. 185, an act to amend section seventeen hundred and forty-four (1744) of the code, relating to proofs of loss under contracts of insurance.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 308, a bill for an act to legalize the ordinances passed by the incorporated town of Danbury, Woodbury county, Iowa.

Also, House file No. 103, an act making an appropriation for the relief of Private James Dally, of company F, Fourth regiment, Iowa national guard, who was injured while in the discharge of his duty.

Also, House file No. 289, an act to legalize the official acts of L. B. Duntun, a notary public of Mitchell county, Iowa.

Also, substitute for House files No. 98 and 136, an act to amend section seventeen hundred and fifty-two (1752), chapter four (4), title nine (9) of the code, relative to insurance other than life.

Also, House file No. 250, an act making an appropriation to provide a special teacher for Linnie Hagewood.

Also, House file No. 203, an act to amend section 696, 700 and 737, of chapter 4, title 5 of the code, in relation to the general powers of cities and towns.

Also, House joint resolution No. 1, joint resolution for amendment to the constitution of the state of Iowa, proposing the repeal of sections 34, 35 and 36 of article 3 of the constitution, and the substitute hereinafter proposed be adopted in lieu thereof.

Also, House file No. 164, an act for the protection of deer, elk and goats and to provide punishment for the violation thereof.

Also, substitute for Senate file No. 19, a bill for an act to define the jurisdiction of courts bordering on the Missouri river.

Also, Senate file No. 26, an act to amend section two thousand five hundred and sixty-four (2564), chapter 16, title 12, of the code, in relation to the state board of health.

Also, Senate file No. 181, an act to amend sections twenty-seven hundred and thirty-six (2736) and twenty-seven hundred thirty-seven (2737), chapter 13, of title 13, of the code, relating to county superintendents and the examination of applicants for teachers' certificates.

Also, substitute for Senate file No. 6, an act to amend the title of chapter six (6), title thirteen 13, of the code, and to amend sections twenty-six hundred and eighty-three, twenty-six hundred and eighty-five, twenty-six hundred and eighty-eight, and twenty-six hundred and ninety-two (2683, 2685, 2688, 2692), of said chapter, in relation to the orphans' home and home for destitute children at Davenport, Iowa.

Also, Senate file No. 263, an act to legalize the acts of the mayor and city council of the city of Waterloo in making a certain contract with one J. B. McGorrick for paving certain streets in said city.

Also, Senate file No. 185, a bill for an act to amend section seventeen hundred and forty-four (1744) of the code, relating to proofs of loss under contracts of insurance.

Also, Senate file No. 122, an act to amend section three thousand four hundred and ninety-four (3494) of chapter four (4) of the code, relating to the place of bringing action.

Also, substitute for Senate file No. 148, an act to repeal section forty-one (41) of the code, and enact a substitute therefor, relating to the amendment and repeal of acts of the general assembly.

Also, Senate file No. 4, an act to amend section one hundred and four (104) of the code, relating to interest on state warrants.

Also, substitute for Senate file No. 111, an act relating to the indictment and punishment of persons who have been convicted three or more times, and making certain evidence competent proof upon trial thereof.

Also, Senate file No. 232, an act to provide for the payment of the claims of Appanoose county against the state of Iowa for expenses incurred in the care and restraint and transportation of insane persons not having a known residence in Iowa.

Also, substitute for House file No. 269, a bill for an act to amend section four thousand one hundred and forty-two (4142) of the code, relative to costs of translating shorthand notes in appeal to the supreme court.

Also, House file No. 178, an act to amend section seven hundred (700) of the code, relating to the power of cities to regulate, license and tax certain kinds of business.

Also, House file No. 228, an act to amend section four thousand and forty-five (4045) of the code, in relation to redemption by debtor.

Also, House file No. 19, an act to amend section one hundred and twenty-six (126), in chapter 5, title 2, of the code, relating to public printing and binding and distribution of documents.

Also, substitute for House file No. 12, an act to amend section twenty-nine hundred and forty-three (2943) of the code, relating to the taking and certifying of acknowledgments by notaries public.

Also, House file No. 200, an act to provide for publishing the road laws in pamphlet form.

Also, House file No. 279, a bill for an act to legalize the election and boundaries of the independent school district of Akron, and the boundaries of the independent school district of Portland township, and the division of the independent school district of Portland township, Plymouth county, Iowa, and the acts of the school board relative thereto.

Also, House file No. 177, an act to amend section twenty-four hundred (2400) of the code, relating to revocation of pharmacist's permit.

Also, substitute for House file No. 93, an act to amend sections two thousand seven hundred and eight (2708), two thousand seven hundred and nine (2709), and two thousand seven hundred and eleven (2711), of title thirteen, chapter eight, of the code, in relation to discharge of boys and girls from industrial schools.

Also, substitute for House file No. 208, an act to further provide for the erection of a historical, memorial, and art building.

G. M. TITUS,  
*Chairman Senate Committee.*

I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

The time of adjournment having arrived the President of the Senate declared the Senate stood adjourned until 2 o'clock P. M. to-day.

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### AFTERNOON SESSION.

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

#### SPECIAL ORDER.

The hour for consideration of special order No. 1, being House file No. 256, a bill for an act to provide for consolidation of life and accident insurance companies or associations, or for transfer of reinsurance of risks having arrived, Senate resumed consideration of the bill.

Senator Mullan moved to amend section 1 of the bill as follows: Insert the word "Mutual" after the word "any" in line one, and insert the word "mutual" after the word "or" and before the word "Accident" in same line.

Adopted.

Senator Mullan moved to amend the bill as follows: Strike out the word "stock" in line eight of the original bill, section 1, and insert in lieu thereof the word "policy" and insert the word "certificate" before the word "or" in same line.

Adopted.

Senator Mullan moved that the bill be amended by substituting the word "and" for the word "or" after the word "organized" in second line of section 1.

Adopted.

Senator Mullan moved to amend the bill by striking out the word "stockholder" in section 1.

Adopted.

Senator Mullan moved to amend the bill by striking out section 4 of the bill.

Adopted.

Senator Mullan moved to amend the bill by striking out of line 1, section 5, the word "stockholders" and inserting after the word "members" in the same line the words "certificate or policy holders."

Adopted.

Senator Mullan moved to amend the bill by inserting the word "Mutual" before the word "Life" in line 1, section 7, and insert the word "Mutual" before the word "Accident" in the same line.

Adopted.

Senator Mullan moved to amend the bill by striking out the words "loyal and valid" in line 3, section 7, and inserting in lieu thereof the word "made."

Adopted.

Senator Mullan moved to amend the bill by inserting the words "three-fourths" after the word "majority" in the eighth line of section 1.

Adopted.

Senator Ranck moved that the bill be referred to the Committee on Insurance; that it retain its place on the Calendar, and that it be made a special order for 9:30 A. M. to-morrow.

Carried.

#### BILLS ON THIRD READING.

On motion of Senator Byers, Senate file No. 136, a bill for an act to amend section 2400 of the code, relating to the revocation of permit, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

Senator Byers 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, Bolter, Byers, Carney, Craig, Druet, Ellison, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lewis, Malloy, McIntire, Penrose, Perrin, Ranck, Trewin, Young of Delaware—28.

The nays were:

None.

Absent or not voting:

Senators Allyn, Bell, Berry, Blanchard, Carroll, Cheshire, Eaton, Emmert, Finch, Harriman, Kilburn, Lothrop, Lyons, McArthur, Mitchell, Mullan, Palmer, Pusey, Titus, Wallace, Wilson, Young of Lee—22.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Kilburn, substitute for House file No. 87, a bill for an act to provide for the destruction of weeds and grass on public roads with report of committee recommending amendments was taken up, considered, and the report of the committee adopted.

Senator Kilburn moved to amend title by striking out of line one the word "destruction" and inserting in lieu thereof the word "cutting;" in line two strike out the words "and highways."

Adopted.

Senator Kilburn moved to amend sections one and two of the bill by striking out the words "and grass" wherever they occur.

Adopted.

The bill as amended was read.

Senator Kilburn moved to amend section 1 by striking out the words "and highways."

Adopted.

#### SPECIAL ORDER.

The hour for special order having arrived, the Senate resumed consideration of Senate file No. 83, a bill for an act to repeal sections 3050, 3051 and 3052 of the code, relating to days of grace.

Senator Garst moved that time of adjournment be extended until 4:15 P. M. to-day.

Senator Garst moved that further consideration of Senate file No. 83 be postponed until 11 o'clock A. M. to-morrow.

Carried.

Senator Penrose moved that all amendments to substitute for House file No. 256 be filed and printed in the Journal.

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 bill, in which the concurrence of the Senate is asked:

Substitute for House file No. 156, a bill for an act making appropriations for the fish and game commission of the state of Iowa.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Senator Garst moved to take up House messages.

#### HOUSE MESSAGES.

Substitute for House file No. 156, a bill for an act making an appropriation for the fish and game commission of the state of Iowa, was read first and second time and referred to Committee on Appropriations.

#### REPORT OF STANDING COMMITTEE.

Senator Garst, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred substitute for House file No. 70, a bill for an act making an appropriation for the institution for feeble-minded children 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred substitute for House file No. 130, a bill for an act making appropriation for the penitentiary at Fort Madison, 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.



Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred substitute for House file No. 84, a bill for an act making appropriation for the college for the blind at Vinton, 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred substitute for House file No. 105, a bill for an act amending section 2682 of the code, relating to annual appropriations for the normal school at Cedar Falls, 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

On motion of Senator Garst, House file No. 84, a bill for an act making an appropriation for the college for the blind at Vinton, Iowa, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

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, Bell, Berry, Bolter, Byers, Carney, Cheshire, Craig, Eaton, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Titus, Wallace, Young of Delaware—37.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Carroll, Druet, Emmert, Finch, Funk, Lyons, Pusey, Ranck, Trewin, Wilson, Young of Lee—13.

The bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, substitute for House file No. 130, a bill for an act making an appropriation for the penitentiary at Ft. Madison, Iowa, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Garst moved that the rule be suspended, and that the reading of the bill just had be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Bell, Berry, Byers, Carney, Cheshire, Craig, Eaton, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perin, Trewin, Wallace, Young of Delaware, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Bolter, Carroll, Druet, Emmert, Finch, Funk, Lyons, Pusey, Ranck, Titus, Wilson—13.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Garst, House file No. 70, a bill for an act making an appropriation for the feeble-minded children at Glenwood, Iowa, with report of committee recommending it do pass, was taken up, considered and the report of the committee adopted.

The bill was read for information.

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, Bell, Berry, Bolter, Byers, Carney, Craig, Eaton, Ellison, Ericson, Everall, Garst, Gilbertson,

Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Delaware—38.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Carroll, Cheshire, Druet, Emmert, Finch, Funk, Lyons, Pusey, Wilson, Young of Lee—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Garst moved that time of adjournment be extended until House file No. 105 is disposed of and the Journal of Saturday is corrected.

Carried.

#### BILLS ON THIRD READING.

On motion of Senator Garst, House file No. 105, a bill for an act making an appropriation for the normal school at Cedar Falls, Iowa, with report of committee recommending that it do pass was taken up, considered, and the report of the committee adopted.

The bill was read for information.

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, Bell, Berry, Bolter, Byers, Carney, Craig, Eaton, Ellison, Ericson, Everall, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Malloy, McArthur, McIntire, Mitchell, Mullan, Penrose, Perrin, Trewin, Wallace, Young of Delaware—34.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Carroll, Cheshire, Druet, Emmert, Finch, Funk, Kilburn, Lyons, Palmer, Pusey, Ranck, Titus, Wilson, Young of Lee—16.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

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

#### REPORTS OF STANDING COMMITTEES.

Senator Palmer, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate file No. 234, a bill for an act to amend section 2077 of the code of 1897, relating to passenger fares, beg leave to report 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.

D. J. PALMER,  
*Chairman.*

Senator Palmer moved that the report of the committee on Senate file No. 234 be adopted.

Carried and Senate file No. 234 was indefinitely postponed.

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

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred Senate file No. 254, a bill for an act to protect the interests of owners of standard-bred, thoroughbred and pure bred domestic male animals, kept for public service, beg leave to report 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.

W. F. HARRIMAN,  
*Chairman.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Titus, from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—Your Committee on Enrolled bills respectfully report that they have this day sent to the governor for his approval, Senate file No. 26, a bill for an act to amend section two thousand five hundred and sixty-four (2564), chapter 16, title 12, of the code, in relation to the state board of health.

Also, substitute for Senate file No. 19, a bill for an act to define the jurisdiction of courts in counties bordering on the Missouri river.

Also, Senate file No. 232, a bill for an act to provide for the payment of the claims of Appanoose county against the state of Iowa for expenses

incurred in the care, restraint and transportation of insane persons not having a known residence in Iowa.

Also, Senate file No. 263, a bill for an act to legalize the acts of the mayor and city council of the city of Waterloo, in making a certain contract with one J. B. McGorrick for paving certain streets in said city.

Also, substitute for Senate file No. 6, a bill for an act to amend the title of chapter six (6), title thirteen (13) of the code, and to amend sections twenty-six hundred and eighty-three (2683), twenty-six hundred and eighty-five (2685), twenty-six hundred and eighty-eight (2688), and twenty-six hundred and ninety-two (2692) of said chapter, in relation to orphans' home and home for destitute children at Davenport, Iowa.

Also, Senate file No. 181, a bill for an act to amend sections twenty-seven hundred and thirty-six (2736) and twenty-seven hundred and thirty-seven (2737), chapter 13 of title 13 of the code, relating to county superintendents and the examination of applicants for teachers' certificates.

Also, Senate file No. 122, a bill for an act to amend section three thousand four hundred and ninety-four (3494) of chapter four of the code, relating to the place of bringing action.

Also, Senate file No. 185, a bill for an act to amend section seventeen hundred and forty-four (1744) of the code, relating to proofs of loss under contracts of insurance.

Also, Senate file No. 4, a bill for an act to amend section one hundred and four (104) of the code, relating to interest on state warrants.

Also, substitute for Senate file No. 111, a bill for an act relating to the indictment and punishment of persons who have been convicted three or more times and making certain evidence proof upon the trial thereof.

Also, substitute for Senate file No. 148, a bill for an act to repeal section forty-one (41) of the code and enact a substitute therefor, relating to the amendment and repeal of acts of the general assembly.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

Senator Berry filed the following motion:

I move that the vote by which the resolution with reference to the naming a battleship "Des Moines" was lost, be reconsidered.

Senator Lothrop filed the following amendment to House file No. 83:

I move to amend the bill by adding at the end of section 2 the following: "but as all such papers, notice of presentation or demand, and non-acceptance or non-payment thereof, shall be given to all endorsers or guarantors thereon, as provided by section 5049 of the code, or as prescribed by the law merchant when not changed by the law of this state."

Senator Trewin filed the following amendment to House file No. 83:

Senator Trewin moved to amend the bill by striking out section 2 and inserting the following in lieu thereof:

Sec. 2. All bills of exchange, promissory notes, drafts, bank checks and orders payable within this state, shall be due on the date of maturity therein fixed, and grace thereon shall not be allowed. Demand, notice of non-payment or non-acceptance, and protest, when required by the law merchant to hold any endorser or guarantor, shall be made on the day of maturity or within three days thereafter, Sunday included, and in case of paper due on demand or at sight, the day of presentation and demand shall be held the day of maturity thereof.

#### INTRODUCTION OF BILLS.

By Senator Young of Delaware, Senate file No. 292, a bill for an act to amend section 2075 of the code, relating to judgments against street railways.

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

Senator Garst moved that the Senate do now adjourn.

Carried.

The President of the Senate declared the Senate stood adjourned until 9 o'clock A. M. to morrow.

SENATE CHAMBER,  
DES MOINES, Iowa, Tuesday, March 29, 1898. }

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

Prayer was offered by Rev. Chas. E. Waldron of Chariton, Iowa.

#### PETITIONS AND MEMORIALS.

Senator Byers presented petition of certain voters of Russell and vicinity asking the repeal of our present puritanical Sunday law, section 5040 of the code.

Referred to Committee on Judiciary.

#### INTRODUCTION OF BILLS.

By Senator Penrose, by request, Senate file No. 293, a bill for an act entitled an act to abolish taxation and increase revenues by the collection of economic rent of land values.

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

#### RESOLUTIONS.

Senator Berry called up the vote to reconsider the vote by which the resolution, relative to naming a United States battleship for the city of Des Moines, was laid on the table.

Senator Carroll raised the point of order that a motion to lie on the table could not be reconsidered.

The President sustained the point of order.

Senator Berry moved that the resolution be taken from the table.

Carried

Senator Trewin moved to reconsider the vote by which the name "Coon Rapids" was substituted for "Des Moines."

Carried.

On the question, "Shall the amendment be adopted?" the motion prevailed.

Senator Berry moved the adoption of the resolution.

Adopted.

#### MESSAGE FROM THE GOVERNOR.

The President presented a communication from the governor the consideration of which required an executive session.

#### REPORT OF STANDING COMMITTEE.

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

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 293, a bill for an act to amend section 5099 of the code, in relation to peace 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 same do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred substitute for House file No. 232, a bill for an act to amend sections five thousand two hundred and forty (5240) and five thousand two hundred and forty-six (5246) of the code, relating to the drawing and enpaneling of the grand jury and challenges thereto, and providing for the summoning of additional grand jurors in case of challenges to the panel or to individual jurors being allowed, and to repeal section three hundred and forty (340) of the code, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be amended as follows:

Amend section 1 by striking out the word "full," in the fourth line thereof; also, by striking out the word "code," in line seven; also, by inserting after the word "thirty-eight," in same line, the words "of the code."

Amend section 2 by striking out the words "of the grand jury," in line four; also, strike out the word "such," in line nine, and insert the word "the" in lieu thereof; also, strike out the words "has been," in line twelve, and insert the word "is" in lieu thereof, and strike out the words "of the grand jury" in the same line. Further amend section 2 by striking out



the words "the additional," in line thirteen; and by striking out the word "such," after the word "from," in line fourteen, and insert the word "the" in lieu thereof; also, by striking out the word "grand," in line sixteen, and by striking out the word "then," in line seventeen; and strike out the word "such," after the word "all," in line eighteen, and insert the word "the" in lieu thereof. That said section be further amended by striking out the words "original panel of," in the nineteenth line, and insert after the word "jurors," in the same line, the words "originally summoned," and strike out the words "as may not have been," in the same line, and insert in lieu thereof the words "which were not." Strike out the word "such," in the twentieth line, and insert the word "the" in lieu thereof. Strike out the word "when," in line twenty-one, and insert the word "if" in lieu thereof, and strike out the word "then" in the same line. Strike out the words "if any," in line twenty-two, also the word "so" in the same line, and strike out the word "such," in line twenty-two, and insert in lieu thereof the word "the." Strike out the word "aforesaid," in line twenty-six, and insert the word "other" in the same line after the word "or."

That when so amended the bill do pass.

THOS. A. CHESHIRE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House file No. 277, a bill for an act providing for the appointment of public examiners, defining their duties and compensation thereof, and providing for a uniform system of keeping the books of county treasurers, beg leave to report 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 therefor, and that the substitute do pass.

THOS. A. CHESHIRE,  
*Chairman.*

SUBSTITUTE FOR HOUSE FILE NO. 277.

A BILL for an act for the appointment of public examiners, defining their duties and fixing their compensation, and providing for a uniform system of keeping the books of county treasurers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. The governor shall, prior to the first day of July, one thousand eight hundred and ninety-eight, appoint three persons who shall be expert accountants and bookkeepers, all of whom shall not belong to the same political party, who shall be known as public examiners, and act under the supervision of the treasurer of state

SEC. 2. The first appointees under this act shall hold office until January first, nineteen hundred, and thereafter subsequent appointees shall hold office for the term of two years and until their successors are appointed and qualified.

SEC. 3. Before entering upon the duties of his office, each public examiner shall execute a bond in the sum of five thousand dollars (\$5,000), for the faithful discharge of his duties, which shall be approved by the governor, and filed in the office of the treasurer of state.

SEC. 4. It shall be the duty of said examiners to fully and carefully examine all books, papers, accounts, moneys and credits, and evidences of indebtedness of the county offices of this state, which examination shall be made without notice. The books, accounts, papers, moneys and credits, and evidences of indebtedness of all county treasurers shall be examined at least once each year, and at such other times as may be requested by the board of supervisors. The examination of county offices other than those of treasurer shall be made only upon request of the board of supervisors.

SEC. 5. It shall be the duty of said examiners to verify the accounts of county treasurers and other officers whose accounts are examined and to investigate the management of the affairs of the office, the amount and condition of the funds of such office, and to ascertain in what manner the same are kept, and, if deposited in banks, whether interest is paid thereon, and if so, the amount thereof, and of all matters pertaining to the financial interests of the county.

SEC. 6. The examiners shall make to the board of supervisors of the county where the examination is made a detailed report in writing of such examination, which shall show the condition of affairs of the office examined, and shall also file a duplicate of such report in the office of the treasurer of state.

SEC. 7. The treasurer of state shall, with the assistance of such public examiners, provide a uniform method and system of keeping the books of the county treasurers of the state, which system shall be adopted and maintained by the treasurer of every county in the state as soon as practicable, and within one year from the time of the taking effect of this act.

SEC. 8. Each examiner shall receive as compensation for his services the sum of five dollars (\$5.00) for each day necessarily employed in making examinations, and in addition thereto the actual expenses incurred by him in making such examinations, which shall be paid by the county where the examination is made.

SEC. 9. This act being deemed of immediate importance, shall take effect from and after its publication in the Des Moines Register and Des Moines Leader, newspapers published in Des Moines, Iowa.

Substitute read first and second time and passed on file.

#### BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Young of Lee, Senate file No. 131, a bill for an act to amend section 4946 of the code, relating to disposition of bodies for medical purposes, with report of committee recommending that same do pass, was taken up, considered, and the report of the committee adopted.

Senator Young of Lee 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 Allyn, Bell, Berry, Byers, Cheshire, Emmert, Ericson, Funk, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Junkin, Lyons, Malloy, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—30.

The nays were

Senators Carroll, Finch, Lewis, Lothrop—4.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Carney, Craig, Druet, Eaton, Ellison, Everall, Garst, Hurst, Kilburn, McArthur, McIntire, Mitchell, Ranck—16.

So 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, substitute for House file No. 256, a bill for an act to provide for consolidation of life and accident insurance companies or associations, or for transfer or reinsurance of risks, with report of committee recommending a substitute for the substitute, was taken up, considered, and the report of the committee adopted, as follows:

#### REPORT OF COMMITTEE.

Senator Craig, from the Committee on Insurance, submits the following report:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred House file No. 256, a bill for an act to provide for consolidation of life and accident insurance companies or associations or for transfer or reinsurance of risks, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the request that the substitute heretofore offered be, by leave, withdrawn and the following substituted in lieu thereof.

GEO. M. CRAIG,  
*Chairman.*

#### SUBSTITUTE FOR HOUSE FILE NO. 256.

A BILL for an act providing for consolidation of life and accident insurance associations and for transfer or reinsurance of risks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. Any life or accident insurance association organized or doing business under chapter seven (7) of title nine (9) of the code may consolidate with or transfer its risks to, or reinsure the same in, any other life or accident insurance association authorized to do business in this state. The contract of consolidation, transfer or reinsurance of risks shall be signed by the president and secretary of each of the consolidated associations, and shall be submitted to and approved by a three-fourths majority vote of the members, certificate or policy holders of each of the associations, which meeting shall be called by the president or secretary of the associations by a written or printed notice stating the purpose of the meeting, mailed to each member, certificate or policy holder thereof thirty days before the day fixed for such meeting.

SEC. 2. If the consolidation of the associations or the transfer or reinsurance of risks be approved by such meeting, the contract of consolidation, transfer or reinsurance of risks shall be submitted to the auditor of state for approval, and if he approves the terms and conditions thereof he shall endorse such approval upon the contract, and all the members, policy or certificate holders of the association which is consolidated with another company or association, shall thereupon without further proceedings, become members of and policy or certificate holders in the association with which the consolidation is made, and be entitled to all the rights, privileges and benefits of such association as though the policies or certificates held by them had been originally issued by the association with which the consolidation, transfer or reinsurance is made, and shall be liable to such association to the same extent as they would have been liable to the association which issued the policies or certificates held by them if such consolidation had not been made, except as hereinafter provided.

SEC. 3. Any member, policy or certificate holder of the association, whose membership is consolidated with, transferred to, or reinsured in another association, who does not desire to have his membership transferred, or reinsured in such association, or who desires to have his membership transferred to or to be reinsured in a company or association other than that named in the contract of consolidation, may file with the secretary of the association with which the consolidation, transfer or reinsurance is made, within thirty days after the contract of consolidation is approved by the auditor, a written notice that he declines to consent to such consolidation, transfer or reinsurance, or that he prefers that his membership be transferred to, or that he be reinsured in another company or association, and upon the filing of such notice he shall cease to be a member of or policy or certificate holder in the association with which the consolidation is made, and be relieved from all liabilities on his policy or certificate to the associations which are consolidated, and from all liabilities which he would incur by remaining a member of the association with which the consolidation, transfer or reinsurance is made.

SEC. 4. When the members, certificate or policy holders of an association which is consolidated with another association, have approved the contract of consolidation, and such contract of consolidation is approved by the auditor of state, and such association has approved the transfer or

reinsurance of all of its members, policy or certificate holders as herein provided, it shall not be liable upon any policy or certificate issued to any member of such association which matures after such consolidation, transfer or reinsurance. The association with which the contract of consolidation, transfer of membership or reinsurance is made shall only be liable to the members, certificate or policy holders of the association, which are transferred to or reinsured by it, for such losses or indemnities as are covered by the policies or certificates of membership held by the members so transferred or reinsured; and the members of the association transferred or reinsured in another company or association as hereinbefore provided, shall only be liable upon assessments or otherwise for such losses or indemnities as are covered by the policies or certificates of membership held by them.

SEC. 5 Any life or accident insurance association organized under the laws of this state which reinsures its risks in or transfers its members to any other company or association under the provisions of this act may pay for such transfer or reinsurance out of the mortuary funds of such association not required to pay claims on policies or certificates of membership which are matured at the time of such reinsurance or transfer; and any life or accident insurance company or association which reinsures the risks of any other life or accident insurance association, under the provisions of this act, may issue to the association whose risks it reinsures a contract to indemnify such association against losses and indemnities covered by the policies or certificates of membership issued upon the risks reinsured.

SEC. 6. No consolidation of life or accident insurance associations transfer of membership or reinsurance of risks or members shall be made unless the terms of such consolidation, transfer or reinsurance is approved by the auditor of state.

SEC. 7. 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.

Substitute read first and second time.

Senator Craig was granted unanimous consent to withdraw the substitute under consideration at time of reference of the bill to the Committee on Insurance, and to offer the substitute just read, in lieu thereof.

The substitute was read for information.

Senator Cheshire moved to amend section 1, line 8, by striking therefrom the word "majority."

Adopted.

Senator Mullan moved to amend section 2, line 7, by striking therefrom the words "company or."

Adopted.

Senator Mullan moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered 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, Byers, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Funk, Gilbertson, Gorrell, Harriman, Hayward, Hospers, Hurst, Junkin, Kilburn, Lewis, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Wilson, Young of Lee—32.

The nays were:

Senators Bolter, Finch, Lothrop, Lyon—4.

Absent or not voting:

Senators Berry, Blanchard, Carney, Eaton, Garst, Healy, Hobart, Hotchkiss, Malloy, McArthur, McIntire, Mitchell, Ranck, Young of Delaware—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

#### REPORT OF JOINT COMMITTEE ON RETRENCHMENT AND REFORM.

Senator Funk was granted permission to submit the following report:

*To the President of the Senate and Speaker of the House:*

In obedience to provisions of section 181 and 182 of the code, the accompanying joint resolution is respectfully submitted. It is the expression of a sincere purpose on the part of the committee to faithfully and impartially discharge duties imposed by law. The committee has visited in a body the several departments, commissions and boards at the seat of government, in the determination to acquire information necessary to intelligent action, and with deliberation and without prejudice or favor, has considered over and over again every item in the joint resolution, to the end that justice might be done and that the efficiency of the public service might not be impaired. Reductions have been made simply with a view to placing the business of the state on a practical basis. In a number of cases the compensation has been increased for the same reason. It has been our purpose to equalize the wage scale in the several departments of state and to in no case reduce the compensation below the reward for like services in the business world.

All of which is respectfully submitted to the Twenty-seventh General Assembly.

A. B. FUNK,  
THOS. A. CHESHIRE,  
WARREN GARST,  
L. F. POTTER,  
GEO. H. CARR,  
FRANK F. MERRIAM,

*Joint Committee on Retrenchment and Reform.*

Report of joint committee and following joint resolution ordered printed in the Journal and placed on file.

JOINT RESOLUTION NO. 5.

Fixing the compensation and number of employes in the departments of state at the seat of government.

BE IT ENACTED 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 office of attorney-general—	Per annum.
One legal assistant, at a salary of.....	\$ 1,200
One stenographer at a salary of.....	720
Additional assistance and contingent fund to pay advance costs.....	500
For the office of auditor of state—	
One chief clerk and examiner of insurance department, at....	1,500
One clerk in insurance department, at a salary of .....	1,200
One chief clerk in revenue department, at a salary of .....	1,200
One clerk of building and loan department, at a salary of ...	1,200
One clerk for general work, at a salary of.....	720
One stenographer, at a salary of.....	720
One janitor, at a salary of.....	600
Additional clerical assistance, at an expense not exceeding...	500
For the office of clerk of supreme court—	
One clerk, at a salary of.....	1,000
One janitor, at a salary of.....	600
Additional clerical assistance.....	500
For office of dairy commissioner—	
One clerk, at a salary of.....	900
For the office of governor—	
One pardon clerk at a salary of.....	1,200
One requisition clerk at a salary of.....	1,200
One general clerk at a salary of.....	900
One stenographer at a salary of.....	720
One usher and messenger at a salary of.....	720

For the state librarian's office—	
One assistant to the librarian at a salary of .....	720
One janitor at a salary of .....	600
For railroad commissioners' office—	
One clerk at a salary of .....	1,000
For the office of the secretary of state—	
One land clerk at a salary of .....	1,000
One chief clerk at a salary of .....	900
One corporation clerk at a salary of .....	720
One assistant corporation clerk at a salary of .....	720
One stenographer at a salary of .....	720
One clerk of document room at a salary of .....	720
One janitor at a salary of .....	720
Additional clerical assistance may be employed at an expense not to exceed .....	600
For the office of superintendent of public instruction—	
One stenographer at a salary of .....	720
One janitor at a salary of .....	600
Extra clerical assistance not to exceed .....	500
For the supreme court rooms—	
One bailiff, who shall also act as janitor and messenger at a salary of .....	720
For the office of treasurer of state—	
One bookkeeper and stenographer at a salary of .....	1,200
One clerk and messenger at a salary of .....	900
One nightwatch, who shall also act as janitor, at a salary of ..	720
For the historical department—	
One clerk at a salary of .....	600
One stenographer and clerk at a salary of .....	600
One janitor, who shall also do the janitor work for the office of dairy commissioner .....	600
For the executive council—	
One secretary at a salary of .....	1,500
One clerk at a salary of .....	1,000
For additional clerical assistance not to exceed .....	500
One mail carrier, with team and wagon, who shall perform the duties assigned by the executive council at a salary of ..	1,100
For the department of geological survey—	
One stenographer at a salary of .....	600
For office of state mine inspector—	
One clerk at a salary of .....	480
Weather and crop service office—	
Director's salary .....	1,500
Clerical assistance not to exceed .....	840
For office state board of health—	
One clerk or stenographer at a salary of .....	600



Office supreme court reporter—	
One clerk at a salary of .....	480
Office of pharmacy commissioner—	
One secretary and treasurer at a salary of .....	1,200
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 .....	600
For the offices of pharmacy commissioner, board of health and mine inspector—	
There shall be one janitor, to be appointed by the custodian, at a salary of .....	600
For the offices of G. A. R. department, geological survey, horticultural department and labor commissioner—	
One janitor, to be appointed by custodian at a salary of .....	600
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:	
One engineer at a salary of .....	1,200
One carpenter at a salary of .....	1,000
One chief of police at a salary of .....	900
Two night watchmen at a salary of .....	900
Eight janitors at a salary of .....	600
One janitress for ladies' toilet rooms, not to exceed three months per year, at the rate of .....	600
Three laborers for state grounds, eight months in the year, at the rate of .....	600
The necessary firemen for boiler rooms at the rate of .....	720
One elevator tender at a salary of .....	600

#### BILLS ON THIRD READING.

On motion of Senator Kilburn, substitute for House file No. 87, a bill for an act to provide for the cutting and destruction of weeds on public roads, was taken up for further consideration.

Senator Trewin offered the following amendment and moved its adoption:

Amend section 1, line 3, by striking out the words "used for" and inserting the words "within the limits of the," and by inserting after the word "rod," the word "thereon."

Adopted.

Senator Trewin offered the following amendment and moved its adoption:

Amend section 2, line 3, by inserting after the word "jurisdiction" the following: "to give such owner, his agent or

lessee, three days' notice in writing to comply with section 1 hereof, and upon failure so to do, it shall be the duty of the road supervisor."

Adopted.

Senator Kilburn moved that the rule be suspended, and that the bill be 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, Bolter, Byers, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware—40.

The nays were:

Senators Carroll and Finch—2.

Absent or not voting:

Senators Berry, Blanchard, Carney, Funk, Harriman, Hurst, Mitchell, Young of Lee—8.

So the bill, having received a constitutional majority, was declared to have passed the Senate and 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:

Substitute for Senate file No. 114, a bill for an act making appropriation for the state industrial school, girls' department, at Mitchellville' Iowa.

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:

Substitute for Senate file No. 92, a bill for an act making appropriations for the Iowa hospital for the insane at Mount Pleasant, Iowa.

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 Senate is asked:

Substitute for House file No. 113, a bill for an act making an appropriation for the Iowa school for the deaf at Council Bluffs, Iowa.

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 Senate is asked:

Substitute for House file No. 58, a bill for an act making an appropriation for the hospital for the insane at Independence.

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:

Substitute for Senate file No. 95, a bill for an act making appropriation for the better support of the state university in its several departments and chairs and in aid of the income tax.

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 Senate is asked:

House file No. 205, a bill for an act authorizing the state librarian to classify and catalogue the books in the state library and making an appropriation therefor.

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 Senate is asked.

Substitute for House file No. 155, a bill for an act making appropriations for the industrial home for the blind at Knoxville, Iowa.

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 Senate is asked:

Substitute for House file No. 108, a bill for an act making appropriations for the Iowa industrial school, boy's department, at Eldora, Iowa.

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:

Substitute for Senate file No. 121, a bill for an act making appropriations for the penitentiary at Anamosa, Iowa.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

#### SPECIAL ORDER.

No. 4, concurrent resolution, relative to final adjournment, was taken up for consideration, the hour for its consideration having arrived.

The resolution was read for information.

On request of Senator Trewin, the House concurrent resolution on the same subject.

Senator Trewin moved to substitute the House resolution for the Senate resolution.

Senator Carroll raised the point of order that the House concurrent resolution expired on the 24th inst.

The President sustained the point of order.

The concurrent resolution was read for information.

By unanimous consent, the Secretary was instructed to strike out the word "adjournment" and substitute therefor the word "adjourned," and to insert after the word "adjourned" the words "without day."

The concurrent resolution, as corrected, was read.

Senator Lewis moved to substitute for "Thursday, March 31," the date "Friday, April 1."

On the adoption of the amendment a roll call was demanded.

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

Senators Lewis and Malloy—2.

The nays were:

Senators Alexander, Allyn, Bell, Berry, Bolter, Byers, Carroll, Cheshire, Druet, Eaton, Emmert, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Lyons, McIntire, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—39.

Absent or not voting:

Senators Blanchard, Carney, Craig, Ellison, Finch, Healy, Junkin, Mitchell, McArthur—9.

The amendment was lost.

The question being on the adoption of the concurrent resolution, same was adopted.

#### REPORT OF CONFERENCE COMMITTEE.

The conference committee on House file No. 165, submitted the following report:

MR. PRESIDENT—Your committee of conference, appointed to confer upon the disagreement in relation to the amendments to House file No. 165, a bill for an act appropriating additional money for an exhibit of the resources of the state of Iowa, at the Trans-Mississippi and international exposition, to be held at Omaha in the year 1898, beg leave to report that they have had the same under consideration and would recommend as follows:

That the Senate recede from its amendment thereto, which reads as follows: "Strike out the word 'thirty' in line one, and insert the word 'twenty' in lieu thereof. Strike out the figures '\$30,000' in line 2 and

insert in lieu thereof the figures "\$20,000," and that the bill be amended as follows: By striking out the word "thirty" in line one, and inserting in lieu thereof the words "twenty-five," and by striking out the figures "\$30,000" in line two and inserting in lieu thereof the figures "\$25,000."

Also, that the Senate recede from its amendment at the end of section one, which reads as follows: "Not to exceed eight thousand dollars (\$8,000) of the amount herein appropriated, to be expended in the erection of a building," and that section one be amended by adding thereto the following: "Not to exceed eight thousand dollars '\$8,000' of the amount appropriated by the Twenty-sixth General Assembly, and herein appropriated, shall be expended in the erection of a building."

WARREN GARST,

A. B. FUNK,

J. H. TREWIN,

C. S. RANCK,

*Conferees on part of Senate.*

L. F. POTTER,

P. A. SMITH,

FRANK F. MERRIAM,

J. A. PENICK,

*Conferees on part of House.*

Senator Garst moved that conference committee report, in regard to House file No. 165, be taken up.

Carried.

House file No. 165, a bill for an act appropriating additional money for the exhibit of the resources of the state of Iowa, at the Trans-Mississippi exposition at Omaha, in 1898, with report of conference committee recommending amendments, was taken up and considered.

On the question of adopting the report of conference committee, a roll call was demanded.

On the question, "Shall the report of the conference committee be adopted?" the yeas were:

Senators Allyn, Bolter, Byers, Cheshire, Craig, Eaton, Emmert, Ericson, Funk, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hospers, Hurst, Junkin, Lothrop, Malloy, McArthur, Mitchell, Mullan, Palmer, Penrose, Pusey, Ranck, Titus, Trewin, Young of Delaware, Young of Lee—30.

The nays were:

Senators Alexander, Bell, Berry, Carroll, Druet, Ellison, Everall, Finch, Garst, Harriman, Hotchkiss, Kilburn, Lewis, Lyons, McIntire, Perrin, Wallace, Wilson—18.

Absent or not voting:

Senators Blanchard and Carney—2.

So the report was adopted.

No objection being made, consideration of House messages was continued.

Substitute for House file No. 92, a bill for an act making appropriation for the Iowa hospital for the insane at Mount Pleasant, Iowa, was read and placed on file.

Substitute for Senate file No. 95, a bill for an act making appropriation for the better support of the state university in its several departments and in aid of the income tax, was read and placed on file.

Substitute for Senate file No. 114, a bill for an act making appropriation for the state industrial school, girls' department, at Mitchellville, Iowa, was read and passed on file.

Substitute for House file No. 113, a bill for an act making appropriation for the Iowa school for the deaf at Council Bluffs, Iowa, was read first and second time and referred to Committee on Appropriations.

Substitute for House file No. 58, a bill for an act making appropriation for the hospital for the insane at Independence, was read first and second time and referred to Committee on Appropriations.

House file No. 205, a bill for an act authorizing the state librarian to classify and catalogue the books in the state library and making an appropriation therefor, was read first and second time and referred to Committee on Appropriations.

Substitute for House file No. 155, a bill for an act making appropriations for the industrial home for the blind, at Knoxville, Iowa, was read first and second time and referred to Committee on Appropriations.

Substitute for House file No. 108, a bill for an act making appropriations for the Iowa industrial school, boys' department, at Eldora, Iowa, was read first and second time and referred to Committee on Appropriations.

Substitute for Senate file No. 121, a bill for an act making appropriations for the penitentiary at Anamosa, Iowa, was read and passed on file.

#### REPORT OF STANDING COMMITTEE.

Senator Garst, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred substitute for House file No. 156, a bill for an act making appro-

priations for the fish and game commission of the state of Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred substitute for Senate file No. 134, a bill for an act making an appropriation for the Iowa hospital for the insane at Clarinda, 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred House file No. 229, a bill for an act to reimburse Bremer county, Iowa, for the maintenance of Mary B. Coburn, Charles E. Coburn and Ada M. Mears, soldiers' orphans at the soldiers orphans' home' at Davenport, 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 239, a bill for an act providing for the payment of witnesses summoned before special committee on election contest from the Eighteenth senatorial district, the clerk of said committee, and the expenses of the parties to election contest, beg leave to report 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 of sections five (5) and six (6), and when so amended that the bill do pass.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

#### BILLS ON THIRD READING.

On motion of Senator Garst, Senate file No. 239, a bill for an act providing for the payment of witnesses summoned before special committee on election contest from Eighteenth senatorial district the clerk of said committee, and the expenses of the parties to election contest, with report of com-



mittee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

On the question, shall the committee amendment, striking out section 5, be adopted, a division was called for and the amendment was lost.

On the question of adopting committee report striking out section 6 of the bill, the same was lost.

Senator Harriman moved to reconsider the vote by which report of committee, striking out section 5 of the bill, was lost.

On the question, a roll call was demanded.

On the question, "Shall the Senate reconsider vote by which committee amendment to resolution No. 5 was lost?" the yeas were:

Senators Allyn, Berry, Carroll, Cheshire, Ellison, Ericson, Everall, Gilbertson, Harriman, Hobart, Hotchkiss, Kilburn, Lewis, Palmer, Perrin, Trewin, Wallace, Wilson—18.

The nays were:

Senators Alexander, Druet, Eaton, Funk, Garst, Gorrell, Hayward, Healy, Hurst, Junkin, Lothrop, Malloy, McArthur, McIntire, Mullan, Penrose, Pusey, Ranck, Titus, Young of Delaware, Young of Lee—21.

Absent or not voting:

Senators Bell, Blanchard, Bolter, Byers, Carney, Craig, Emmert, Finch, Hospers, Lyons, Mitchell—11.

So the motion to reconsider was lost.

Senator Druet moved that the time for consideration of special order No. 2, Senate file No. 83, be postponed until Senate file No. 239, now under consideration, be disposed of.

Carried.

Senator Druet offered the following substitute for section 5:

Sec. 5. To H. M. Byers, attorney for Thos. H. Smith in matter of election contest of Smith v. Emmert, for expenses and attorney's fees, one hundred dollars.

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

Senator Ranck moved to substitute the following for section 6:

Sec. 6. To Ezra Willard, attorney for J. M. Emmert in election contest of Smith v. Emmert, for expenses and attorney's fee in said contest, one hundred dollars.

Adopted.

Senator Trewin moved to reconsider the vote by which substitute for section 5 was lost.

Lost.

Senator Garst moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Penrose, Pusey, Ranck, Titus, Wilson, Young of Delaware, Young of Lee—35.

The nays were:

Senators Bell, Berry, Ellison, Harriman, Kilburn, Lewis, Wallace—7.

Absent or not voting:

Senators Blanchard, Carney, Emmert, Finch, Mitchell, Palmer, Perrin, Trewin—8.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Craig moved that when the Senate adjourn, it be to meet at 2:30 o'clock P. M. to-day.

Senator Hobart moved to amend by making the hour 3 o'clock P. M.

Lost.

On the original motion the time 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 adopted the following concurrent resolution, in which the concurrence of the Senate is asked:

Relative to meeting of the Senate and House in joint session, for the purpose of selecting trustees for the state agricultural college, state normal school and regents for the state university.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

#### HOUSE MESSAGES.

House concurrent resolution, relative to meeting of the Senate and House in joint session, for the purpose of selecting

trustees for the state agricultural college, state normal school, and regents for state university, was read, and on motion was adopted.

SPECIAL ORDER.

The hour for special order Senate file No. 83 having arrived, the same was taken up for consideration.

The amendment offered by Senator Lothrop on Monday was withdrawn.

Senator Trewin moved to amend the bill by striking out section 2 and inserting the following in lieu thereof:

Sec. 2. All bills of exchange, promissory notes, drafts, bank checks and orders payable within this state, shall be due, on the date of maturity therein fixed, and grace thereon shall not be allowed. Demand, notice of non-payment or not-acceptance, and protest, when required by the law merchant to hold any endorser or guarantor, shall be made on the day of maturity or within three days thereafter, Sunday included, and in case of paper due on demand or at sight, the day of presentation and demand shall be held the day of maturity thereof.

Senator Finch moved to amend the amendment as follows:

Line 7, after word "Sunday," insert "or any holiday enumerated in section 3053 of the code.

Senator Berry moved that Senate file No. 83 be laid on the table.

On this question a division was called for and the motion to lie on the table was lost.

Senator Garst moved that the amendment offered by Senator Finch be laid on the table.

Carried.

Senator Hobart offered the following resolution, which was read and referred to Committee on Charitable Institutions.

JOINT RESOLUTION NO. 6.

*Be it Resolved by the General Assembly of the State of Iowa, That the governor be, and is, hereby instructed to appoint, within thirty days after the adjournment of the Twenty-seventh General Assembly a commission of three persons, one of whom shall be a woman, whose duty it shall be to thoroughly investigate all county poor houses in the state in which insane patients are kept, and all other institutions in which insane persons are confined and cared for, except only the state hospitals for the insane, for the purposes of ascertaining:*

*First—How and in what manner the insane confined therein, are cared for and the general condition of such inmates; the system of government*

in such institutions; the skill and qualifications of assistants and employes; the quality and quantity of food furnished to the inmates; the character of medical attendance and sanitary condition of buildings and grounds and their adaptation to the purposes for which they are intended, and all such other facts in relation thereto as the governor may deem of public interest.

*Second.*—The commission shall complete said work at as early a date as is practicable, and shall report the results of the investigation to the governor, with any testimony that shall have been taken, and recommend if any change shall be adopted in the government and management of such institutions, and whether such county and private care should be abandoned and state care for all insane be adopted, and whether or not a state tax shall be levied for the care of the insane, and any other information as may to them seem proper.

*Third.*—The commission shall have power to visit and inspect such institutions, and to subpoena and examine witnesses.

*Fourth.*—The members of such commission shall receive four dollars per day each for time actually employed, and their necessary expenses while engaged in the performance of their duties, the accounts for which shall be made to the governor in detail and audited by him before payment, and on the order of the governor, the auditor shall issue warrants for the same to the proper persons for the amount due them.

*Fifth.*—The governor shall submit said report and recommendations, with such recommendations as he may see fit to make, to the Twenty-eighth General Assembly.

Senator Funk moved that the Senate go into executive session.

Carried.

Senator Garst moved that time of adjournment be extended until the completion of the business of the executive session is disposed of.

Carried.

The Senate went into executive session at 11:50 o'clock.

The nominations for the board of control were received from the governor, read, and referred to a committee consisting of Senators Healy, Junkin, Trewin, Bolter and Hurst.

The Senate arose from executive session at 12 o'clock M

The President of the Senate declared the Senate stood adjourned until 2:30 o'clock P. M. to-day.

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#### AFTERNOON SESSION.

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Senate met in regular session at 2 o'clock P. M., President Milliman, presiding.

## REPORT OF STANDING COMMITTEE.

Mr. Palmer, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate file No. 292, a bill for an act to amend section two thousand and seventy-five of the code, relating to judgments against street 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 the same do pass.

D. J. PALMER,  
*Chairman.*

Ordered passed on file.

Senator Berry offered the following resolution:

*Resolved*, That the President of the Senate is hereby directed to appoint a sifting committee, consisting of seven members, and when so appointed all bills other than appropriation bills be referred to said committee, and that hereafter no bills except appropriation bills shall be considered unless favorably reported by said committee.

Adopted.

## BILLS ON THIRD READING.

Senate resumed consideration of Senate file No. 174 pending at time of adjournment this morning.

The amendment offered by Senator Carney to strike out the word "situate" in line 2 and insert the word "taxed" in lieu thereof, also strike out the word "fifth" in third line and insert the word "fourth" in lieu thereof, was taken up and lost.

Senator McIntire moved to amend the bill as follows:

Strike out all after the word "word" in second line of the bill and add the following after the word "estate" in the fourth line of said section: "upon all record lien holders appearing of record in the county where such real estate is situated "

Senator Titus offered the following substitute for the amendment offered by Senator McIntire:

I move to amend the bill by striking out all after line 1 of the printed bill and add the following after the word "estate" in the fourth line of said section: "upon all lien holders whose liens appear of record in the county where such real estate is situated."

Senator Berry moved the previous question.

Carried.

The question being on the adoption of the substitute, same was lost.

The question recurring on the amendment by McIntire, the yeas and nays were demanded.

The amendment was read for information.

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

Senators Alexander, Bolter, Byers, Cheshire, Druet, Ellison, Emmert, Ericson, Garst, Gilbertson, Gorrell, Hayward, Hotchkiss, Junkin, Kilburn, Lyons, McArthur, McIntire, Palmer, Penrose, Ranck, Titus, Wilson, Young of Lee—24.

The nays were:

Senators Berry, Carroll, Craig, Eaton, Finch, Healy, Hurst, Lothrop, Mitchell, Mullan, Perrin, Pusey, Trewin, Wallace—14.

Absent or not voting:

Senators Allyn, Bell, Blanchard, Carney, Everall, Funk, Harriman, Hobart, Hospers, Lewis, Malloy, Young of Delaware—12.

So the amendment was adopted.

By unanimous consent, the Secretary was instructed to strike from the title and also from the first section of the bill, the words and figures "of 1897."

Senator McIntire moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Byers, Cheshire, Druet, Ellison, Emmert, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hotchkiss, Junkin, Kilburn, Lewis, Lyons, Malloy, McIntire, Penrose, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—26.

The nays were:

Senators Bell, Berry, Bolter, Carroll, Craig, Eaton, Ericson, Finch, Healy, Lothrop, McArthur, Mitchell, Mullan, Perrin, Pusey, Trewin—15.

Absent or not voting:

Senators Allyn, Blanchard, Carney, Carroll, Everall, Hobart, Hospers, Hurst, Palmer—9.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Lewis asked and was granted unanimous consent to withdraw from the consideration of the Senate, Calendar No. 51, House concurrent resolution relative to room for attorney-general, with majority and minority reports of Committee on Public Buildings thereon.

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. 339, a bill for an act to amend sections 4259 and 2930 of the code, relating to partition of real estate and to transfers in the county auditor's office, and to make transfers by partition a matter of record in the office of county recorder and county auditor.

JAS. D. ROWEN,  
*Chief Clerk*

BILLS ON THIRD READING.

Unanimous consent being granted, on motion of Senator Mitchell, substitute for House file No. 244, a bill for an act to regulate the practice of osteopathy, with report of committee recommending that same do pass, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Emmert offered the following amendment:

I move to amend by striking out the words "of good reports as such," in line two, section 1, and insert "and recognized as in good standing by the state board of medical examiners."

REPORTS OF STANDING COMMITTEES.

Senator Garst, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred substitute for House file No. 58, a bill for an act making an appropriation for the hospital for the insane at Independence, beg leave to report 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred substitute for House file No. 155, a bill for an act making appropriations for the industrial home for the blind at Knoxville, 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred joint resolution providing that the committee under which testimony was taken as provided in joint resolution No. 3 of the Twenty-sixth General Assembly, extra session, should have said evidence transcribed, beg leave to report 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred substitute for Senate file No. 113, a bill for an act making appropriation for the Iowa school for the deaf at Council Bluffs, 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred substitute for House file No. 108, a bill for an act making appropriations for the Iowa industrial school, boys' department, at Eldora, 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

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

MR. PRESIDENT—Your Committee on Claims, to whom was referred Senate file No. 271, a bill for an act to appropriate money to pay the heirs of William Parks, being for property belonging to the estate of said William Parks, which was escheated to the state, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be amended, and when so amended the same do pass.

Amend by adding to the end of section 1 the following: "But the moneys hereby appropriated, or no part thereof, shall be paid unless complete and satisfactory proof is furnished to the executive council that the



claimants are the legal and lawful heirs at law of the said William Parks, deceased."

By striking out section 2, publication clause.

C. J. A. ERICSON,  
*Chairman.*

Ordered passed on file.

President Milliman announced the following as the sifting committee:

Senators Berry, Penrose, Carroll, Finch, Gilbertson, Hotchkiss, McIntire.

Senator Druet moved that when the Senate adjourn it be to meet at 7:30 o'clock this evening.

Lost.

President Milliman announced the following Senate committee on joint committee on concurrent resolution to obtain stop-over privileges for Iowa, during the Trans-Mississippi exposition: Senators McArthur and Eaton.

#### 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:

Relative to reporting of the Iowa board of commissioners for the Trans-Mississippi exposition at Omaha.

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:

Substitute for Senate file No. 70, a bill for an act making an appropriation to the state college of agriculture and mechanic arts.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

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 freight rates on coal produced in Iowa.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

A committee from the House appeared in the Senate chamber and informed the Senate that the House was ready to receive them in joint session for the purpose of electing trustees and regents of the various state institutions, where upon the Senate adjourned to meet the House in joint session.

## JOINT CONVENTION.

Lieutenant Governor Milliman took the chair and called the convention to order, and stated that the purpose of the meeting was the election of trustees of the agricultural college, regents of the state university, directors of the state normal school and trustees of school for feeble-minded.

The roll was then ordered.

Those present were:

Messrs. Alexander, Allyn, Anderson of Lyon, Anderson of Palo Alto, Arnold, Bailey, Baker, Beal, Bell, Bird, Blume, Bowen, Brighton, Bull, Byers, Carr, Carroll, Cheshire, Christie, Clark of Adams, Clark of Hamilton, Classen, Cook, Craig, Davis, Dempster, Dickins, Dows, Eaton of Mitchell, Edwards, Emmert, Ellison, Ericson, Farley, Finch, Frink, Funk of Hardin, Garst, Gibson of Plymouth, Gibson of Union, Giesler, Gilbertson, Good, Hanson, Harbert, Harriman, Hathaway, Hauger, Hayward, Hazen, Hinkle, Hospers, Hotchkiss, Hughes, Johnston, Jones, Junkin, Kelly, Klemme, Kilburn, Ladd, Lambert, Lavençer, Letts, Madden, McArthur, McCurdy, Merriam, Miller of Buena Vista, Miller of Cedar, Miller of Fayette, Miller of Warren, Mullan, Nabstedt, Nietert, Nolan, Nowers, Palmer, Parker, Penick, Penrose, Perrin, Porter, Potter of Bremer, Potter of Pottawattamie, Power of Lee, Prentis, Pusey, Puttam, Santee, Shambaugh, Smith of Greene, Smith of Harrison, Stallcop, Stewart, Titus, Towner, Trewin, Van Houten, Veneman, Wallace, Wemple, Whelan, Wilson of Keokuk, Young of Delaware—105.

The absent were:

Messrs. Alberson, Barrett, Berry, Blake, Blanchard, Boyd, Bolter, Carney, Conley, De Wolf, Downing, Druet, Eaton of Fremont, Emmett, Everall, Funk of Dickinson, Gorrell, Hansmann, Healy, Hinkson, Hobart, Hunt, Hurst, Jackson, Jaeger, Jay, Krieger, Lewis, Lothrop, Lyons, Malloy, McGinn, McIntire, Mitchell, Overfield, Perrott, Powers of Jasper, Ranck, Ray, Reynolds, Sauer, Sheean, Wilson of Clinton, Young of Lee—44.

There being a quorum present, President Milliman announced as teller on the part of the Senate, Senator McArthur.

Speaker Funk announced as teller on the part of the House Mr. Harbert.

Mr. Carr offered the following resolution and moved its adoption:

*Be it resolved by the Senate and House of Representatives of the State of Iowa in joint convention assembled, That the following named persons are hereby elected trustees, directors and regents of the various state institutions to-wit:*

**Trustees of the agricultural college:**

First District—Hon. S. H. Watkins, six years.

Second District—C. S. Barclay, six years.

Fourth District—Addis Schermerhorn, six years.

Eighth District—W. B. Penick, six years.

**Members of the board of regents of the state university:**

Second District—Geo. W. Cable, two years.

Fifth District—Maj. M. A. Higley, six years.

Sixth District—Judge W. D. Tisdale, two years.

Eighth District—Hon. H. K. Evans, six years.

Ninth District—Sherley Gilliland, six years.

**Members of board of directors of normal school:**

W. W. Montgomery—Six years.

Perry D. Rose—Six years.

**School for feeble-minded at Glenwood:**

Dr. F. M. Shriver—To fill vacancy caused by resignation of J. E. Wickham.

Senator Garst raised the point of order that there was a constitutional provision against the proposed motion.

The point of order was overruled.

Mr. Eaton seconded the resolution.

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

Messrs. Alexander, Allyn, Bailey, Baker, Beal, Bell, Berry, Bird, Bowen, Brighton, Bull, Carr, Carroll, Cheshire, Christie, Clark of Adams, Clark of Hamilton, Classen, Cook, Craig, Davis, Dempster, Dickins, Dows, Druet, Eaton of Mitchell, Edwards, Ellison, Ericson, Finch, Frink, Funk of Hardin, Garst, Gibson of Plymouth, Gibson of Union, Giesler, Gilbertson Good, Hanson, Harbert, Harriman, Hathaway, Hauger, Hayward, Hazen, Healy, Hinkle, Hospers, Hotchkiss, Hughes, Hunt, Johnston, Jones, Junkin, Kilburn, Ladd, Lavender, Letts, Madden, McArthur, McCurdy, Merriam, Miller of Buena Vista, Miller of Cedar, Miller of Fayette, Miller of Warren, Mullan, Nabstedt, Nietert, Nolan, Nowers, Palmer, Parker,

Penick, Penrose, Perrin, Porter, Potter of Bremer, Potter of Pottawattamie, Power of Lee, Prentis, Pusey, Putnam, Santee, Shambaugh. Smith of Greene, Smith of Harrison, Stallcop, Stewart, Titus, Towner, Trewin, Van Houten, Veneman, Wallace, Wemple, Whelan, Wilson of Keokuk, Young of Delaware—99.

Absent or not voting:

Messrs. Alberson, Anderson of Lyon, Anderson of Palo Alto, Arnold, Barrett, Blake, Blanchard, Blume, Boyd, Bolter, Byers, Carney, Conley, De Wolf, Downing, Eaton of Fremont, Emmert, Emmett, Everall, Farley, Funk of Dickinson, Gorrell, Hansmann, Hinkson, Hobart, Hurst, Jackson, Jaeger, Jay, Kelly, Klemme, Krieger, Lambert, Lewis, Lothrop, Lyons, Malloy, McGinn, McIntire, Mitchell, Overfield, Perrott, Powers of Jasper, Ranck, Ray, Reynolds, Sauer, Sheean, Wilson of Clinton, Young of Lee—50.

The roll was duly verified.

So the resolution was adopted and the within were declared duly elected.

Whereupon the following certificates were signed in the presence of the joint convention:

HALL OF THE HOUSE OF REPRESENTATIVES, }  
DES MOINES, Iowa, March 29, 1898. }

This is to certify that at an election by the two houses of the Twenty-seventh General Assembly of the state of Iowa, in joint convention, on Tuesday, the 29th day of March, A. D. 1898, for the purpose of electing the officers of the various state institutions, W. B. Penick, having received a majority of all the votes cast for said office, was declared duly elected trustee of the agricultural college for the term of six years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 29th day of March, A. D. 1898.

J. C. MILLIMAN,  
*President of the Senate.*  
J. H. FUNK,  
*Speaker of the House.*

ATTEST:

W. C. MCARTHUR,  
*Teller of the Senate.*  
D. K. HARBERT,  
*Teller of the House.*

HALL OF THE HOUSE OF REPRESENTATIVES, }  
 DES MOINES, Iowa, March 29, 1898. }

This is to certify that at an election by the two houses of the Twenty-seventh General Assembly of the state of Iowa, in joint convention on Tuesday, the 29th day of March, A. D. 1898, for the purpose of electing the officers of the various state institutions, S. H. Watkins, having received a majority of all the votes cast for said office, was declared duly elected trustee of the agricultural college for the term of six years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention this 29th day of March, A. D. 1898.

J. C. MILLIMAN,  
*President of the Senate.*  
 J. H. FUNK,  
*Speaker of the House.*

ATTEST:

W. C. MCARTHUR,  
*Teller of the Senate.*  
 D. K. HARBERT,  
*Teller of the House.*

HALL OF THE HOUSE OF REPRESENTATIVES, }  
 DES MOINES, Iowa, March 29, 1898. }

This is to certify that at an election by the two houses of the Twenty-seventh General Assembly of the state of Iowa, in joint convention, on Tuesday, the 29th day of March, A. D. 1898, for the purpose of electing the officers of the various state institutions, C. S. Barclay, having received a majority of all the votes cast for said office, was declared duly elected trustee of agricultural college for the term of six years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 29th day of March, A. D. 1898.

J. C. MILLIMAN,  
*President of the Senate.*  
 J. H. FUNK,  
*Speaker of the House.*

ATTEST:

W. C. MCARTHUR,  
*Teller of the Senate.*  
 D. K. HARBERT,  
*Teller of the House.*

HALL OF THE HOUSE OF REPRESENTATIVES, }  
DES MOINES, Iowa, March 29, 1898. }

This is to certify that at an election by the two houses of the Twenty-seventh General Assembly of the state of Iowa, in joint convention, on Tuesday, the 29th day of March, A. D. 1898, for the purpose of electing the officers of the various state institutions, Addis Schermerhorn, having received a majority of all the votes cast for said office, was declared duly elected trustee of agricultural college for the term of six years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 29th day of March, A. D. 1898.

J. C. MILLIMAN,  
*President of the Senate.*  
J. H. FUNK,  
*Speaker of the House*

ATTEST:

W. C. MCARTHUR,  
*Teller of the Senate.*  
D. K. HARBERT,  
*Teller of the House.*

HALL OF THE HOUSE OF REPRESENTATIVES, }  
DES MOINES, Iowa, March 29, 1898. }

This is to certify that at an election by the two houses of the Twenty-seventh General Assembly of the state of Iowa, in joint convention, on Tuesday, the 29th day of March, A. D. 1898, for the purpose of electing the officers of the various state institutions, Shirley Gilliland having received a majority of all the votes cast for said office, was declared duly elected regent of state university for the term of six years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 29th day of March, A. D. 1898.

J. C. MILLIMAN,  
*President of the Senate.*  
J. H. FUNK,  
*Speaker of the House.*

ATTEST:

W. C. MCARTHUR,  
*Teller of the Senate.*  
D. K. HARBERT,  
*Teller of the House.*

HALL OF THE HOUSE OF REPRESENTATIVES, }  
 DES MOINES, Iowa, March 29, 1898. }

This is to certify that at an election by the two houses of the Twenty-seventh General Assembly of the state of Iowa, in joint convention, on Tuesday, the 29th day of March, A. D. 1898, for the purpose of electing the officers of the various state institutions, H. K. Evans, having received a majority of all the votes cast for said office, was duly elected regent of state university for the term of six years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 29th day of March,  
 A. D. 1898.

J. C. MILLIMAN,  
*President of the Senate.*  
 J. H. FUNK,  
*Speaker of the House.*

ATTEST:

W. C. MCARTHUR,  
*Teller of the Senate.*  
 D. K. HARBERT,  
*Teller of the House.*

HALL OF THE HOUSE OF REPRESENTATIVES, }  
 DES MOINES, Iowa, March 29, 1898. }

This is to certify that at an election by the two houses of the Twenty-seventh General Assembly of the state of Iowa, in joint convention, on Tuesday, the 29th day of March, A. D. 1898, for the purpose of electing the officers of the various state institutions, George W. Cable, having received a majority of all the votes cast for said office, was declared duly elected regent of state university, for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 29th day of March,  
 A. D. 1898.

J. C. MILLIMAN,  
*President of the Senate.*  
 J. H. FUNK,  
*Speaker of the House.*

ATTEST:

W. C. MCARTHUR,  
*Teller of the Senate.*  
 D. K. HARBERT,  
*Teller of the House.*

HALL OF THE HOUSE OF REPRESENTATIVES, }  
DES MOINES, Iowa, March 29, 1898. }

This is to certify that at an election by the two houses of the Twenty-seventh General Assembly of the state of Iowa, in joint convention, on Tuesday, the 29th day of March, A. D. 1898, for the purpose of electing the officers of the various state institutions, W. D. Tisdale having received a majority of all the votes cast for said office, was declared duly elected regent of the state university for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention this 29th day of March  
A. D. 1898.

J. C. MILLIMAN,  
*President of the Senate.*  
J. H. FUNK,  
*Speaker of the House.*

ATTEST:

W. C. MCARTHUR,  
*Teller of the Senate*  
D. K. HARBERT,  
*Teller of the House.*

HALL OF THE HOUSE OF REPRESENTATIVES, }  
DES MOINES, Iowa, March 29, 1898. }

This is to certify that at an election by the two houses of the Twenty-seventh General Assembly of the state of Iowa, in joint convention, on Tuesday, the 29th day of March, A. D. 1898, for the purpose of electing the officers of the various state institutions, M. A. Higley having received a majority of all the votes cast for said office, was declared duly elected regent of the state university for the term of six years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 29th day of March,  
A. D. 1898.

J. C. MILLIMAN,  
*President of the Senate.*  
J. H. FUNK,  
*Speaker of the House.*

ATTEST:

W. C. MCARTHUR,  
*Teller of the Senate.*  
D. K. HARBERT,  
*Teller of the House.*



HALL OF THE HOUSE OF REPRESENTATIVES, }  
DES MOINES, Iowa, March 29, 1898.

This is to certify that at an election by the two houses of the Twenty-seventh General Assembly of the state of Iowa, in joint convention, on Tuesday, the 29th day of March, A. D. 1898, for the purpose of electing the officers of the various state institutions, W. W. Montgomery, having received a majority of all the votes cast for said office, was declared duly elected director of normal school for the term of six years from and after the expiration of the term of the present incumbent and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 29th day of March, A. D. 1898.

J. C. MILLIMAN,  
*President of the Senate.*  
J. H. FUNK,  
*Speaker of the House.*

ATTEST:

W. C. MCARTHUR,  
*Teller of the Senate.*  
D. K. HABBERT,  
*Teller of the House.*

HALL OF THE HOUSE OF REPRESENTATIVES, }  
DES MOINES, Iowa, March 29, 1898.

This is to certify that at an election by the two houses of the Twenty-seventh General Assembly of the state of Iowa, in joint convention, on Tuesday the 29th day of March, A. D. 1898, for the purpose of electing the officers of the various state institutions, Perry D. Rose having received a majority of all the votes cast for said office, was declared duly elected director of the normal school, for the term of six years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 29th day of March, D. 1898.

J. C. MILLIMAN,  
*President of the Senate.*  
J. H. FUNK,  
*Speaker of the House.*

ATTEST:

W. C. MCARTHUR,  
*Teller of the Senate.*  
D. K. HABBERT,  
*Teller of the House.*

HALL OF THE HOUSE OF REPRESENTATIVES, }  
DES MOINES, IOWA, March 29, 1898. }

This is to certify that at an election by the two houses of the Twenty-sixth General Assembly of the state of Iowa, in joint convention, on Tuesday, the 29th day of March, A. D. 1898, for the purpose of electing the officers of the various state institutions, F. M. Shriver having received a majority of all the votes cast for said office, was declared duly elected trustee for school for feeble-minded to fill vacancy.

Signed in the presence of the joint convention, this 29th day of March, A. D. 1898.

J. C. MULLIMAN,  
*President of the Senate.*

J. H. FUNK,  
*Speaker of the House.*

## ATTEST:

W. C. McARTHUR,  
*Teller of the Senate.*

D. K. HARBERT,  
*Teller of the House.*

The Journal of the joint convention was taken up, read, corrected and approved.

Senator Carroll moved that the clerk of the convention be instructed to deliver copies of the certificates of election to the governor.

Carried.

Senator Carroll moved that the joint convention do now adjourn.

Carried.

Senate reconvened.

Senator Garst moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, Iowa, Wednesday March 30, 1898. }

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

Prayer was offered by the Rev. O. N. Laronner, of Brooklyn, Iowa.

#### RESOLUTIONS.

Senator Young of Lee, presented the following resolution:

*Resolved*, That whereas Mrs. Fred McCausland was sworn in as committee clerk on January 10, 1898, and rendered services to committee as stenographer and typewriter for three days for which no compensation has been allowed, the President of the Senate is therefore requested to certify on the pay roll such time and that she be paid therefor.

Adopted.

Senator Lewis moved that the concurrent resolution in relation to partition in custodian's room for the attorney-general be adopted.

Carried, and the concurrent resolution was adopted.

Senator Lewis filed a resolution in relation to the manner in which partition should be placed in said custodian's room and moved its adoption.

#### REPORT OF STANDING COMMITTEE.

Senator Lewis, from the Committee on Public Buildings, submitted the following report:

MR. PRESIDENT—Your Committee on Public Buildings having been permitted to withdraw House concurrent resolution adopted March 18, 1898, for further consideration, and having reconsidered said resolution and its former report thereon, instructs me to report the same back to the Senate with the recommendation that it be adopted.

#### CONCURRENT RESOLUTION.

*Be it Resolved by the House, the Senate concurring*, That the executive council be, and it is hereby instructed to place a partition in the custodian's room in the capitol building, for the purpose of dividing the same into two rooms, and to properly furnish the same for occupancy by the attorney-general

and the custodian be furnished proper quarters in some other part of the capitol building.

The committee presents as a committee concurrent resolution that which is hereto annexed in relation to the manner of building partitions and forbidding the making of windows, doors or other openings in the walls of the capitol building, and recommends that the same be adopted.

W. R. LEWIS,  
*Chairman.*

CONCURRENT RESOLUTION.

*Resolved by the Senate, the House Concurring,* That partitions put in the rooms and basement of the capitol building shall be built and put in in such manner as not to deface or injure the walls or ceiling, or the painting or finish thereon, and to permit their removal without defacing or injuring such walls, ceiling, painting and finish, and no windows, doors, or other openings shall be made through walls in the capitol building.

Adopted.

Senator Palmer called up resolution relative to establishing a military park at Vicksburg, and moved its adoption.

Adopted.

HOUSE MESSAGES.

House file No. 339, a bill for an act to amend section 4259 and 2930 of the code relating to partitions of real estate, and to transfers in the county auditor's office, and to make transfers by partitions a matter of record in the office of county recorder and county auditor, was read first and second time and referred to Committee on Judiciary.

Substitute for Senate file No. 55, a bill for an act making appropriations for the Benedict home at Des Moines, Iowa, was read and passed on file.

Concurrent resolution relative to freight rates on coal produced in Iowa was read, and on motion of Senator Carroll was adopted.

REPORTS OF STANDING COMMITTEES.

Senator Hobart, from the Committee on Compensation of Public Officers, submitted the following report:

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred Senate file No. 262, a bill for an act to amend section 495, title four, chapter 5 of the code, relating to county recorders, beg leave to report 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.

A. C. HOBART,  
*Chairman.*

Ordered passed on file.

Senator Berry, from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred substitute for House file No. 215, a bill for an act to amend section 2289 of the code, relating to the discharge of the incurable 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 indefinitely postponed.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred Senate file No. 59, a bill for an act to amend section twenty-two hundred and ninety-seven in chapter two (2) of the code, relating to the care of the insane and to liability of estates of insane or idiotic persons, and estates of persons legally bound for their support to the county for any sums paid by it for treatment or confinement of such insane or idiotic persons, beg leave to report 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.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

Senator Pusey, 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. 208, a bill for an act to amend subdivisions five (5), six (6) and nine (9), and repeal subdivision ten (10) of section eight hundred and ninety-four (894) of the code, relating to taxation in 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 same be indefinitely postponed.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate file No. 12, a bill for an act to amend section 894, chapter 11, title 5 of the code relative to the levy of a tax for the maintenance of cemeteries in cities, beg leave to report 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.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate file No. 36, a bill for an act to amend sections 742, 744, 745, chapter 5, title 5 of the code relating to the purchase and construction of water-works, etc., beg leave to report 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

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred substitute for House file No. 276, a bill for an act to amend section 894 of the code relating to the levy of special taxes by 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 same be referred to the sifting committee.

N. M. PUSEY,  
*Chairman.*

Ordered passed on file.

Senator Garst from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 261, a bill for an act to amend section 2528, chapter 14, title 12 of the code, and to grant additional powers to the dairy commissioner, beg leave to report 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

#### MINORITY REPORT.

MR. PRESIDENT—A minority of your Committee on Appropriations, to whom was referred Senate file No. 261, a bill for an act to amend section 2528, chapter 14, title 12 of the code and to grant additional powers to the dairy commissioner, beg leave to report 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. F. HARBIMAN,  
J. J. ALEXANDER,  
G. M. TITUS,  
W. R. LEWIS,  
J. R. GOBRELL,  
J. H. TREWIN.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred House file No. 205, a bill for an act authorizing the state librarian to classify and catalogue the books in the state library, and making an appropriation 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 do pass.

WARREN GARST.

*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 concurred in the following concurrent resolution, in which the concurrence of the House was asked:

Relative to the investigation of a wreck on the northern Iowa division of the Chicago & Northwestern railway, at Hubbard, Hardin county, Iowa.

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 Senate is asked:

Substitute for House file No. 261, a bill for an act to amend section 4826 of the code in relation to malicious mischief and trespass.

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 Senate is asked:

Substitute for House file No. 214, a bill for an act to appropriate \$2,000 to paint and fresco committee rooms and corridors; \$500 for repairing the plumbing in capitol building.

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 Senate is asked:

Substitute for House file No. 106, a bill for an act making appropriation for the normal school at Cedar Falls, Iowa.

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 Senate is asked:

Substitute for House file No. 52, a bill for an appropriation for the additional storage building at the soldiers' home at Marshalltown, Iowa, and for old people's building and furnishing the same.

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:

Substitute for Senate file No. 84, a bill for an act making appropriation for the orphans' home and home for destitute children.

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:

Substitute for Senate file No. 260, a bill for an act to amend sections 2812 and 2813 of the code, relating to the issuance of bonds by school corporations, and the levy of taxes for the payment thereof.

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:

Substitute for Senate file No. 220, a bill for an act to make an appropriation to the Iowa state agricultural society.

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:

Substitute for Senate file No. 96, a bill for an act to amend section 2644 of chapter 3, title 13, of the code, relating to the state university.

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 Senate is asked:

Substitute for substitute for House file No. 246, a bill for an act to prohibit the bringing into the state any nursery stock infested with the San Jose scale; to provide for punishment thereof and to prevent the spread of the scale within the state.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus 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. 298, a bill for an act to amend sections 952, 953, 958, 971, 979 and 1020 of the code in relation to cities under special charters.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

Senator Harriman moved that Senate take up House messages.

Carried.

#### HOUSE MESSAGES.

Substitute for House file No. 214, a bill for an act to appropriate \$2,000 to paint and fresco committee rooms and corridors, \$500 for repairing plumbing in the capitol building was read first and second time and referred to sifting committee

Substitute for House file No. 261, a bill for an act to amend section 4826 of the code, relating to malicious mischief and

trespass was read first and second time and referred to sifting committee.

Substitute for House file No. 106, a bill for an act making appropriation for normal school at Cedar Falls, Iowa, was read first and second time and referred to sifting committee.

Substitute for House file No. 52, a bill for an act making appropriation for an additional storage building at the soldiers' home at Marshalltown, Iowa, and for old people's building and furnishing the same, was read first and second time and referred to Committee on Appropriations

Substitute for Senate file No. 84, a bill for an act making appropriation for the orphans' home and home for destitute children, was read and passed on file.

Substitute for Senate file No. 260, a bill for an act to amend sections 2812 and 2813 of the code relating to the issuance of bonds by school corporations and the levy of taxes for the payment thereof, was read and passed on file.

Substitute for Senate file No. 220, a bill for an act to make an appropriation to the Iowa State Agricultural Society, was read and passed on file.

Substitute for Senate file No. 96, a bill for an act to amend section 2644, of chapter 3, title 13, of the code, relating to the state university, was read and passed on file.

Substitute for House file No. 246, a bill for an act to prohibit the bringing into the state any nursery stock infested with the San Jose scale, and to prevent the spread of the scale within the state, was read first and second time and referred to sifting committee.

Concurrent resolution relative to the investigation of a wreck on the northern Iowa division of the Chicago & North-Western railway at Hubbard, Hardin county, Iowa, was read and passed on file.

Concurrent resolution relative to reporting of the Iowa board of commissioners for the trans-Mississippi exposition at Omaha, was read and passed an file.

#### REPORT OF STANDING COMMITTEE.

Senator Berry, from the Committee on Charitable Institutions, submitted the following report:

MR PRESIDENT—Your Committee on Charitable Institutions, to whom was referred a resolution relating to the appointment of a commission of three persons by the governor to investigate all county poorhouses in the state, and all other institutions in which insane patients are confined and cared for, except only the state hospitals for the insane, beg leave to report that they have had the same under consideration and have instructed me to report a substitute for the same back to the Senate with the recommendation that the said substitute do pass.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

SUBSTITUTE FOR JOINT RESOLUTION NO. 6.

A JOINT RESOLUTION providing for the examination and investigation of county poor houses in the state in which insane patients are kept and all other institutions in the state in which the insane are kept and cared for, excepting only state hospitals for the insane.

*Be it resolved by the General Assembly of the State of Iowa, That the board of control of state institutions may, as soon as practicable after the appointment and qualification of its members, proceed to examine and thoroughly investigate all county poor houses of the state in which insane patients are kept, and all other institutions in the state in which the insane of the state are kept and cared for, excepting only the state hospitals for the insane, for the purpose of ascertaining:*

*First*—How and in what manner the insane confined therein are cared for and the general condition of such inmates, the system of government of such institutions, the skill and qualification of attendants and employes, the quality and quantity of food and clothing furnished the inmates, the character of medical attendance, the nature and sanitary condition of buildings and ground and their adaptation to the purposes for which they are intended, and all such other facts in relation thereto as the board may deem of public interest.

*Second*.—The board of control shall complete said work at as early a date as possible and shall report the result of such investigation to the governor and the Twenty-eighth General Assembly, with any testimony that shall have been taken, and recommend if any change should be adopted in the government and management of such institutions and whether such county and private care should be abandoned and state care for all the states' insane should be adopted, and whether or not a state tax should be levied for the care of the states' insane, and any other recommendation as to them may seem proper.

*Third*.—The board shall have the power to visit and inspect such institutions, subpoena and examine witnesses.

*Fourth*.—The members of such board shall receive their necessary expenses while engaged in the performance of these duties as provided for in the law governing the board of control in the visitation and inspection of state institutions.

Substitute read first and second time and passed on file.

## REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT—Your committee appointed to draft resolutions of condolence on the death of Hon. C. H. Gatch, late of Des Moines, beg leave to report that they have prepared the following preamble and resolutions, and ask that the same be adopted:

WHEREAS, Hon. C. H. Gatch, late of Des Moines, Iowa, and formerly a senator from the Thirtieth senatorial district, died at his home in Des Moines, Iowa, on July 1, 1897, and

WHEREAS, The life, character and eminent services of the deceased are worthy of recognition; therefore,

*Resolved*, That it is with sincere regret that the members of the Senate learn of his death.

*Resolved*, That in the death of C. H. Gatch, the state has lost an able, conscientious and public spirited citizen, a man whose private character was above reproach, and who rendered conspicuous service to his state while a member of this body.

*Resolved*, That we express to his family our most sincere sympathy in the loss of a devoted husband and kind father.

*Resolved*, That these resolutions be entered on the Journal of the Senate, and the Secretary of the Senate be instructed to present an engrossed copy thereof to the widow of the deceased.

THOS. A. CHESHIRE,  
A. B. FUNK,  
W. H. BERRY,  
JOHN EVERALL,  
L. R. BOLTER,

Adopted.

In Memoriam

..of..

Hon. C. B. Gatch,

Late Senator of 30th District,

Who died at  
Des Moines, Iowa,

July 1st, 1897.

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These Resolutions Adopted by His  
Colleagues,  
March 30th, 1898.

## REPORTS OF STANDING COMMITTEES.

Senator Healy, from the Committee on Corporations, submitted the following report:

MR. PRESIDENT—Your Committee on Corporations to whom was referred House file No. 183, a bill for an act to define certain qualifications for the office of auditor of state, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

THOS. D. HEALY,  
*Chairman.*

Ordered passed on file.

Senator Ellison, from the Committee on Educational Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred Senate file No. 152, a bill for an act to amend the code in relation to the compensation of the financial agent of 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 indefinitely postponed.

F. O. ELLISON,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred Senate file No. 58, a bill for an act to amend section 2582 of the code and relating to the admission to practice of students of the medical departments of the state university, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

F. O. ELLISON,  
*Chairman.*

Ordered passed on file.

Senator Cheshire, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate files Nos. 33, 217, 188, 276, 288, 291 and 259, and House bills Nos. 344 and 287, Senate file No. 166, beg leave to report 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 referred to sifting committee.

THOS. A. CHESHIRE,  
*Chairman.*

Report of committee adopted and bills referred to sifting committee.

## BILLS ON THIRD READING.

On motion of Senator Garst, substitute for Senate file No. 134, a bill for an act to appropriate for the hospital at Clarinda, Iowa, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

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, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—44.

The nays were:

None.

Absent or not voting.

Senators Blanchard, Bolter, Hobart, Mitchell, Mullan, Trewin—6.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst House file No. 156, a bill for an act making an appropriation for the fish and game commission of the state of Iowa, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

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, Byers, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Emmert, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart,

Hospers, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Palmer, Penrose, Pusey, Trewin, Young of Delaware, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Bolter, Craig, Everall, Kilburn, Mitchell, Mullan, Perrin, Ranck, Titus, Wallace, Wilson—13.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, House file No. 229, a bill for an act making an appropriation to Bremer county for maintenance of orphans of soldiers, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

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, Bolter, Byers, Carney, Carroll, Cheshire, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hospers, Hotchkiss, Junkin, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Palmer, Penrose, Pusey, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—38.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Craig, Druet, Eaton, Harriman, Hurst, Kilburn, Mitchell, Mullan, Perrin, Ranck, Trewin—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, substitute for House file No. 155, a bill for an act making an appropriation for the industrial home for the blind at Knoxville, Iowa, with report of commit-



tee recommending it do pass, was taken up, considered and the report of the committee adopted.

The bill was read.

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, Bolter, Carney, Carroll, Cheshire, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hospers, Hotchkiss, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Palmer, Penrose, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Byers, Craig, Finch, Healy, Hobart, Hurst, Junkin, Kilburn, Mitchell, Mullan, Perrin, Trewin—18.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, House file No. 58, a bill for an act making an appropriation for the hospital for the insane at Independence, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

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, Bolter, Byers, Carney, Cheshire, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hospers, Hotchkiss, Junkin, Lewis, Lothrop, Malloy, McArthur, McIntire, Palmer, Penrose, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Carroll, Craig, Druet, Hobart, Hurst, Kilburn, Lyons, Mitchell, Mullan, Perrin, Trewin—13.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, House file No. 205, a bill for an act authorizing the state librarian to catalogue and classify the books in the state library and making an appropriation therefor, with report of committee recommending it do pass was taken up, considered, and the report of the committee adopted.

The bill was read for information.

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, Bolter, Byers, Carney, Carroll, Cheshire, Eaton, Ellison, Emmert, Ericson, Everall, Garst, Gilbertson, Gorrell, Hayward, Healy, Hospers, Hotchkiss, Hurst, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Penrose, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Craig, Druet, Finch, Funk, Hariman, Hobart, Junkin, Kilburn, Mitchell, Perrin, Wilson—13.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, House file No. 113, a bill for an act making an appropriation for the Iowa School for the Deaf at Council Bluffs, with report of committee recommending that it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Garst moved to amend by striking out publishing clause.

Adopted.

Senator Garst moved that the rule be suspended, and that the reading of the bill be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Bolter, Byers, Carney, Carroll, Cheshire, Emmert, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hospers, Hotchkiss, Hurst, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—38.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Craig, Druet, Eaton, Ellison, Finch, Hobart, Junkin, Kilburn, Mitchell, Trewin—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and 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 concurred in the following concurrent resolution, in which the concurrence of the House was asked:

Relative to paying policemen for extra work.

JAS. D. BOWEN,  
*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. 182, a bill for an act to amend section 1610, title 9, chapter 1 of the code, in relation to corporations for pecuniary profit.

JAS. D. BOWEN,  
*Chief Clerk.*

Ordered passed on file.

#### BILLS ON THIRD READING.

On motion of Senator Garst, substitute House file No. 108, a bill for an act making an appropriation for the Iowa industrial

school, boys' department at Eldora, Iowa, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Garst moved that the rule be suspended, and that the reading of the bill be the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Eaton, Ellison, Emmert, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—41.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Druet, Ericson, Finch, Hobart, Kilburn, Mitchell, Trewin—9

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Garst, Senate file No. 282, a bill for an act amending section 2727 of the code, in relation to support of the school for the deaf, was taken up and considered.

Senator Garst moved to amend the bill by striking out the word "fifteen" and inserting "eighteen" in lieu thereof.

Adopted.

The bill as amended was read.

Senator Garst 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, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Eric-

son, Everall, Garst, Gilbertson, Harriman, Hayward, Healy, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, McArthur, McIntire, Mitchell, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Young of Delaware, Young of Lee—38.

The nays were:

Senators Bolter and Lyon—2.

Absent or not voting:

Senators Blanchard, Finch, Funk, Gorrell, Hobart, Junkin, Malloy, Mullan, Trewin, Wilson—10.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, Senate file No. 281, a bill for an act making an appropriation for the payment of the indebtedness for the school for the deaf, was taken up and considered.

The bill was read for information.

Senator Garst moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading of the bill, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Emmert, Ericson, Everall, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Malloy, McIntire, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—40.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Ellison, Finch, Funk, Lyons, McArthur, Mitchell, Ranck, Trewin—10.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, Senate file No. 284, a bill for an act to amend section 2718 of the code, in relation to the support of the college for the blind, with report of committee recom-

mending certain amendments, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Garst 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, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hespers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—44.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Hobart, McArthur, McIntire, Trewin—6.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, Senate file No. 280, a bill for an act amending section 2691 of the code, in relation to the support of the orphans' home, was taken up and considered.

The bill was read for information.

Senator Garst 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, Bolter, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hobart, Hespers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McIntire, Mitchell, Penrose, Perrin, Pusey, Ranck, Wallace, Wilson, Young of Delaware, Young of Lee—40.

Senator Hayward voted in the negative.

Absent or not voting:

Senators Berry, Blanchard, Carney, Malloy, McArthur, Mullan, Palmer, Titus, Trewin—9.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Garst, Senate file No. 283, by the Committee on Appropriations, a bill for an act to amend section 2608 of the code, in relation to the support of the soldiers' home, was taken up and considered.

Senator Carney moved to amend the bill by striking out the word "thirteen" in fifth line of printed bill and inserting the word "fourteen."

Adopted.

The bill, as amended, was read.

Senator Garst 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, Bolter, Byers, Carney, Carroll, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Wallace, Wilson, Young of Lee—42.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Cheshire, Everall, Finch, Ranck, Trewin, Young of Delaware—8.

#### SPECIAL ORDER.

The Senate resumed consideration of substitute for House file No. 244, a bill for an act to regulate the practice of osteopathy, under consideration at time of adjournment last evening.

Senator Mitchell moved the previous question.

On the question, "Shall the main question be now put?" the motion prevailed.

On the amendment offered by Senator Emmert last evening to amend by striking out the words "of good reports as such," in line two, section 1, and insert "and recognized as in good standing by the state board of medical examiners," a roll call was demanded.

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

Senators Alexander, Berry, Byers, Cheshire, Druet, Emmert, Everall, Harriman, Junkin, Lyons, Malloy, McIntire, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Lee—23.

The nays were:

Senators Allyn, Bell, Bolter, Carney, Carroll, Craig, Eaton, Ellison, Ericson, Finch, Funk, Gilbertson, Hayward, Healy, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, McArthur, Mitchell, Young of Delaware—23.

Absent or not voting:

Senators Blanchard, Garst, Gorrell, Hobart—4.

So the amendment was lost.

The bill was read for information.

Senator Mitchell 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, Bolter, Byers, Carney, Carroll, Craig, Eaton, Ellison, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Mitchell, Wallace, Young of Delaware—27.

The nays were:

Senators Alexander, Berry, Cheshire, Druet, Emmert, Everall, Harriman, Hobart, Lyons, Malloy, McArthur, McIntire, Mullan, Perrin, Pusey, Ranck, Titus, Trewin, Wilson, Young of Lee—20.

Absent or not voting:

Senators Blanchard, Palmer, Penrose—3.



So the bill, having received a constitutional majority, was declared to have passed the Senate and 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: Relative to retaining certain employes after final adjournment.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

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

Senator Berry moved to take up House messages.

HOUSE MESSAGES.

Senate file No. 182, a bill for an act to amend section 1610, title 9, chapter 1 of the code, in relation to corporations for pecuniary profit, was read and passed on file.

Substitute for Senate file No. 70, a bill for an act making an appropriation to the state agricultural college and mechanic arts, was read and passed on file.

Concurrent resolution relative to paying policemen for extra work, was read first and second time and referred to sifting committee

Concurrent resolution relative to retaining certain employes after final adjournment, was read first and second time and referred to sifting committee.

REPORT OF SIFTING COMMITTEE.

Senator Berry, from the sifting committee, submitted the following report:

MR. PRESIDENT—Your sifting committee, to whom was referred House file No. 234, a bill for an act to amend section 1346 of the code, relating to the taxation of 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 same be considered.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

House file No. 234, a bill for an act to amend section 1346 of the code, relating to the taxation of express companies, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

Senator Funk moved that the rule be suspended, and that the bill be 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, Carney, Cheshire, Druet, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Lee—38.

The nays were:

None:

Absent or not voting:

Senators Blanchard, Bolter, Byers, Carroll, Craig, Eaton, Emmert, Harriman, Hobart, Hurst, Palmer, Young of Delaware—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

#### REPORT OF SIFTING COMMITTEE.

Senator Berry, from the sifting committee, submitted the following report:

MR. PRESIDENT—Your sifting committee, to whom was referred Senate file No. 289, a bill for an act fixing the salary of the chief executive officers of certain 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 considered.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

Senate file No. 289, a bill for an act fixing the salary of the chief executive officers of certain state institutions, with report of sifting committee recommending it be considered, was taken up and considered.

Senator Pusey moved to amend the bill by adding the following thereto:

"The superintendent of the school for the deaf shall have had not less than five years experience as a teacher of the deaf and shall be proficient in the use of the sign language."

On this question a roll call was demanded.

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

Senators Alexander, Allyn, Byers, Carney, Carroll, Cheshire, Ellison, Emmert, Everall, Funk, Garst, Gilbertson, Hayward, Healy, Hobart, Hospers, Junkin, Lothrop, Malloy, McIntire, Mitchell, Mullan, Perrin, Pusey, Titus, Wallace, Wilson, Young of Lee—28.

The nays were:

Senators Bell, Berry, Craig, Druet, Eaton, Ericson, Finch, Harriman, Hotchkiss, Kilburn, Lewis, Lyons, McArthur, Penrose, Ranck, Trewin—16.

Absent or not voting:

Senators Blanchard, Bolter, Gorrell, Hurst, Palmer, Young of Delaware—6.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Druet offered the following amendment:

I move to strike out of the bill the words "for the industrial home for the blind at Knoxville six hundred dollars."

Lost.

Senator Carroll 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, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Ericson, Garst, Gilbertson, Harriman, Hayward, Healy, Hotchkiss, Hurst, Kilburn, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Palmer, Perrin, Pusey, Ranck, Wallace, Wilson, Young of Delaware, Young of Lee—33.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Carney, Ellison, Emmert, Everall, Finch, Funk, Gorrell, Hospers, Junkin, Lewis, Mullan, Penrose, Titus, Trewin—16.

So the bill, having received a constitutional majority, was declared to have passed the Senate.

Senator Pusey moved to amend the title by adding to the title the following words: "and defining the qualifications of the superintendent of the school for the deaf."

Adopted.

The title as amended was agreed to.

Senator Ranck filed the following motion.

MR. PRESIDENT—I move to reconsider the vote by which Senate file No. 289 was passed.

C. S. RANCK.

#### REPORT OF SPECIAL COMMITTEE.

Senator Penrose, from the special committee to draft resolutions of respect on the death of ex-Senator Poyneer, presented the following report:

MR. PRESIDENT—Information having reached the Senate of the death of Hon. A. N. Poyneer, who died at his home in Montour on the 28th day of August, 1897, and who was a member of this body during the Nineteenth, Twentieth, Twenty-first and Twenty-second sessions of the General Assembly, and President of the Senate during the session of the Twenty-third General Assembly, therefore,

*Resolved*, That in his death the state of Iowa has lost an honored citizen, who by his long public service had earned the gratitude of the people, and whose high character, strict integrity and sterling personal qualities commanded the respect and won the lasting friendship of all who knew him.

He was a man of strong convictions and strong judgment, and during the time he was a member of this body took a leading part in formulating and carrying through many important measures which came before the Senate; and in speaking to and voting upon these questions he always exhibited the courage of his convictions.

As President of the Senate he was eminently fair, just and impartial in all his rulings, actions and decisions. His executive ability was of a high order, and his thorough knowledge of parliamentary practice greatly facilitated the work of this body. In his determination of public policies, and in the administration of public affairs, the question of expediency did not enter; the controlling question with him always was, "what is right?"

He was a stranger to trickery and chicanery, and after a long and useful life of public service, he retired as he came, without a shadow of the stain of political corruption.

It is such men as he who give stability to our government, and it is fitting that his life and services be impressed upon our memories as an example and encouragement to those who follow, and to that end these resolutions be made a permanent record in the Journal of this body.

*Resolved*, That the Senate extend its sincere sympathy to the widow and children, who, by his death are bereaved of an affectionate husband and father.

*Resolved*, That the Senate present an engrossed copy of these resolutions to his family.

E. G. PENROSE,  
C. W. MULLAN,  
L. R. BOLTER,  
C. S. RANCK,  
WM. B. PEBBIN.

Senator Penrose moved that the resolution be adopted by a rising vote.

Adopted.

**In Memoriam**

..of..

**Hon. A. N. Poyneer,**

**Late Senator 45th District,**

**Who died at  
his home, Montour, Iowa,**

**August 28th, 1897.**

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**These Resolutions Adopted by His**

**Colleagues,**

**March 30th, 1898.**

The President of the Senate announced he had signed in presence of the Senate, Senate file No. 144, Senate file No. 92, Senate file No. 235, Senate file No. 95, Senate file No. 121.

Judiciary committee recommended that House file No. 889 be referred to sifting committee.

So referred.

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. 75, a bill for an act empowering and directing the state auditor to issue warrants on the state treasurer for the overdrawn balance of the annual appropriation to the credit of the state college of agriculture and mechanic arts, on September 30, 1897.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

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. 251, a bill for an act to authorize the executive council to pass upon and pay certain claims, the payment of which was provided for by an act of the Twenty-sixth General Assembly, entitled, an act to appropriate money to pay the claims of individuals and counties in Iowa for making an exhibit at the World's exposition in New Orleans.

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. 167, a bill for an act to make an appropriation to further extend the use of the Iowa traveling libraries.

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. 285, a bill for an act to legalize the acts of the board of directors of the independent school district of Lincoln, Marion county, Iowa, and of the board of directors of the independent school district of Tracy, Marion county, Iowa, in relation to the transfer of territory from one district to the other for school purposes.

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. 266, a bill for an act to amend section 2583 of the code, in relation to the practice of medicine.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Senator Titus moved to take up House message.

Carried.

#### HOUSE MESSAGES.

Senate file No. 251, a bill for an act to authorize the executive council to pass upon and pay certain claims, the payment of which was provided for by an act of the Twenty-sixth General Assembly, entitled an act to appropriate money to pay the claims of individuals and counties in Iowa, for making an exhibit at the World's exposition in New Orleans, was read.

Senator Young of Delaware moved that Senate concur in House amendments.

Senate file No. 75, a bill for an act empowering and directing the state auditor to issue warrants on the state treasurer for the undrawn balance of the annual appropriations to the credit of the state college of agriculture and mechanic arts, on September 30, 1897, was read and passed on file.

Senate file No. 266, a bill for an act to amend section 2533 of the code in relation to the practice of medicine, was read and passed on file.

Senate file No. 255, a bill for an act to legalize the acts of the board of school directors of the independent school district of Lincoln, Marion county, Iowa, and of the board of directors of the independent school district of Tracy, Marion county, Iowa,



in relation to the transfer of territory from one district to the other for school purposes, was read and passed on file.

Senate file No. 167, a bill for an act to make an appropriation to further extend the use of the Iowa traveling libraries, was read and passed on file.

#### REPORT OF SIFTING COMMITTEE.

Senator Berry, from the sifting committee, submitted the following report:

MR. PRESIDENT—Your sifting committee, to whom was referred substitute for House file No. 146, a bill for an act granting the city of Des Moines lots seven (7) and eight (8) of block thirty-three (33) of the original town of Fort Des Moines, now included in the city of Des Moines, 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 same be considered.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

Substitute for House file No. 146, a bill for an act granting to the city of Des Moines lots 7 and 8, block 33, of the city of Des Moines, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Trewin moved to amend the title by changing the period immediately after the word "Iowa" to a comma, and adding the words "and providing for the purchase of a new site for the Iowa memorial and historical art building."

Adopted.

Senator Lewis moved to amend as follows:

Strike out of section 2 of the bill all of said section after the figures and parentheses "(15,000)" in the third line, and substitute therefor "which sum, when it shall be needed therefor, shall be used and is hereby appropriated for the purchase of a new site for the Iowa memorial and historical art building, which shall be paid upon the conveyance of such new site for said building to the state of Iowa by good and sufficient warranty deed and delivery therewith of an abstract of title, showing unencumbered fee simple title to the state. Said new site to be selected and purchased by the executive council and

the curator, and payment therefor to be made by a warrant to be drawn by the auditor of state on the treasurer of state upon a written statement to be signed by the governor, secretary of state and curator, that the requirements of this act as to purchase, conveyance and title thereto have been complied with, and until otherwise provided by law, the old site for the Iowa memorial and historical building shall be held by the state as the site for the arsenal and storage of quartermaster's property."

Adopted.

Senator Lewis moved to amend as follows:

Strike out of line six of section 3 the words "such department" and insert in lieu thereof the words "the state," and strike out of line seven the words "the property" and insert in lieu thereof the words "said lots seven (7) and eight (8), in block thirty-three (38)."

Senator Lewis moved to amend by adding to section 3 the following: "And there is hereby appropriated from any moneys in the treasury not otherwise appropriated, such sum as shall be necessary to pay the expenses of the removal of said building and the preservation of the material thereof, which shall be paid on the recommendation of the executive council, by warrant or warrants drawn by the auditor of state upon the treasurer of state, in favor of the persons entitled thereto."

Adopted.

The hour of adjournment having arrived, the President declared the Senate adjourned until 2 o'clock P. M. to-day.

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#### AFTERNOON SESSION.

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Senate met at 2 o'clock, President Milliman presiding.

Senate went into executive session at 2 o'clock.

#### REPORT OF COMMITTEE.

The committee to whom was referred the nominations by the governor for members of the board of control submitted the following report:

MR. PRESIDENT—Your committee, to whom was referred the nominations by the governor of members of the board of control, beg leave to report that they have had the same under consideration and recommend that said nominations, and each of them, be confirmed by the Senate.

THOS. D. HEALY,  
J. M. JUNKIN,  
JAMES H. TREWIN,  
L. R. BOLTER,  
A. HURST.

On the question, "Shall the appointment of Wm. Larrabee be confirmed?" the yeas were:

Senators Alexander, Bell, Berry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—40.

The nays were:

None.

Absent or not voting:

Senators Allyn, Blanchard, Bolter, Eaton, Hayward, Hobart, Malloy, McArthur, McIntire, Mitchell—10.

The appointment of Wm. Larrabee was confirmed.

On the question, "Shall the appointment of L. G. Kinne be confirmed?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—42.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Eaton, Hayward, Malloy, McArthur, McIntire, Mitchell—8.

The appointment of L. G. Kinne was confirmed.

On the question, "Shall the appointment of John Cowan be confirmed?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman,

Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, McIntire, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—44.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Eaton, Malloy, McIntire, Mitchell—6.

The appointment of John Cownie was confirmed.

The Senate arose from executive session at 2:25.

Senator Ranck called up his motion to reconsider the vote by which Senate file No. 289 was passed and moved its adoption.

Adopted.

Senator Ranck moved to reconsider the vote by which the bill was passed to its third reading.

Carried.

Senator Ranck moved to reconsider the vote by which the amendment to the bill by Senator Pusey was adopted.

Carried.

Senator Pusey asked leave to withdraw the amendment.

Consent granted and amendment was withdrawn.

Senator Pusey offered the following amendment and moved its adoption:

Add to the bill the following: "The superintendent of the school for the deaf shall be proficient in the use of the sign language."

Adopted.

Senator Pusey moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hospers, Hotchkiss, Hurst, Lewis, Lyons, Malloy, McArthur, Mitchell, Mullan, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Eaton, Ellison, Healy, Hobart, Junkin, Kilburn, Lothrop, McIntire, Palmer, Wallace, Wilson, Young of Delaware—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Funk was granted permission to introduce a bill.

#### INTRODUCTION OF BILLS.

By Senator Funk, Senate file No. 294, a bill for an act to provide for the general levy for state purposes for the year 1898 and subsequent years, and to repeal section 1880 of the code, read first and second time.

On request of Senator Funk 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 considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hoppers, Hotchkiss, Junkin, Kilburn, Lewis, Lyons, Malloy, Mitchell, Mullan, Penrose, Perrin, Pusey, Ranck, Wallace, Young of Delaware, Young of Lee—38.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Carney, Eaton, Hurst, Lothrop, McArthur, McIntire, Palmer, Titus, Trewin, Wilson—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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, substitute for Senate file No. 235, a bill for an act to amend sections thirty-eight hundred

and forty-seven (3847) and thirty-eight hundred and forty-nine (3849) of chapter fifteen (15), title eighteen (18) of the code, relating to security for costs.

Also, substitute for Senate file No. 121, an act making appropriations for the penitentiary at Anamosa, Iowa.

Also, substitute for Senate file No. 92, an act making appropriations for the Iowa hospital for the Insane at Mt. Pleasant, Iowa.

Also, substitute for Senate file No. 95, an act making an appropriation for the better support of the state university in its several departments and chairs, and in aid of the income fund.

Also, substitute for Senate file No. 114, an act making an appropriation for the state industrial school, girls' department, at Mitchellville, Iowa.

G. M. TITUS,

*Chairman Senate Committee.*

I. B. SANTEE,

*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, substitute for House file No. 220, a bill for an act to amend section 1782 of the code, relative to life insurance companies and associations.

Also, House file No. 249, an act to legalize the incorporation of the town of Grafton, Worth county, Iowa, the election of its officers and all acts done and ordinances passed by the council of said town.

Also, House file No. 319, an act to amend section fifty-six hundred and sixty-three of the code, relating to the duties of guards at the penitentiaries.

Also, House file No. 335, an act to legalize the acts and ordinances of the town of Winthrop, Iowa.

Also, House file No. 343, an act to amend section 2589 of the code, relating to examination for registration as pharmacists.

Also, House file No. 139, an act to amend sections 2728, 2730, 2731 and 2732 and repeal section 2733 of the code, and enact a substitute therefor, in relation to county high schools.

G. M. TITUS,

*Chairman Senate Committee.*

I. B. SANTEE,

*Chairman House Committee.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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, substitute for

Senate file No. 235, a bill for an act to amend sections thirty-eight hundred and forty-seven (3847) and thirty-eight hundred and forty-nine (3849) of chapter fifteen (15), title eighteen (18) of the code, relating to security for costs.

Also, substitute for Senate file No. 121, an act making appropriations for the penitentiary at Anamosa, Iowa.

Also, substitute for Senate file No. 92, an act making appropriations for the Iowa hospital for the insane at Mount Pleasant, Iowa.

Also, substitute for Senate file No. 95, an act making appropriation for the better support of the state university in its several departments and chairs, and in aid of the income fund.

Also, substitute for Senate file No. 114, an act making appropriation for the state industrial school, girls' department, at Mitchellville, Iowa.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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, substitute for House file No. 54, a bill for an act to repeal section thirteen hundred and forty-seven of the code, relating to the taxing of peddlers, and enact a substitute in lieu thereof.

Also, substitute for House file No. 105, an act amending section twenty-six hundred and eighty-two of the code, relating to annual appropriations for the normal school at Cedar Falls, Iowa.

Also, substitute for House file No. 130, an act making appropriations for the penitentiary at Fort Madison, Iowa.

Also, substitute for House file No. 70, an act making appropriations for the institution for feeble-minded children at Glenwood, Iowa.

Also, House file No. 150, an act to prohibit illegal voting at primary elections and providing penalties therefor.

Also, substitute for House file No. 84, an act making appropriation for college for the blind at Vinton, Iowa.

Also, House file No. 199, an act to amend sections 1305, 1321, 1360, 1361 and 1372 of the code, and provide shorter forms for assessors' books and assessment rolls.

Also, House file No. 99, an act to amend section twenty-seven hundred and thirty-eight of the code, relative to the disbursement of the institute fund.

Also, House file No. 157, an act to amend section 1832 of the code, relative to the issuing of state auditor's certificates to fraternal beneficiary societies, orders or associations.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTEE,  
*Chairman House Committee.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day sent to the governor for his approval, substitute for Senate file No. 235, a bill for an act to amend sections thirty-eight hundred and forty-seven (3847) and thirty-eight hundred and forty-nine (3849), of chapter fifteen (15), title eighteen (18), of the code, relating to security for costs.

Also, substitute for Senate file No. 121, a bill for an act making appropriations for the penitentiary at Anamosa, Iowa.

Also, substitute for Senate file No. 92, a bill for an act making appropriations for the Iowa hospital for the insane at Mount Pleasant, Iowa.

Also, substitute for Senate file No. 95, a bill for an act making appropriation for the better support of the state university in its several departments and chairs, and in aid of the income fund.

Also, substitute for Senate file No. 114, a bill for an act making appropriation for the state industrial school, girls' department, at Mitchelville, Iowa.

G. M. TITUS,  
*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 desires to recall Senate file No. 286, in which the concurrence of the House was asked, for the purpose of correction.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Also:

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



Senate file No. 266, a bill for an act to amend section 2583 of the code, in relation to the practice of medicine.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

The following bills were signed by the President of the Senate:

House file No. 843, substitute House file No. 130, House file No. 157, House file No. 99, substitute House file No. 84, House file No. 249, substitute House file No. 220, House file No. 319, House file No. 335, House file No. 150, substitute House file No. 54, House file No. 139, House file No. 199, substitute House file No. 105.

#### BILLS ON THIRD READING.

On motion of Senator Lewis, House file No. 146, a bill for an act granting the city of Des Moines lots seven and eight, in block thirty-three, in the original town of Fort Des Moines, now Des Moines, for free library purposes under consideration at time of adjournment this morning, was taken up for further consideration.

Senator Lewis 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 Alexander, Allyn, Bell, Berry, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Funk, Garst, Gilbertson, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lewis, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson—37.

The nays were:

Senators Everall, Lothrop, Lyons—3.

Absent or not voting:

Senators Blanchard, Bolter, Byers, Eaton, Finch, Kilburn, McIntire, Mitchell, Young of Delaware, Young of Lee—10.

So the bill, having received a constitutional majority, was declared to have passed the Senate.

Senator Lewis moved to amend the title by adding thereto the words "and making an appropriation therefor."

Adopted.

So the title as amended was agreed to.

#### HOUSE MESSAGES.

Senate file No. 266 was returned to the House upon request.

On motion of Senator Garst, substitute for House file No. 106, a bill for an act making appropriation for the normal school at Cedar Falls, Iowa, with report of committee recommending that same do pass, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

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, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Lyons, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Lee—41.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Druet, Eaton, Kilburn, McIntire, Mitchell, Trewin, Young of Delaware—9.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Garst, Senate file No. 55, a bill for an act making appropriation for Benedict home at Des Moines, Iowa, was taken up for consideration.

Senator Garst moved that the Senate do not concur in the House amendments.

Senator Young of Delaware moved the previous question.

Carried.

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 adoption of the House amendments a roll call was demanded.

On the question, "Shall the House amendments be concurred in?" the yeas were:

Senators Druet, Gorrell, Hobart, Hospers, Hurst, Lothrop, Malloy, Palmer, Perrin, Wallace, Young of Delaware—11.

The nays were:

Senators Alexander, Allyn, Berry, Blanchard, Bolter, Byers, Carney, Carroll, Craig, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Healy, Hotchkiss, Lyons, McIntire, Mitchell, Mullan, Penrose, Pusey, Ranck, Titus, Wilson, Young of Lee—31.

Absent or not voting:

Senators Bell, Blanchard, Cheshire, Eaton, Kilburn, Lewis, McArthur, Trewin—8.

So the House amendments were not concurred in.

On motion of Senator Garst, substitute for House file No. 52, a bill for an act making appropriations for the construction of additional storage building at the soldiers' home at Marshalltown, Iowa, and for the old peoples' building and furnishing the same.

Senator Garst moved to amend by striking out the last line of section 1 and insert the following: "For old peoples' building and furnishing the same \$15,000."

Senator Everall moved that the bill be referred to the Committee on Appropriations.

On objection being made, Senator Everall withdrew his motion.

Senator Young of Delaware moved the previous question.

Carried.

No objection being made, Senator Garst withdrew his amendment.

Senator Garst 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 Alexander, Allyn, Bell, Berry, Bolter, Byers, Carney, Carroll, Cheshire, Craig, Druet, Ellison, Emmert, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—48.

The nays were:

None.

Absent or not voting:

Senators Blanchard and Eaton—2.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Berry moved that the time of adjournment be extended to 5 o'clock.

Carried.

#### BILLS ON THIRD READING.

On motion of Senator Funk, Senate joint resolution No. 5, fixing the compensation and number of employes in the departments of state at the seat of government, with report of joint committee on retrenchment and reform, recommending that the same do pass, was taken up, considered, and the report of the committee adopted.

The joint resolution was read first and second time.

Senator Funk offered the following amendment and moved its adoption.

Strike from the joint resolution, under the heading, "For the office of clerk of supreme court," the second item, "One janitor, at a salary of \$600," and substitute therefor the following: "One janitor, who shall also act as messenger, and who shall also act as janitor of the supreme court room, at a salary of \$600."

Adopted.

Senator Funk moved to amend the joint resolution by striking therefrom the first item under the heading "for the office

of the secretary of state" as follows: "One land clerk at a salary of \$1,000."

Adopted.

Senator Funk moved to further amend the joint resolution by changing the compensation "for additional clerical assistance" under "the executive council" from "\$500" to "\$250."

Adopted.

Senator Lewis offered the following amendment and moved its adoption:

Under item of report "for the state librarian's office" insert after "librarian" "in addition to those provided by law."

Lost.

Senator Bell moved the previous question.

On this question the yeas and nays were demanded.

On the question, "Shall the main question be now put?" the yeas were:

Senators Allyn, Bell, Berry, Bolter, Carroll, Cheshire, Ericson, Everall, Finch, Funk, Garst, Gorrell, Healy, Hurst, Kilburn, Lyons, Malloy, McIntire, Mitchell, Penrose, Trewin, Wilson, Young of Lee—23.

The nays were:

Senators Alexander, Byers, Carney, Craig, Druet, Eaton, Ellison, Emmert, Gilbertson, Harriman, Hayward, Hobart, Hospers, Hotchkiss, Junkin, Lewis, Lothrop, McArthur, Mullan, Palmer, Perrin, Pusey, Ranck, Titus, Wallace—25.

Absent or not voting:

Senators Blanchard and Young of Delaware—2.

The previous question was lost.

Senator Pusey offered the following amendment and moved its adoption:

I move to strike out "\$1,200" as the salary of pardon clerk in office of governor and insert "\$1,500" in lieu thereof.

Senator Bolter moved the previous question.

On this question a roll call was demanded.

On the question, "Shall the main question be now put?" the nays were:

Senators Allyn, Bell, Berry, Bolter, Carroll, Cheshire, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Healy, Hospers, Hotchkiss, Hurst, Kilburn, Lyons, Malloy, McIntire, Penrose, Trewin, Wallace, Wilson, Young of Lee—26.

The nays were:

Senators Alexander, Byers, Carney, Craig, Druet, Eaton, Ellison, Emmert, Harriman, Hayward, Hobart, Junkin, Lewis, Lothrop, McArthur, Mullan, Palmer, Pusey, Ranck, Titus, Young of Delaware—21.

Absent or not voting:

Senators Blanchard, Mitchell, Perrin—3.

The previous question prevailed.

The question recurring on the adoption of the amendment of Senator Pusey, a roll call was demanded.

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

Senators Alexander, Byers, Craig, Druet, Eaton, Ellison, Emmert, Gilbertson, Harriman, Hayward, Healy, Hotchkiss, Junkin, Lewis, Lothrop, McArthur, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Trewin, Wallace, Young of Delaware—25.

The nays were:

Senators Bell, Berry, Bolter, Carney, Carroll, Cheshire, Ericson, Everall, Finch, Funk, Garst, Gorrell, Hospers, Hurst, Kilburn, Lyons, Malloy, McIntire, Wilson, Young of Lee—20.

Absent or not voting:

Senators Allyn, Blanchard, Hobart, Mitchell, Titus—5.

The amendment was adopted.

Senator Funk moved that the rule be suspended, and that the joint resolution be considered engrossed and read a third time now.

On this question a roll call was demanded:

On the question, "Shall the rule be suspended and the joint resolution be considered engrossed and read a third time now?" the yeas were:

Senators Allyn, Bell, Berry, Bolter, Carney, Carroll, Cheshire, Emmert, Ericson, Everall, Finch, Funk, Garst, Gor-

rell, Healy, Hospers, Hotchkiss, Kilburn, Lyons, Malloy, McIntire, Penrose, Trewin, Wallace, Wilson, Young of Lee—26.

The nays were:

Senators Alexander, Byers, Craig, Druet, Eaton, Ellison, Gilbertson, Harriman, Hayward, Hobart, Hurst, Junkin, Lewis, Lothrop, McArthur, Mullan, Palmer, Perrin, Pusey, Young of Delaware—20.

Absent or not voting:

Senators Blanchard, Mitchell, Ranck, Titus—4.

So the motion was lost.

On the question, "Shall the joint resolution be passed to engrossment?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Bolter, Carney, Carroll, Cheshire, Ericson, Everall, Finch, Funk, Garst, Gorrell, Healy, Hospers, Hotchkiss, Kilburn, Lyons, Malloy, McIntire, Palmer, Penrose, Trewin, Wallace, Wilson, Young of Lee—27.

The nays were:

Senators Byers, Craig, Druet, Eaton, Ellison, Emmert, Gilbertson, Harriman, Hayward, Hobart, Junkin, Lewis, Lothrop, McArthur, Mullan, Perrin, Pusey, Ranck, Young of Delaware—19.

Absent or not voting:

Senators Blanchard, Hurst, Mitchell, Titus—4.

The motion to pass to engrossment prevailed.

Senator Berry offered the following motion and moved its adoption:

I move that hereafter speeches be limited to three minutes.

Adopted.

#### REPORT OF SIFTING COMMITTEE.

Senator Berry, from the sifting committee, submitted the following report:

MR. PRESIDENT—Your sifting committee, to whom was referred concurrent resolution for the pardon of Theodore Bushik, beg leave to report 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 considered.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

REPORT OF STANDING COMMITTEE.

Senator Mitchell, from the Committee on Penitentiaries and Pardons, submitted the following report:

MR. PRESIDENT—Your Committee on Penitentiaries and Pardons, to whom was referred the application of Theodore Bushik for pardon, beg leave to report 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 concurrent resolution hereto annexed do pass.

W. O. MITCHELL,  
*Chairman.*

Ordered passed on file.

The concurrent resolution was read for information.

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

Senators Alexander, Allyn, Carney, Carroll, Druet, Ellison, Ericson, Gilbertson, Harriman, Hayward, Hospers, Hotchkiss, Hurst, Kilburn, Lothrop, Lyons, Malloy, McArthur, Mitchell, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—29.

The nays were:

Senators Berry, Bolter, Byers, Cheshire, Craig, Eaton, Emmert, Finch, Hobart, Junkin, Lewis, Ranck—12.

Absent or not voting:

Senators Bell, Blanchard, Everall, Funk, Garst, Gorrell, Healy, McIntire, Mullan—9.

The concurrent resolution was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Senate file No. 225, a bill for an act to amend chapter 4, title 7 of the code, relative to the assessment and collection of the collateral inheritance tax.

JAS. D. BOWEN,  
*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. 213, a bill for an act to quiet the title to certain real estate situated in Washington county, Iowa, and confirm and establish the title in fee simple thereto in A. B. Rogers, in said county.

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. 65, a bill for an act to amend section twenty-seven hundred (2700) of the code, providing for the support of the institution for feeble-minded children.

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. 93, a bill for an act to legalize acknowledgments taken and certified according to the form and provisions of the code of 1873 and by the officers therein authorized to take and certify acknowledgments.

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. 25, a bill for an act to amend section 2536, chapter 14, title 12 of the code, in relation to the state veterinary surgeon.

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:

Substitute for Senate file No. 87, a bill for an act making an appropriation to continue the work on the building for the hospital for the insane at Cherokee.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

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. 264, a bill for an act to legalize the organization of the independent school district of Everly in Clay county, Iowa, and the acts of its board of directors.

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 Senate is asked:

House file No. 344, a bill for an act to legalize the city election of Deep River, Iowa, March 28, 1898, and to legalize certain illegal ballots used in said election.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Senator Trewin moved that when the Senate adjourn it be to meet at 7:30 o'clock this evening.

Carried.

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

Senator Berry submitted report of the sifting committee on joint resolution No. 10, relative to the pardon of Bernard Kennedy, and moved that time of adjournment be extended till completion of consideration of the report and House messages be disposed of.

Carried.

#### REPORT OF SIFTING COMMITTEE.

Senator Berry, from the sifting committee, submitted the following report:

MR. PRESIDENT—Your sifting committee, to whom was referred joint resolution No. 10, for the pardon of Bernard Kennedy, beg leave to report

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 considered.

W. H. BERRY,  
*Chairman.*

Report of committee adopted and the resolution read for information.

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

Senators Alexander, Allyn, Carney, Craig, Druet, Ellison, Ericson, Funk, Garst, Gilbertson, Harriman, Hayward, Healy, Hobart, Hotchkiss, Kilburn, Lothrop, Lyons, Malloy, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—32.

The nays were:

Senators Ball, Berry, Byers, Carroll, Cheshire, Eaton, Finch, Hoppers, Lewis, Ranck—9.

Absent or not voting:

Senators Blanchard, Bolter, Everall, Emmert, Gorrell, Hoppers, Hurst, Junkin, McArthur—9.

The joint resolution was adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Senate file No. 177, a bill for an act to amend section twenty-five hundred and twenty-seven (2527) of the code, relating to the practice of dentistry.

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. 200, a bill for an act to provide for the use of the deputy warden a house, heat and light.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

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. 223, a bill for an act authorizing the executive council to issue and negotiate warrants in anticipation of the revenues of the state.

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:

Substitute for Senate file No. 145, a bill for an act to repeal section twenty-six hundred and thirty-four of the code and to enact a substitute therefor, relating to the state board of educational examiners, and authorizing it to employ a secretary.

JAS. D. ROWEN,

*Chief Clerk.*

Ordered passed on file.

#### HOUSE MESSAGES.

Senate file No. 177, a bill for an act to amend section 2527 of the code, relating to the practice of dentistry, was read.

Senator Eaton moved that the Senate concur in the House amendments.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Byers, Carney, Carroll, Druet, Eaton, Ellison, Ericson, Finch, Funk, Gilbertson, Hariman, Hayward, Healy, Hobart, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyons, Mitchell, Palmer, Penrose, Perrin, Pusey, Titus, Wallace, Young of Lee—31.

The nays were:

None:

Absent or not voting:

Senators Berry, Blanchard, Bolter, Cheshire, Craig, Emmert, Everall, Garst, Gorrell, Hospers, Hurst, Malloy, McArthur, McIntire, Mullan, Ranck, Trewin, Wilson, Young of Delaware—19.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senate file No. 264, a bill for an act to legalize the organization of the independent school district of Everly in Clay county, Iowa, and the acts of its board of directors, was read.

Senator Funk moved that the Senate concur in the House amendments.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carney, Carroll, Druet, Ellison, Ericson, Finch, Funk, Gilbertson, Harriman, Hayward, Healy, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyons, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson—33.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Cheshire, Craig, Eaton, Emmert, Everall, Garst, Gorrell, Hobart, Hospers, Hurst, Malloy, McArthur, Trewin, Young of Lee, Young of Delaware—17.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senate file No. 223, a bill for an act to authorize the executive council to issue and negotiate warrants in anticipation of the revenue of the state, was read.

Senator Funk moved that the Senate concur in the House amendments.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carney, Carroll, Druet, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Harriman, Hayward, Healy, Hobart, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Wallace, Young of Delaware, Young of Lee—36.

The nays were:

None,

Absent or not voting:

Senators Blanchard, Bolter, Cheshire, Craig, Eaton, Emmert, Garst, Gorrell, Hospers, Hurst, McArthur, Ranck, Trewin, Wilson—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

House file No. 349, a bill for an act to legalize the city election of Deep River, Iowa, March 28, 1898, and to legalize certain illegal ballots used in said election, was read first and second time and referred to sifting committee.

Senate file No. 266, a bill for an act to amend section 2583 of the code, in relation to the practice of medicine, was read and passed on file.

Senate file No. 65, a bill for an act to amend section 2700 of the code, providing for the support of the institution for feeble-minded children, was read and passed on file.

Substitute for Senate file No. 145, a bill for an act to repeal section 2634 of the code, and to enact a substitute therefor relating to the state board of educational examiners and authorizing it to employ a secretary, was read and passed on file.

Senate file No. 200, a bill for an act to provide for the use of the deputy warden, house, heat and light, was read and passed on file.

Senate file No. 93, a bill for an act to legalize acknowledgments taken and certified according to the form and provisions of the code of 1873 and by the officers therein authorized to take and certify acknowledgments, was read and passed on file.

Senate file No. 225, a bill for an act to amend chapter four title seven of the code, in relation to the assesment and collection of the collateral inheritance tax, was read and passed on file.

Senate file No. 213, a bill for an act to quiet the title to certain real estate situated in Washington county, Iowa, and confirm and establish the title in fee simple thereto in A. B. Rogers of said county, was read and passed on file.

Senate file No. 25, a bill for an act to amend section 2536, chapter 14, title 12 of the code in relation to the state veterinary surgeon, was read and passed on file.

The time of adjournment having arrived, the President declared the Senate stood adjourned until 7:30 o'clock this evening.

## EVENING SESSION.

Senate met in regular session at 7:30, President Milliman presiding.

## REPORT OF STANDING COMMITTEE.

Senator Garst, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred substitute for House file No. 191, a bill for an act to allow a refund of money to patentees, their heirs and assigns, of certain lands patented by the state of Iowa as school lands, the title to which has failed in said patentee, their heirs or assigns, beg leave to report 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.

WARREN GARST,  
*Chairman.*

Senator Garst moved that the Senate adopt the report of the committee indefinitely postponing substitute for House file No. 191.

On this a roll call was demanded.

On the question, "Shall the Senate adopt the report of the committee indefinitely postponing substitute for House file No. 191, the yeas were:

Senators Alexander, Berry, Carney, Carroll, Craig, Druet, Ericson, Everall, Funk, Garst, Hayward, Hotchkiss, Junkin, Kilburn, Lewis, Lyons, Malloy, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Wallace, Wilson, Young of Lee—28.

The nays were:

Senators Bell, Gilbertson, Healy, Hobart, Hurst, Young of Delaware—6.

Absent or not voting:

Senators Allyn, Blanchard, Bolter, Byers, Cheshire, Eaton, Ellison, Emmert, Finch, Gorrell, Harriman, Hospers, Lothrop, McArthur, Titus, Trewin—16.

So the report of the committee was adopted and the bill was indefinitely postponed.

## REPORT OF SIFTING COMMITTEE.

Senator Berry, from the sifting committee, submitted the following report:

MR. PRESIDENT—Your sifting committee, to whom was referred substitute for Senate file No. 37, a bill for an act to amend section twenty-three hundred and eight, chapter two, of the code, relating to the rate of tax levy for county insane 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 the same be considered.

W. H. BERRY,  
Chairman.

Ordered passed on file.

Substitute for Senate file No. 37, a bill for an act to amend section 2308, chapter 2, of the code, relating to the rate of tax levy for county insane fund, with report of sifting committee recommending it be considered, was taken up and considered.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Carney, Cheshire, Craig, Druet, Ellison, Emmert, Everall, Garst, Gilbertson, Hayward, Healy, Hurst, Kiburn, Lewis, Lyons, Malloy, McArthur, McIotire, Palmer, Penrose, Perrin, Pusey, Ranck, Wilson, Young of Delaware, Young of Lee—28.

The nays were:

Senators Alexander, Berry, Carroll, Eaton, Funk, Harriman, Hotchkiss, Junkin, Mitchell, Mullan, Titus, Wallace—12.

Absent or not voting:

Senators Blanchard, Bolter, Byers, Ericson, Finch, Gorrell, Hobart, Hospers, Lothrop, Trewin—10.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Funk, President *pro tem* presiding.

Also:

MR. PRESIDENT—Your sifting committee, to whom was referred Senate file No. 197, a bill for an act to amend an act of the extra session of the Twenty-sixth General Assembly, entitled "an act to provide for the annotation, indexing and publication and sale of the code and statutes hereinafter enacted," beg leave to report 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 considered.

W. H. BERRY,  
Chairman.

Ordered passed on file.



## REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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, substitute for Senate file No. 260, a bill for an act to amend sections 2812 and 2813 of the code, relating to the issuance of bonds by school corporations and the levy of taxes for the payment thereof.

Also, substitute for Senate file No. 84, an act making appropriations for the orphans' home and home for destitute children.

Also, substitute for Senate file No. 220, an act to make an appropriation to the Iowa state agricultural society

Also, Senate file No. 182, an act to amend section 1610, title 9, chapter 1 of the code, in relation to corporations for pecuniary profit.

Also, substitute for Senate file No. 96, an act to amend section 2644 of chapter 3, title 13 of the code, relating to state university.

Also, substitute for Senate file No. 70, an act making an appropriation to the state college of agriculture and mechanic arts.

G. M. TITUS.  
*Chairman.*

Ordered passed on file.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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, substitute for Senate file No. 70, a bill for an act making an appropriation to the state college of agriculture and mechanic arts.

Also, substitute for Senate file No. 96, an act to amend section 2644 of chapter 3, title 13 of the code, relating to state university.

Also, Senate file No. 182, an act to amend section 1610, title 9, chapter 1 of the code, in relation to corporations for pecuniary profit.

Also, substitute for Senate file No. 220, an act to make an appropriation to the Iowa state agricultural society.

Also, substitute for Senate file No. 84, an act making appropriations for the orphans' home and home for destitute children.

Also, substitute for Senate file No. 260, an act to amend sections 2812 and 2813 of the code, relating to the issuance of bonds by school corporations and the levy of taxes for the payment thereof.

Also, substitute for House file No. 244, a bill for an act to regulate the practice of osteopathy in the state of Iowa.

Also, substitute for House file No. 58, an act making an appropriation for the hospital for the insane at Independence.

Also, House file No. 234, an act to amend section thirteen hundred and forty-six (1346) of the code, relating to taxation of express companies.

Also, House file No. 205, an act authorizing the state librarian to classify and catalogue the books in the state library, and making an appropriation therefor.

Also, House file No. 229, an act to reimburse Bremer county, Iowa, for the maintenance of Mary B. Coburn, Charles E. Coburn and Ada M. Mears, soldiers' orphans at the soldiers' orphans' home at Davenport, Iowa.

Also, substitute for House file No. 108, an act making appropriations for the Iowa industrial school, boys' department, at Eldora, Iowa.

Also, substitute for House file No. 113, an act making appropriations for the Iowa school for the deaf, at Council Bluffs, Iowa.

G. M. TITUS,

*Chairman Senate Committee.*

I. B. SANTEE,

*Chairman House Committee.*

Ordered passed on file.

#### BILLS ON THIRD READING.

Senate file No. 197, a bill for an act to amend an act of the extra session of the Twenty-sixth General Assembly, entitled "An act to provide for the annotation, indexing and publication and sale of the code and statutes hereinafter enacted," with report of committee recommending a substitute, was taken up, considered, and the report of the committee adopted.

The substitute was read.

The substitute was adopted.

Senator McArthur 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, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Funk, Garst, Gilbertson, Harriman, Hayward, Healy, Hobart, Hotchkiss, Hurst, Junkin, Kulburn, Lewis, Lothrop, Lyons, Malloy, McArthur, Mitchell, Mullan, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—41.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Bolter, Finch, Gorrell, Hospers, McIntire, Palmer, Trewin—9.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

RESOLUTION.

Senator Everall offered the following resolution:

*Resolved*, That we, as a body, wish to extend to Lieutenant-Governor Milliman our appreciation of the ability and firmness that he has shown as our presiding officer during the past session, and to tender to him our sincere thanks for his uniform affability, courtesy and fairness. We assure him that he carries with him to his home our best wishes for the future. That when the Twenty-seventh General Assembly shall become a matter of history and we, at our homes, shall by the aid of memory call up its scenes and associations, the recollection of him will be one of the most prominent and pleasant.

*Resolved*, That as a further mark of esteem the Senate hereby present to him the chair he has so ably filled, and the gavel that he has so successfully wielded as presiding officer of the Senate during the Twenty-seventh General Assembly.

Senator Everall moved the adoption of the resolution by a rising vote.

Adopted unanimously.

REPORT OF SIFTING COMMITTEE.

Senator Berry, from the sifting committee, submitted the following report:

MR. PRESIDENT—Your sifting committee, to whom was referred Senate file No. 187, a bill for an act to allow non-residents of the state, whose wages are garnished in this state, the same exemption as is allowed them under the law of the state in which they at the time reside, beg leave to report 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 considered.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

Senate file No. 187, a bill for an act to allow non-residents of the state whose wages are garnished in this state the same exemption as is allowed them under the law of the state in which they at the time reside, with report of committee recommending certain amendments, was taken up, considered, and the report of the committee adopted.

Senator Pusey moved that lines four and five, section one, be amended by striking out the words, "and that the wages earned by him were earned outside of this state."

Adopted.

Senator Pusey moved that said section be further amended by adding at the end thereof the following, "but this section shall not apply to causes of action arising within this state."

Adopted.

The bill as amended was read.

Senator Pusey 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, Byers, Carney, Cheshire, Craig, Druet, Eaton, Ellison, Emnert, Ercison, Everall, Funk, Gilbertson, Harriman, Hayward, Healy, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Malloy, McArthur, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Bell, Berry, Blanchard, Bolter, Carroll, Finch, Garst, Gorrell, Hobart, Hospers, Kilburn, Lyons, McIntire, Trewin—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate.

Also:

MR. PRESIDENT—Your sifting committee, to whom was referred Senate file No. 164, a bill for an act to amend section 5717 of the code, in relation to the wardens of 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 the same be considered.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

Senate file No. 164, a bill for an act to amend section 5717 of the code, in relation to the wardens of the penitentiaries and

their supplies, with report of committee recommending certain amendments, was taken up, considered and the report of the committee adopted.

Senator Ellison moved to amend by adding the words "an allowance for" before the word "provisions," and "not exceeding three hundred dollars per annum" after the word "provision," in line five (5) of the bill.

Adopted.

Senator Ellison 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, Berry, Byers, Carney, Carroll, Cheshire, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Everall, Fulk, Gilbertson, Harriman, Hayward, Healy, Hobart, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, McArthur, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Young of Delaware, Young of Lee—36.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Bolter, Finch, Garst, Gorell, Hoppers, Kilburn, Lyons, Malloy, McIntire, Trewin, Wallace, Wilson—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Also:

MR. PRESIDENT—Your sifting committee, to whom was referred House file No. 181, a bill for an act to provide for the sale and distribution of the laws of Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be considered.

W. H. BERRY,  
*Chairman.*

Ordered passed on file.

House file No. 181, a bill for an act to provide for the sale and distribution of the laws of Iowa, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

Senator Carroll moved that the rule be suspended and that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question, "Shall bill pass?" the yeas were:

Senators Alexander, Allyn, Byers, Carney, Carroll, Craig, Druet, Eaton, Emmert, Ericson, Everall, Funk, Gilbertson, Harriman, Hayward, Healy, Hobart, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—38.

The nays were:

None.

Absent or not voting:

Senators Bell, Berry, Blanchard, Bolter, Cheshire, Ellison, Finch, Garst, Gorrell, Hospers, Junkin, Trewin—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Hayward offered the following resolution:

*Resolved*, That the sifting committee be instructed to report House file No. 15, known as "the barber bill."

Senator Healy moved the point of order that resolution could not be considered now.

The President *pro tem* ruled the point not well taken.

The resolution was laid over under the rule.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 251, a bill for an act to authorize the executive council to pass upon and pay certain claims, the payment of which was provided for by an act of the Twenty-sixth General Assembly, entitled "an act to appropriate money to pay the claims of individuals and counties in Iowa, for making an exhibit at the World's exposition in New Orleans."

Also, Senate file No. 75, an act empowering and directing the state auditor to issue warrants on the state treasurer for the undrawn balance of the annual appropriations to the credit of the state college of agriculture and mechanic arts on September 30, 1897.

Also, Senate file No. 255, an act to legalize the acts of the board of directors of the independent school district of Lincoln, Marion county, Iowa, and of the board of directors of the independent school district of Tracy, Marion county, Iowa, in relation to the transfer of territory from one district to the other, for school purposes.

Also, Senate file No. 167, an act to make an appropriation to further extend the use of the Iowa traveling libraries.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 167, a bill for an act to make an appropriation to further extend the use of the Iowa traveling libraries.

Also, Senate file No. 255, an act to legalize the acts of the board of directors of the independent school district of Lincoln, Marion county, Iowa, and of the board of directors of the independent school district of Tracy, Marion county, Iowa, in relation to the transfer of territory from one district to the other for school purposes.

Also, Senate file No. 75, an act empowering and directing the state auditor to issue warrants on the state treasurer for the undrawn balance of the annual appropriations to the credit of the state college of agriculture and mechanic arts on September 30, 1897.

Also, Senate file No. 251, an act to authorize the executive council to pass upon and pay certain claims, the payment of which was provided for by an act of the Twenty-sixth General Assembly, entitled "An act to appropriate money to pay the claims of individuals and counties in Iowa for making an exhibit at the World's exposition in New Orleans."

Also, substitute for House file No. 156, a bill for an act making appropriations for the fish and game commission of the state of Iowa.

Also substitute for House file No. 52, an act making appropriation for the construction of additional storage building at the soldiers' home at Marshalltown, Iowa, and for the old peoples' building and furnishing the same.

Also, substitute for House file No. 134, an act making an appropriation for the Iowa hospital for the insane at Clarinda, Iowa.

Also, substitute for House file No. 106, an act making appropriations for the normal school at Cedar Falls, Iowa.

Also, substitute for House file No. 155, an act making appropriations for the industrial home for the blind at Knoxville, Iowa.

G. M. TITUS,  
*Chairman Senate Committee.*  
I. B. SANTRE,  
*Chairman House Committee.*

Ordered passed on file.

The President *pro tem* announced that he had signed in the presence of the Senate the following bills:

House file No. 229, substitute for House file No. 58, substitute for House file No. 244, substitute for House file No. 108, substitute for House file No. 113, House file No. 234, House file No. 205, substitute for House file No. 70, substitute for Senate file No. 46, substitute for Senate file No. 84, substitute for Senate file No. 260, substitute for Senate file No. 220, Senate file No. 70, Senate file No. 75, Senate file No. 251, Senate file No. 182, Senate file No. 167, Senate file No. 255.

President Milliman presiding.

#### REPORT OF SIFTING COMMITTEE.

Senator Berry, from the sifting committee, submitted the following report

MR. PRESIDENT—Your sifting committee, to whom was referred substitute for House file No. 265, a bill for an act to amend section 4850 of the code, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be considered.

W. H. BERRY,  
*Chairman.*

#### BILLS ON THIRD READING.

Substitute for House file No. 265, a bill for an act to amend section 4850 of the code, in relation to taking goods from the custody of an officer, with report of committee recommending it do pass, was taken up, considered, and the report of the committee adopted.

The substitute was read.

Senator Healy moved that the rule be suspended, and that the reading just had be the third reading of the bill.

On the question a roll call was demanded.

On the question, "Shall the rule be suspended and the reading just had be considered the third reading?" the yeas were:

Senators Berry, Byers, Carney, Carroll, Eaton, Ellison, Ericson, Gilbertson, Hayward, Healy, Hobart, Hotchkiss, Junkin, Kilburn, Lyons, McIntire, Mitchell, Penrose, Pusey, Titus, Wilson, Young of Delaware—22.

The nays were:

Senators Alexander, Allyn, Craig, Emmert, Harriman, Hurst, Lothrop, Malloy, Mullan, Palmer, Perrin, Ralck, Young of Lee—13.



Absent or not voting:

Senators Bell, Blanchard, Bolter, Cheshire, Druet, Everall, Finch, Funk, Garst, Gorrell, Hospers, Lewis, McArthur, Trewin, Wallace—15.

So the motion was lost.

Senator Healy moved that further consideration of the bill be postponed until 10 o'clock to-morrow.

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 bill, in which the concurrence of the House was asked:

Senate file No. 214, a bill for an act to amend section three thousand, nine hundred and eighty-eight (3988) of the code, relating to levy of attachment or execution on mortgaged personal property.

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 bill, in which the concurrence of the House was asked:

Senate file No. 250, a bill for an act to repeal section 5274 of the code, in relation to indictments and enact a substitute in lieu thereof.

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. 133, a bill for an act to amend section 2336 of the code, relating to registered pharmacists.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has indefinitely postponed the following bill in which the concurrence of the House was asked:

Senate file No. 244, a bill for an act to provide for the condemnation of a fishway, and for the erection of a fishway in the Bonaparte dam; also, making appropriation for the expenses thereof and prescribing penalties for injuring or destroying such fishway.

JAS. D. BOWEN,  
*Chief Clerk.*

Passed on file.

#### HOUSE MESSAGES.

Senate file No. 214, a bill for an act to amend section 3988 of the code, relating to levy of attachment or execution on mortgaged personal property, was read and passed on file.

Senate file No. 250, a bill for an act to repeal section 5274 of the code, in relation to indictments and enact a substitute in lieu thereof, was read and passed on file.

Senate file No. 133, a bill for an act to amend section 2386 of the code, relating to registered pharmacists, was read and passed on file.

Senate file No. 244, a bill for an act to provide for the condemnation of a fishway and for the erection of a fishway in the Bonaparte dam. Also making appropriation for the expenses thereof, and prescribing penalties for injuring or destroying such fishway, was read and passed on file.

#### REPORT OF SIFTING COMMITTEE.

Senator Berry, from the sifting committee, submitted the following report:

MR. PRESIDENT—Your sifting committee, to whom was referred a substitute for joint resolution No. 6, a bill for an act providing for the examination and investigation of county poor houses, beg leave to report 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 considered.

W. H. BERRY,  
*Chairman.*

Substitute for joint resolution No. 6, providing for the examination and investigation of county poor houses, with report of committee recommending a substitute and that same do pass, was taken up, considered, and the report of the committee adopted.

Senator Hobart moved the adoption of the substitute.

Adopted.

Senator Hobart moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Berry, Carney, Carroll, Cheshire, Craig, Druet, Emmert, Ercison, Funk, Garst, Gilbertson, Harriman, Hayward, Healy, Hobart, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, Lyons, Malloy, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware—33.

The nays were:

Senators Bell, Mitchell, Ranck, Wilson, Young of Lee—5.

Absent or not voting:

Senators Blanchard, Bolter, Byers, Eaton, Ellison, Everall, Finch, Gorrell, Hospers, Kilburn, McArthur, McIntire—12.

So the joint resolution, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Carney moved that a committee of two be appointed to conduct the governor of Iowa to the chair.

Carried by a rising vote.

The President appointed as such committee, Senators Carney and Everall.

The committee escorted Governor Shaw to the chair.

President Milliman introduced the governor to the Senate, whereupon the governor addressed the Senate.

#### REPORT OF STANDING COMMITTEE.

Senator Garst, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 253, a bill for an act to provide for the publication of the proceedings of the semi-centennial celebration at Burlington, Iowa, in October, 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 be indefinitely postponed.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 169, a bill for an act entitled "An act authorizing the state librarian to classify and catalogue the books in the state library and making an appropriation 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 indefinitely postponed.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 48, a bill for an act making appropriations for the support of the Iowa soldiers' home at Marshalltown, Iowa, for the construction of certain buildings, and making certain 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 242, a bill for an act to amend section twenty-six hundred and ninety-one (3691) of chapter six (6) of the code, in relation to the support of 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 the same be indefinitely postponed.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 149, a bill for an act making an appropriation and providing for the erection of monuments in memory of the Iowa troops on Lookout Mountain and Missionary Ridge, the battles of Chattanooga, beg leave to report 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 141, a bill for an act appropriating additional money for an exhibit of the resources of the state of Iowa at the trans-Mississippi and international exposition, to be held at Omaha in the year 1898, beg leave to report 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred Senate file No. 143, a bill for an act making an appropriation for the womens' and babies' home association of Sioux 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 same be indefinitely postponed.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 115, a bill for an act to further provide for the erection of a historical, memorial and art building, beg leave to report 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 147, a bill for an act to authorize the executive council to purchase and abate the dam across the Des Moines river at Bonaparte, beg leave to report 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.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 199, a bill for an act amending section twenty-six hundred and eight (2608) of the code, relating to support for the Iowa

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 same be indefinitely postponed.

WARREN GAEST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 50, a bill for an act providing for compensation of members of the joint committee, appointed at the extra session of the Twenty-sixth General Assembly, for the purpose of investigating the state institutions, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

WARREN GAEST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 227, a bill for an act making appropriations to be expended by the fish and game warden of the state of Iowa, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

WARREN GAEST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 165, a bill for an act making an appropriation for the hospital for the insane at Independence, beg leave to report 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.

WARREN GAEST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 130, a bill for an act making appropriations for the industrial home for the blind at Knoxville, 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 be indefinitely postponed.

WARREN GAEST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 117, a bill for an act making an appropriation for the Iowa hospital for the insane at Clarinda, 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 be indefinitely postponed.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 91, a bill for an act making appropriations for the normal school at Cedar Falls, 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 be indefinitely postponed.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also.

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 94, a bill for an act making appropriations for the Iowa industrial school, boys' department, at Eldora, 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 be indefinitely postponed.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 112, a bill for an act making appropriations for the penitentiary at Fort Madison, 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 be indefinitely postponed.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 82, a bill for an act making appropriations for the Iowa school for the deaf at Council Bluffs, 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 be indefinitely postponed.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 74, a bill for an act making an appropriation for the college for the blind at Vinton, 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 be indefinitely postponed.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 90, a bill for an act amending section 2682 of the code, relating to annual appropriations for the normal school at Cedar Falls, 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 be indefinitely postponed.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 66, a bill for an act making appropriations for the institution of feeble-minded children 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 be indefinitely postponed.

WARREN GARST,  
*Chairman.*

Ordered passed on file.

#### REPORT OF SIFTING COMMITTEE.

Senator Berry, from the sifting committee, submitted the following report:

MR. PRESIDENT—Your sifting committee, to whom was referred House file No. 217, a bill for an act to repeal section 5016 of the code, relating to dead swine, and to enact a substitute therefor, beg leave to report that



they have had the same under consideration and have instructed to me report the same back to the Senate with the recommendation that the same be considered.

W. H. BERRY,  
*Chairman.*

Adopted.

The report of the Committee on Agriculture, recommending that the bill do pass, was read and adopted.

Senator Harriman moved that the rule be suspended and the bill be 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:

Senator Alexander, Allyn, Bell, Berry, Byers, Carroll, Cheshire, Craig, Druet, Eaton, Emmert, Ericson, Everall, Funk, Gilbertson, Harriman, Hayward, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, Mitchell, Mullan, Palmer, Penrose, Perrin, Ranck, Trewin, Wallace, Wilson, Young of Delaware, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Carney, Ellison, Finch, Garst Gorrell, Healy, Hospers, McArthur, McIntire, Pusey, Titus—13.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Also:

MR. PRESIDENT—Your sifting committee, to whom was referred House file No. 194, a bill for an act to amend section 1436 of the code, relating to redemption of land from tax sale, beg leave to report 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 considered.

W. H. BERRY,  
*Chairman.*

The report of the committee was adopted and the bill taken up for consideration.

The report of the Committee on Ways and Means, recommending that the bill do pass, was read and adopted.

Senator Funk moved that the rule be suspended, and the bill 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, Craig, Druet, Eaton, Ellison, Emmert, Ericson, Funk, Gilbertson, Harriman, Hayward, Healy, Hobart, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—37.

The nays were:

None.

Absent or not voting:

Senators Berry, Blanchard, Bolter, Everall, Finch, Garst, Gorrell, Hoppers, McArthur, McIntire, Ranck, Trewin—13.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Also:

MR. PRESIDENT—Your sifting committee, to whom was referred House file No. 39, a bill for an act to amend section 683, chapter 3, title 5, of the code of Iowa, in relation to appropriating money in 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 same be considered.

W. H. BERRY,  
*Chairman.*

The report of the committee was adopted and the bill taken up for consideration.

The question being on the adoption of the Committee on Cities and Towns, recommending certain amendments and when so amended it do pass, same was adopted.

Senator Pusey moved the adoption of the first committee amendment as follows: That the title be amended by insert ing after the word "section" the words: "six hundred and eighty three," and that the figures "683" be enclosed in parentheses.

Adopted.

Senator Pusey moved the adoption of the second committee amendment as follows: That section one be amended by strik-

ing out the figures "683" and inserting in lieu thereof the words "six hundred and eighty-three."

Adopted.

Senator Pusey moved the adoption of the third committee amendment as follows: That section one be further amended by striking out the word "but" in line three and commencing the word "in" following with a capital "I."

Adopted.

Senator Titus moved the previous question.

Carried.

The bill was read for information.

Senator Penrose moved that the Senate do now adjourn.

No objection being made same was withdrawn.

Senator Pusey moved that the rule be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Allyn, Bell, Berry, Byers, Carney, Carroll, Craig, Druet, Emmert, Ericson, Funk, Gilbertson, Hayward, Hobart Hotchkiss, Junkin, Lothrop, Lyons, Malloy, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Young of Delaware, Young of Lee—30.

The nays were:

Senators Cheshire, Garst, Healy, Kilburn, Lothrop, Trewin, Wilson—7.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Eaton, Ellison, Everall, Finch, Gorrell, Harriman, Hospers, Hurst, McArthur, McIntire—13.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Also:

MR. PRESIDENT—Your sifting committee, to whom was referred House file No. 339, a bill for an act to amend sections 4259 and 2930 of the code, relating to the partition of real estate and to transfers in the county auditors' office, and to make transfers by partition a matter of record in the office of the county recorder and county auditor, beg leave to report 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 considered.

W. H BERRY,  
*Chairman.*

Report being adopted, the bill was taken up for consideration.

The bill was read for information.

On motion of Senator Mullan, the further consideration of the bill was deferred until to-morrow morning at 10 o'clock.

Senator Berry, from the sifting committee, returned House file No. 161, a bill for an act to amend section 4606, title 1, chapter 23, of the code, in relation to husband and wife as witnesses, without report.

The question being, "Shall the Senate recede from its amendment?" the motion was lost.

The President appointed as a conference committee on the part of the Senate upon this bill, Senators Ranck, Healy, Finch, Berry and Cheshire.

Senator Berry, from the sifting committee, returned House file No. 185, a bill for an act for the relief of James F. Ward, without report.

The bill was read for information.

Senator Mullan moved that further consideration of the bill be deferred until 9:30 o'clock to-morrow morning.

Carried.

Senator Penrose moved that the Senate do now adjourn.

Carried.

Senate adjourned.

SENATE CHAMBER,  
DES MOINES, IOWA, Thursday, March 31, 1898. }

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

Prayer was offered by Rev. D. McPherson of Des Moines.

RESOLUTIONS.

Senator Ericson introduced the following resolution:

*Resolved by the Senate, the House concurring,* That the President of the Senate and the Speaker of the House appoint a committee of two on the part of the House and two on the part of the Senate, to inform the governor that the general assembly is ready to adjourn without date, and ascertain if he has any communication to make to the general assembly before adjournment.

Action on same deferred for a short time.

JOINT RESOLUTION NO. 7.

Senator Everall introduced the following joint resolution, supplying missing codes to members of the general assembly:

WHEREAS, The codes furnished by the secretary of state to Senators Byers, Lyons and Cheshire have been taken from their desks by persons unknown, and cannot be found, therefore be it

*Resolved by the General Assembly of the State of Iowa,* That the secretary of state is hereby authorized to supply codes to the Senators named in place of those that are missing.

Resolution read first and second time by its title.

Resolution read for information.

Senator Everall moved that the rules be suspended, the joint resolution be considered engrossed, and the reading just had be the third reading, which motion prevailed.

On the question, "Shall the joint resolution No. 7 be adopted?" the yeas were:

Senators Alexander, Allyn, Byers, Carroll, Craig, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Healy, Hobart, Hospers, Hotchkiss, Hurst, Kilburn,

Lewis, Lothrop, Malloy, Mitchell, Mullan, Palmer, Penrose, Perrin, Pusey, Wallace, Wilson—31.

The nays were:

None.

Absent or not voting:

Senators Bell, Berry, Blanchard, Bolter, Carney, Cheshire, Druet, Ellison, Emmert, Finch, Junkin, Lyons, McArthur, McIntire, Ranck, Titus, Trewin, Young of Delaware, Young of Lee—19.

So the joint resolution, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Hayward called up resolution filed last evening relating to taking barbering bill from hands of sifting committee, and moved its adoption.

The President ruled that it will take a two-thirds vote to adopt the resolution.

On the question of adopting the resolution a roll call was demanded.

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

Senators Bell, Byers, Hayward, Hobart, Hurst, Malloy, Palmer, Perrin, Ranck, Titus, Wilson, Young of Delaware, Young of Lee—13.

The nays were:

Senators Alexander, Allyn, Berry, Carney, Cheshire, Craig, Eaton, Ellison, Ericson, Everall, Funk, Garst, Gorrell, Healy, Hospers, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Mitchell, Mullan, Pusey—23.

Absent or not voting:

Senators Blanchard, Bolter, Carroll, Druet, Emmert, Finch, Gilbertson, Harriman, Lyons, McArthur, McIntire, Penrose, Trewin, Wallace—14.

The resolution was lost.

Senator Carney filed the following explanation of his vote on the barbering bill:

MR. PRESIDENT—I vote “nay” for the reason that it is quite impossible at this hour, so near adjournment at noon to-day, to consider any new bills.

J. L. CARNEY.

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. 274, a bill for an act to legalize the levy of certain taxes for road purposes by the trustees of Morning Sun township in Louisa county.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to concur in Senate amendments to which the concurrence of the House was asked:

Substitute for House file No. 146, a bill for an act granting the city of Des Moines lots seven (7) and (8), of block thirty-three (33), of the original town of Fort Des Moines, now included in the city of Des Moines, Polk county, Iowa.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has receded from its amendments to Senate file No. 55, a bill for an act making appropriations for the Benedict home at Des Moines Iowa.

JAS. D. ROWEN,  
*Chief Clerk.*

Passed on file.

CONCURRENT RESOLUTION.

Senator Lewis offered the following concurrent resolution:

*Resolved by the Senate, the House concurring,* That not more than \$1,000 per annum for maintenance of the secretary's office and not more than \$400 per annum for superintendent and labor for care of grounds, be paid from any state appropriation for the benefit of the state agricultural society.

Senator Junkin moved that the resolution go over, under the rules.

Senator Lewis moved that the rules be suspended and that the resolution be taken up now.

On this a roll call was demanded.

On the question, "Shall the rule be suspended and the resolution taken up now?" the yeas were:

Senators Hurst, Kilburn, Lewis, Mullan, Ranck—5.

The nays were:

Senators Alexander, Allyn, Byers, Carney, Cheshire, Craig, Ericson, Everall, Funk, Gilbertson, Gorrell, Harriman, Hayward, Hobart, Hespers, Hotchkiss, Junkin, Lothrop, Lyons, Mitchell, Palmer, Penrose, Perrin, Wilson, Young of Delaware, Young of Lee—26.

Absent or not voting:

Senators Bell, Berry, Blanchard, Bolter, Carroll, Druet, Eaton, Ellison, Emmert, Finch, Garst, Healy, Malloy, McArthur, McIntire, Pusey, Titus, Trewin, Wallace—19.

So the motion was lost.

#### HOUSE MESSAGES.

Senate file No. 55, a bill for an act making an appropriation for Benedict home, at Des Moines, Iowa, was read and passed on file.

Substitute for Senate file No. 146, a bill for an act granting the city of Des Moines, lots 7 and 8 of block 33 of the original town of Fort Des Moines, now included in the city of Des Moines, Polk county, Iowa, was read and passed on file.

Senate file No. 274, a bill for an act to legalize the levy of certain taxes for road purposes by the trustees of Morning Sun township, Louisa county, Iowa, was read and passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day sent to the governor for his approval, substitute for Senate file No. 220, a bill for an act to make an appropriation to the Iowa state agricultural society.

Also, substitute for Senate file No. 96, a bill for an act to amend section 2644 of chapter 3, title 13 of the code, relating to the state university.



Also, substitute for Senate file No. 70, a bill for an act making an appropriation to the state college of agriculture and mechanic arts.

Also Senate file No. 182, a bill for an act to amend section 1610, title 9, chapter 1, of the code, in relation to corporations for pecuniary profit.

Also, substitute for Senate file No. 84, a bill for an act making appropriations for the orphans' home and home for destitute children.

Also, substitute for Senate file No. 260, a bill for an act to amend sections 2812 and 2813 of the code, relating to the issuance of bonds by school corporations and the levy of taxes for the payment thereof.

Also, Senate file No. 251, a bill for an act to authorize the executive council to pass upon and pay certain claims, the payment of which was provided for by an act of the Twenty-sixth General Assembly, entitled "An act to appropriate money to pay the claims of individuals and counties in Iowa, for making an exhibit at the World's exposition in New Orleans."

Also, Senate file No. 75, a bill for an act empowering and directing the state auditor to issue warrants on the state treasurer for the undrawn balance of the annual appropriations to the credit of the state college of agriculture and mechanic arts on September 30, 1897.

Also, Senate file No. 167, a bill for an act to make an appropriation to further extend the use of Iowa traveling libraries.

Also, Senate file No. 255, a bill for an act to legalize the acts of the board of directors of the independent school district of Lincoln, Marion county, Iowa, and of the board of directors of the independent school district of Tracy, Marion county, Iowa, in relation to the transfer of territory from one district to the other for school purposes.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS.

Senator Finch, from the Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT—Your Committee on Engrossed Bills, to whom was referred joint resolution No. 5, a bill for an act fixing the number and compensation of employes in the departments of state at the seat of government, beg leave to report that they have had the same under consideration and find said resolution properly engrossed, and hereby enclose said engrossed bill.

P. FINCH,  
*Chairman.*

Ordered passed on file.

#### RESOLUTION.

Senator Carney offered the following concurrent resolution:

*Resolved by the Senate, the House concurring, That H. C. Windsor, clerk in document room, be authorized to keep in employ for two weeks after*

adjournment of this session, the two assistants who were authorized to be employed in that room (or two others if the persons named cannot remain), in order to finish the work caused by the session and to forward to members the books and packages left in the document room to be forwarded.

The said two assistants shall be paid from the appropriation made to pay extra employes appointed for the Twenty-seventh General Assembly.

J. L. CARNEY,  
THOS. A. CHESHIRE,  
J. H. TREWIN,  
*Committee for Senate.*  
M. K. WHELAN,  
H. H. BRIGHTON,  
C. F. JOHNSTON,  
*Committee for House.*

Adopted.

#### BILLS ON THIRD READING.

Senator Funk moved that joint resolution No. 5 be read now.

Carried.

Joint resolution was read a third time now.

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

Senators Allyn, Bell, Berry, Cheshire, Ericson, Everall, Finch, Funk, Garst, Gorrell, Healy, Hospers, Kilburn, Lyons, Malloy, McIntire, Mitchell, Penrose, Ranck, Trewin, Wallace, Young of Lee—22.

The nays were:

Senators Alexander, Byers, Craig, Eaton, Ellison, Gilbertson, Harriman, Hobart, Hotchkiss, Hurst, Junkin, Lewis, Lothrop, McArthur, Mullan, Palmer, Perrin, Pusey, Young of Delaware—19.

Absent or not voting:

Senators Blanchard, Bolter, Carney, Carroll, Druet, Emmert, Hayward, Titus, Wilson—9.

So the joint resolution, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Berry offered the following substitute for concurrent resolution, relative to retaining certain employes of the Senate and House after final adjournment:

*Resolved by the Senate, the House concurring,* That the Secretary of the Senate and Chief Clerk of the House, the engrossing clerks of the Senate and the House, the file clerks of the Senate and the House, the postmistress and the mail carrier be requested to remain on duty for a period of two days after the adjournment of the Twenty-seventh General Assembly for the purpose of arranging and preserving the records of this session, closing up the business of their respective offices, and forwarding to the members their mail, and that they receive the same per diem for such services as is now allowed them by law.

Adopted.

Senator Berry moved that the Senate take a recess until convened by the President.

Carried.

Senate reconvened, 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 passed the following bill, in which the concurrence of the House was asked:

Senate file No. 113, a bill for an act to amend section twenty-five hundred and eight (2508) of the code, in relation to the specific gravity and inspection of petroleum products.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

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. 71, a bill for an act to amend section three thousand eighty-nine (3089) of the code, relating to liens.

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. 294, a bill for an act to provide for a general levy for state purposes for 1898 and subsequent years, and to repeal section 1380 of the code.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker of the House has appointed as its conference committee on House file No. 161, Messrs. Davis, Whelan, Edwards and Porter.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

MESSAGE FROM THE GOVERNOR.

Private Secretary Fleming appeared at the door of the Senate and presented a message from the governor, which was passed on file.

President Milliman presiding.

REPORT OF CONFERENCE COMMITTEE.

The conference committee on House file No. 161 submitted the following report:

MR. PRESIDENT—Your committee on conference, to whom was referred House file No. 161, a bill for an act to amend section forty-six hundred and six (4606), chapter one (1), title twenty-three (23), of the code, in relation to husband and wife as witnesses, beg leave to report that they have had the same under consideration and have agreed upon the following report:

That the bill be amended by inserting between the words "of" and "fraud" in the sixth line thereof the following words: "want of consideration or," and that when so amended the bill do pass.

C. S. RANCK,  
W. H. BERRY,  
THOS. D. HVALY,  
P. FINCH,  
THOS. A. CHESHIRE,  
*Conferees of the Senate.*

W. T. DAVIS,  
C. R. PORTER,  
JOE A. EDWARDS,  
*Conferees of the House.*

Ordered passed on file.

Senator Malloy filed the following statement to be printed in the Journal:

MR. PRESIDENT—Having been absent at the time the final vote was taken upon Senate file No. 201, and upon the substitute for Senate file No. 35, I desire the Journal to show that had I been present when these votes were taken I should have voted "aye" in each instance.

F. E. MALLOY.

Senator Titus moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

Senate file No. 113, a bill for an act to amend sections 2508 of the code, in relation to the specific gravity and inspection of petroleum products, was read and passed on file.

Senate file No. 294, a bill for an act to provide for a general levy for state purposes for 1898 and subsequent years, and to repeal section 1880 of the code, was read and passed on file.

Senate file No. 71, a bill for an act to amend section 3089 of the code, relating to liens, was read and passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 25, a bill for an act to amend section twenty-five hundred and thirty-six (2536), chapter fourteen (14), title twelve (12), of the code, in relation to the state veterinary surgeon.

Also, Senate file No. 223, an act authorizing the executive council to issue and negotiate warrants in anticipation of the revenues of the state.

Also, Senate file No. 213, an act to quiet the title to certain real estate, situated in Washington county, Iowa, and confirm and establish the title in fee simple thereto in A. B. Rogers in said county.

Also, Senate file No. 177, an act to amend section twenty-five hundred and ninety-seven (2597) of the code, relating to the practice of dentistry.

Also, Senate file No. 200, an act to provide for the use of the deputy warden a house, heat and light.

Also, Senate file No. 93, an act to legalize acknowledgments taken and certified according to the form and provisions of the code of 1873, and by the officers therein authorized to take and certify acknowledgments.

Also, Senate file No. 264, an act to legalize the organization of the independent school district of Everly, in Clay county, Iowa, and the acts of its board of directors.

Also, Senate file No. 225, an act to amend chapter four, title seven, of the code, relative to the assessment and collection of the collateral inheritance tax.

Also, substitute for Senate file No. 145, a bill for an act to repeal section twenty-six hundred and thirty-four of the code, and to enact a substitute

therefor, relating to the state board of educational examiners, and authorizing it to employ a secretary.

Also, substitute for Senate file No. 67, an act making an appropriation to continue the work on the building for the hospital for the insane at Cherokee.

Also, Senate file No. 65, an act to amend section 2700 of the code, providing for the support of the institution for feeble-minded children.

Also, substitute for Senate file No. 37, an act to amend section 2308, chapter two, of the code, relating to the rate of tax levy for county insane fund.

Also, Senate file No. 214, an act to amend section 3988 of the code, relating to the levy of attachment or execution on mortgaged personal property.

Also, Senate file No. 250, an act to repeal section 5274 of the code, in relation to indictments, and to enact a substitute in lieu thereof.

Also, Senate file No. 133, an act to amend section 2386 of the code, relating to registered pharmacists.

G. M. TITUS,  
*Chairman Senate Committee.*

J. L. GIESLER,  
*Chairman pro tem. House Committee.*

Ordered passed on file.

#### BILLS ON THIRD READING.

On motion of Senator Ranck, House file No. 161, a bill for an act to amend section 4606, chapter 1, title 23 of the code, in relation to husband and wife as witnesses, with report of conference committee recommending certain amendments and that when so amended the bill do pass, was taken up, considered, and the report of the committee adopted.

Senator Ranck moved that the rule be suspended, and that the bill be 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 Bell, Byers, Carney, Cheshire, Druet, Eaton, Ellison, Ericson, Finch, Gilbertson, Harriman, Hayward, Healy, Hobart, Hurst, Junkin, Lothrop, Malloy, McArthur, Mitchell, Mullan, Penrose, Perrin, Pusey, Ranck, Titus, Wilson—27.

The nays were:

None.

Absent or not voting:

Senators Alexander, Allyn, Berry, Blanchard, Bolter, Carroll, Craig, Emmert, Everall, Funk, Garst, Gorrell, Hoppers, Hotch-

kiss, Kilburn, Lewis, Lyons, McIntire, Palmer, Trewin, Wallace, Young of Delaware, Young of Lee—23.

The bill, having received a constitutional majority, was declared to have passed the Senate.

MESSAGE FROM THE GOVERNOR.

The following message from the governor was taken up, read and passed on file:

*To the Senate:*

I have the honor to inform the Senate that the following bills, originating in your honorable body, have been by me approved, signed and filed in the office of the secretary of state since my last communication of March 22:

Senate file No. 192, an act to amend sections 742, 744 and 747, chapter 5, title 5 of the code, relating to the purchase and construction of water-works.

Senate file No. 16, an act to repeal section 1661, chapter 3 of the code, relating to agricultural and horticultural societies, etc., and enacting a substitute therefor.

Senate file No. 30, an act to compensate A. T. Birchard as acting commandant of the Iowa soldiers' home.

Senate file No. 100, an act to amend chapter 9, title 12 of the code, in relation to the use of oil in coal mines.

Senate file No. 102, an act to legalize conveyances of real property by executors or trustees under foreign wills.

Senate file No. 120, an act to require boards of school directors to fence schoolhouse sites.

Senate file No. 189, an act to legalize the election and the proceedings of the town council of the town of Patterson, Madison county, Iowa.

Senate file No. 205, an act to amend section 2503 of the code, relating to the inspection of petroleum products.

Senate file No. 207, an act to legalize the levy and collection of a tax for schoolhouse fund, in the year 1896, in the independent school district of Lincoln Center, No. 5, Pottawattamie county, and the division and use of such tax to the teachers' and contingent fund of said independent school district.

Senate file No. 209, an act to legalize the organization of the Grundy county agricultural society, of Grundy county, Iowa.

Senate file No. —, an act to legalize the acts, proceedings and ordinances of the incorporated town of Lenox.

Senate file No. 201, an act to create a state board of control and to provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions, and to make an

appropriation therefor, and for the defining of certain offenses and providing penalties therefor.

Senate file No. 202, an act making an appropriation for the purchase of fifteen thousand railroad commissioners' official maps, to be distributed by the members of the general assembly, and also railroad commissioners.

Senate file No. 249, an act to legalize the acts of the board of directors of the independent school district of Elma.

Senate file No. 116, an act amending sections 2539, 2540 and 2559 of the code, relating to fish and game

Senate file No. 80, an act to amend section 407 of the code, relating to the redemption of county bonds.

Senate file No. 4, an act to amend section 104 of the code, relating to interest on state warrants.

Senate file No. 6, an act to amend the title of chapter 6, title 13 of the code, and to amend sections 2683, 2685, and 2692 of said chapter, in relation to the orphans' home and home for destitute children, at Davenport.

Senate file No. 19, an act to define the jurisdiction of courts in counties bordering on the Missouri river.

L. M. SHAW.

The President announced that he had signed in the presence of the Senate the following bills:

Substitute for House file No. 156, substitute for House file No. 155, substitute for House file No. 106, substitute for House file No. 134, substitute for House file No. 52, Senate file No. 133, Senate file No. 65, Senate file No. 214, Senate file No. 177, Senate file No. 200, Senate file No. 213, substitute for Senate file No. 145, Senate file No. 25, Senate file No. 250, Senate file No. 93, Senate file No. 264, substitute for Senate file No. 37, Senate file No. 223 and substitute for Senate file No. 67.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day sent to the governor for his approval, Senate file No. 214, a bill for an act to amend section 3988 of the code, relating to levy of attachment or execution on mortgaged personal property.

Also, Senate file No. 250, a bill for an act to repeal section 5274 of the code, in relation to indictments, and enact a substitute in lieu thereof.

Also, Senate file No. 133, a bill for an act to amend section 2386 of the code, relating to registered pharmacists.

Also, Senate file No. 25, a bill for an act to amend section 2536, chapter 14, title 12, of the code, in relation to the state veterinary surgeon.



Also, Senate file No. 223, an act authorizing the executive council to issue and negotiate warrants in anticipation of the revenues of the state.

Also, Senate file No. 213, an act to quiet the title to certain real estate situated in Washington county, Iowa, and confirm and establish the title in fee simple thereto in A. B. Rogers, in said county.

Also, Senate file No. 177, a bill for an act to amend section twenty-five hundred and ninety-seven of the code, relating to the practice of dentistry.

Also, Senate file No. 200, an act to provide for the use of the deputy warden a house, heat and light.

Also, Senate file No. 93, an act to legalize acknowledgments taken and certified according to the form and provisions of the code of 1873, and by the officers therein authorized to take and certify acknowledgments.

Also, Senate file No. 264, an act to legalize the organization of the independent school district of Everly, in Clay county, Iowa, and the acts of its board of directors.

Also, Senate file No. 225, a bill for an act to amend chapter four, title seven, of the code, relative to the assessment and collection of the collateral inheritance tax.

Also, Senate file No. 65, a bill for an act to amend section 2700 of the code, providing for the support of the institution for feeble-minded children.

Also, substitute for Senate file No. 145, a bill for an act to repeal section 2634 of the code, and to enact a substitute therefor, relating to the state board of educational examiners, and authorizing it to employ a secretary.

Also, substitute for Senate file No. 67, a bill for an act making an appropriation to continue the work on the building for the hospital for the insane at Cherokee.

Also, substitute for Senate file No. 37, an act to amend section 2308, chapter 2 of the code, relating to the rate of tax levy for county insane fund.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### RESOLUTIONS.

Senator Titus called up the concurrent resolution in relation to the commission on the Trans-Mississippi exposition at Omaha.

Senator Pusey offered the following amendment:

Strike the word "January" from the last line and insert in lieu thereof the word "April."

Lost.

On the question, "Shall the concurrent resolution be adopted?" same was adopted.

REPORTS OF STANDING COMMITTEES.

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

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred House file No. 148, a bill for an act to facilitate the drainage of wet lands and provide a more equitable apportionment of the taxes incident to such work, and to repeal sections 1940 and 1946 of the code and enact a substitute therefor, and to amend section 1941 of the code, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate without recommendation.

W. F. HARRIMAN,  
*Chairman.*

Ordered passed on file.

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

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred concurrent resolution by the House, in reference to endorsing the action of the president of the United States, beg leave to report that the same has been referred to the sifting committee without recommendation.

W. C. HAYWARD,  
*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 bill, in which the concurrence of the House was asked:

Senate file No. 289, a bill for an act fixing the salary of the chief executive officers of certain state institutions, and defining the qualifications of the superintendent of the school for the deaf.

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 joint resolution, in which the concurrence of the House was asked:

Joint resolution No. 7, supplying missing codes to members of the general assembly.

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. 281, a bill for an act making an appropriation for the payment of indebtedness of the school for the deaf.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered 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. 161, a bill for an act to amend section 4606 of the code, in relation to husband and wife as witnesses.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

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

#### HOUSE MESSAGES.

Joint resolution No. 7, supplying missing codes to members of the general assembly, was read and passed on file.

Senate file No. 289, a bill for an act fixing the salary of the chief executive officers of certain state institutions, and defining the qualifications of the superintendent of the school for the deaf, was read and passed on file.

Senate file No. 281, a bill for an act making an appropriation for the payment of indebtedness of the school for the deaf, was read and passed on file.

Message from the House that the report of conference committee on House file No. 161, a bill for an act to amend section 4606 of the code, in relation to husband and wife as witnesses, had been adopted; was read and passed on file.

#### BILLS ON THIRD READING.

House file No. 185 was taken up for further consideration.

Senator Ericson moved that the rule be suspended, and that the bill be 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, Craig, Ericson, Everall, Garst, Gorrell, Harriman, Hayward, Hobart, Junkin, Lothrop, Mullan, Palmer, Penrose, Perrin, Titus—17.

The nays were:

Senators Berry, Carney, Druet, Ellison, Finch, Healy, Hoppers, Hotchkiss, Kilburn, Lyons, Malloy, McArthur, McIntire, Ranck, Young of Delaware—15.

Absent or not voting:

Senators Bell, Blanchard, Bolter, Byers, Carroll, Cheshire, Eaton, Emmert, Funk, Gilbertson, Hurst, Lewis, Mitchell, Pusey, Trewin, Wallace, Wilson, Young of Lee—18.

So the bill failed to pass.

#### JOINT RESOLUTION NO. 8.

Senator Berry offered the following joint resolution relative to the sale of the building on the state armory site in Des Moines, Iowa, and the disposition of the funds received for same:

WHEREAS, The sale of the lots on which the armory building is located has been authorized, and

WHEREAS, The building has been reserved to the state, and the state is under obligations to remove the same from the lot, therefore,

*Resolved by the General Assembly of the State of Iowa,* That the executive council be, and they are hereby authorized, to sell said building, and use the proceeds thereof for the benefit of the Iowa national guard.

Read first and second time by its title.

Resolution read for information.

Senator Berry moved that the rule be suspended, and that the joint resolution be considered engrossed and the reading just had be the third reading of the joint resolution, which motion prevailed.

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

Senators Alexander, Allyn, Berry, Byers, Carney, Cheshire, Craig, Ellison, Ericson, Finch, Funk, Garst, Gilbertson, Gorrell, Harriman, Hayward, Hoppers, Hotchkiss, Hurst,

Junkin, Lothrop, Malloy, McArthur, McIntire, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Wallace—31.

The nays were:

Senators Bolter, Everall, Lyons, Wilson, Young of Lee—5.

Absent or not voting:

Senators Bell, Blanchard, Carroll, Druet, Eaton, Emmert, Healy, Hobart, Kilburn, Lewis, Mitchell, Titus, Trewin, Young of Delaware—14.

So the joint resolution, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

The President announced that he had signed the following bills in the presence of the Senate:

House file No. 217, House file No. 194, House file No. 39 and joint resolution No. 10.

The President announced that he had signed in the presence of the Senate, House file No. 165.

#### 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. 280, a bill for an act amending section twenty-six hundred and ninety-one (2691) of the code, in relation to the support of the orphans' home and home for destitute children.

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. 283, a bill for an act to amend section twenty-six hundred and eight (2608) of the code, in relation to the support of the soldiers' home.

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. 282, a bill for an act amending section twenty-seven hundred and twenty-seven of the code in relation to the support of the school for the deaf.

JAS. D. BOWEN,  
*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. 284, a bill for an act to amend section twenty-seven hundred and eighteen (2718) of the code, in relation to the support of the college for the blind.

JAS. D. BOWEN,  
*Chief Clerk.*

Ordered passed on file.

#### INTRODUCTION OF BILLS.

By Senator Garst, from Committee on Appropriations, Senate file No. 295, a bill for an act making an appropriation for the payment of state and judicial officers, state and other expenses.

Read first and second time.

The bill was read for information.

Senator Garst moved that the rule be suspended, and that the bill be considered engrossed and the reading just had be considered the third reading.

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

#### HOUSE MESSAGES.

Senate file No. 284, a bill for an act to amend section 2718 of the code, in relation to the support of the college for the blind, was read and passed on file.

Senate file No. 283, a bill for an act to amend section 2608 of the code, in relation to the support of the soldiers' home, was read and passed on file.

Senate file No. 280, a bill for an act amending section 2691 of the code, in relation to the support of the orphans' home and home for destitute children, was read and passed on file.

Senate file No. 282, a bill for an act amending section 2727 of the code, in relation to the support of the school for the deaf, 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 desires the recall of House file No. 146.

JAS. D. ROWEN,  
*Chief Clerk.*

On motion, the request was granted and the bill returned.

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. 239, a bill for an act providing for the payment of witnesses summoned before special committee on election contest from the Eighteenth senatorial district, the clerk of said committee and the expenses of the parties to election contest.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

Senator Titus moved to take up House messages.

Carried.

HOUSE MESSAGES.

Senate file No. 239, a bill for an act providing for the payment of witnesses summoned before special committee on election contest from Eighteenth senatorial district, the clerks of said committee and the expenses of the parties to election contest, was read.

Senator Eaton moved that Senate concur in House amendments to Senate file No. 239.

On the question, "Shall the bill pass?" the yeas were:

Senators Alexander, Allyn, Bell, Berry, Byers, Carney, Cheshire, Craig, Eaton, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Gorrell, Hayward, Healy, Hobart, Hoppers, Hotchkiss, Hurst, Junkin, Kiburn, Lothrop, Lyons, Malloy, Mitchell, Mullan, Penrose, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—38.

The nays were:

Senators Druet and McArthur—2.

Absent or not voting:

Senators Blanchard, Bolter, Carroll, Ellison, Emmert, Harriman, Lewis, McIntire, Palmer, Trewin—10.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Druet filed the following explanation to be printed in the Journal:

MR. PRESIDENT—I vote “No” because I think it is not right to pay one part of this bill and refuse to pay the other part when all are based on the same facts.

S. DRUET.

#### 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 Senate is asked:

Senate file No. 164, a bill for an act to amend section 5717, of chapter 2, title 26, of the code, in relation to the wardens of penitentiaries and their supplies.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

#### BILLS ON THIRD READING.

Senator Mitchell moved the previous question.

On the question, “Shall the main question be now put?” a division was demanded, and the motion was lost by a vote of 20 yeas to 20 nays.

Senator Pusey offered the following motion to recommit:

I move that the bill be recommitted to the committee to make appropriations for the persons and in the amounts named in joint resolution No. 9 passed at the extra session of the Twenty-sixth General Assembly.

On this question a roll call was demanded.

On the question, “Shall the motion prevail and the bill be recommitted?” the yeas were:

Senators Alexander, Bell, Byers, Craig, Druet, Eaton, Ellison, Gilbertson, Harriman, Hayward, Hobart, Hotchkiss, Junkin,



Lewis, Lothrop, McArthur, Mullan, Palmer, Perrin, Pusey, Titus, Trewin, Young of Delaware—23.

The nays were:

Senators Allyn, Carney, Cheshire, Ericson, Everall, Finch, Funk, Garst, Healy, Hospers, Kilburn, Lyons, Malloy, McIntire, Mitchell, Penrose, Ranck, Young of Lee—18.

Absent or not voting:

Senators Berry, Blanchard, Bolter, Carroll, Emmert, Gorrill, Hurst, Wallace, Wilson—9.

So the motion prevailed and the bill was recommitted.

Senator Penrose moved that the Senate take a recess of one hour, which motion prevailed.

Senate reconvened, President Milliman presiding.

#### REPORT OF SIFTING COMMITTEE.

Senator Berry, from the sifting committee, submitted the following report:

MR. PRESIDENT—Your sifting committee, to whom was referred House file No. 344, a bill for an act to legalize the acts and ordinances of the town of Fairbank, 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 be considered.

W. H. BERRY,  
*Chairman.*

#### BILLS ON THIRD READING.

House file No. 344, a bill for an act to legalize the acts and ordinances of the town of Fairbank, Iowa, was taken up and considered.

The bill was read for information.

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, Allyn, Berry, Bjers, Carney, Craig, Druet, Ericson, Everall, Funk, Garst, Gilbertson, Harriman, Hayward, Hospers, Hotchkiss, Hurst, Kilburn, Lewis, Lothrop, Lyons, Malloy, Mullan, Palmer, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—31.

The nays were:

None.

Absent or not voting:

Senators Bell, Blanchard, Bolter, Carroll, Cheshire, Eaton, Ellison, Emmert, Finch, Gorrell, Healy, Hobart, Junkin, McArthur, McIntire, Mitchell, Penrose, Raack, Wilson—19.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Berry called up House file No. 339, under consideration last evening, the report of committee having been adopted.

The bill was read for information.

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, Allyn, Berry, Byers, Carney, Cheshire, Druet, Ericson, Finch, Funk, Gilbertson, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, Mullan, Palmer, Perrin, Pusey, Titus, Wallace, Young of Delaware—29.

Senator Harriman voted in the negative.

Absent or not voting:

Senators Bell, Blanchard, Bolter, Carroll, Craig, Eaton, Ellison, Emmert, Everall, Garst, Gorrell, Hobart, McArthur, McIntire, Mitchell, Penrose, Raack, Trewin, Wilson, Young of Lee—20.

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

House file No. 350, a bill for an act to apportion the state into representative districts, and declare the ratio of representation.

JAS. D. ROWEN,  
Chief Clerk.

Ordered passed on file.

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. 164, a bill for an act to amend section fifty-seven hundred and seventeen (5717), of chapter two (2), title twenty-six (26), of the code, in relation to the wardens of penitentiaries and their supplies.

JAS. D. ROWEN,  
*Chief Clerk.*

Senator Titus moved to take up House messages.

Carried.

#### HOUSE MESSAGES.

House file No. 350, a bill for an act to apportion the state into representative districts and declare the ratio of representation, was read first and second time.

On motion of Senator Lothrop, House file No. 350, a bill for an act to apportion the state into representative districts and declare the ratio of representation, was taken up and considered,

The bill was read for information.

Senator Lothrop 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, Byers, Carney, Cheshire, Druet, Eaton, Ellison, Ericson, Everall, Finch, Funk, Gilbertson, Harriman, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilbourn, Lewis, Lothrop, Lyons, Malloy, McArthur, Mitchell, Mullan, Penrose, Perrin, Pusey, Titus, Young of Delaware, Young of Lae—36.

The nays were:

None.

Absent or not voting:

Senators Blanchard, Bolter, Carroll, Craig, Emmert, Garst, Gorrell, Hobart, McIntire, Palmer, Ranck, Trewin, Wallace, Wilson—14.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senate file No. 164, a bill for an act to amend section 5717, of chapter 2, title 26, of the code, in relation to the wardens of penitentiaries and their supplies, was read and passed on file.

The President announced he had signed the following bills in the presence of the Senate: Senate file No. 284, Senate files Nos. 282, 283, 113, 281, 289, 294, joint resolution No. 7, Senate file No. 225, Senate file No. 55.

#### BILLS ON THIRD READING

Senate resumed consideration of House file No. 265, made a special order for to-day, the report of the committee having been adopted.

The bill was read for information.

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, Byers, Carney, Cheshire, Eaton, Ellison, Ericson, Finch, Funk, Garst, Gilbertson, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Malloy, McArthur, McIntire, Mitchell, Palmer, Penrose, Perrin, Pusey, Titus, Wilson—31.

The nays were:

Senators Lothrop and Wallace—2.

Absent or not voting:

Senators Bell, Blanchard, Bolter, Carroll, Craig, Druet, Emmert, Everall, Gorrell, Harriman, Hobart, Lyons, Mullan, Ranck, Trewin, Young of Delaware, Young of Lee—17.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 284, a bill for an act to amend section 2718 of the code, in relation to the support of the college for the blind.

Also, Senate file No. 283, an act to amend section 2608 of the code, in relation to the support of the soldiers' home.

Also, Senate file No. 282, an act amending section 2727 of the code, in relation to support of the school for the deaf.

Also, Senate file No. 294, a bill for an act to provide for the general levy for state purposes for the year 1898, and subsequent years, and to repeal section 1380 of the code.

Also, joint resolution No. 7, Senate joint resolution supplying missing codes to members of the general assembly.

Also, Senate file No. 113 an act to amend section 2508 of the code, in relation to the specific gravity and inspection of petroleum products.

Also, Senate file No. 281, an act making appropriation for the payment of the indebtedness of the school for the deaf.

Also, Senate file No. 289, an act fixing the salary of the chief executive officers of certain state institutions and defining the qualifications of the superintendent of the school for the deaf.

Also, Senate file No. 55, a bill for an act making an appropriation for the Benedict home at Des Moines, Iowa.

Also, Senate file No. 274, an act to legalize the levy of certain taxes for road purposes, by the trustees of Morning Sun township, in Louisa county.

Also, Senate file No. 239, a bill for an act providing for the payment of witnesses summoned before special committee on election contest from Eighteenth senatorial district, the clerk of said committee and the expenses of the parties to election contest.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 217, a bill for an act to repeal section 5016 of the code, relating to dead swine, and to enact a substitute therefor.

Also, House file No. 39, an act to amend section 683 of the code, in relation to appropriation of money in towns.

Also, House file No. 191, an act to amend section 1436 of the code, relating to redemption of land from tax sale

Also, joint resolution No. 10, House joint resolution for the pardon of Bernard Kennedy.

Also, Senate file No. 55, a bill for an act making an appropriation for the Benedict home at Des Moines, Iowa.

Also, Senate file No. 274, an act to legalize the levy of certain taxes for road purposes by the trustees of Morning Sun township, in Louisa county.

Also, House file No. 165, a bill for an act appropriating additional money for an exhibit of the resources of the state of Iowa at the Trans-Mississippi and International exposition, to be held at Omaha, in the year 1898.

Also, Senate file No. 239, a bill for an act providing for the payment of witnesses summoned before special committee on election contest from the Eighteenth senatorial district, the clerk of said committee, and the expenses of the parties to election contest.

Also, Senate file No. 284, a bill for an act to amend section 2718 of the code, in relation to the support of the college for the blind.

Also, Senate file No. 283, an act to amend section 2608 of the code, in relation to the support of the soldiers' home.

Also, Senate file No. 282, an act amending section 2727 of the code, in relation to support of the school for the deaf.

Also, Senate file No. 294, a bill for an act to provide for the general levy for state purposes for the year 1898 and subsequent years and to repeal section 1380 of the code.

Also, Senate joint resolution No. 7, joint resolution supplying missing codes to members of the general assembly.

Also, Senate file No. 113, an act to amend section 2508 of the code, in relation to the specific gravity and inspection of petroleum products.

Also, Senate file No. 281, an act making appropriation for the payment of the indebtedness of the school for the deaf.

Also, Senate file No. 289, an act fixing the salary of the chief executive officers of certain state institutions and defining the qualifications of the superintendent of the school for the deaf.

Also, House file No. 161, an act to amend section 4606, chapter 1, title 33 of the code, in relation to husband and wife as witnesses.

Also, substitute for House file No. 87, an act to provide for the cutting of weeds on public roads.

G. M. TITUS,

*Chairman Senate Committee.*

J. L. GIESLER,

*Chairman pro tem. House Committee.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day sent to the governor for his approval, Senate file No. 294, a bill for an act to provide for the general levy for state purposes for the year 1898, and subsequent years and to repeal section 1380 of the code.

Also, Senate file No. 113, an act to amend section 2508 of the code, in relation to the specific gravity and inspection of petroleum products.

Also, Senate file No. 281, an act making an appropriation for the payment of the indebtedness of the school for the deaf.

Also, Senate file No. 289, a bill for an act fixing the salary of the chief executive officers of certain state institutions and defining the qualifications of the superintendent of the school for the deaf.

Also, Senate file No. 239, a bill for an act providing for the payment of witnesses summoned before special committee on election contest from the Eighteenth senatorial district, the clerk of said committee, and the expenses of the parties to election contest.

Also, Senate file No. 284, a bill for an act to amend section 2718 of the code, in relation to the support of the college for the blind.

Also, Senate file No. 283, an act to amend section 2608 of the code, in relation to the support of the soldiers' home.

Also, Senate file No. 282, an act amending section 2727 of the code, in relation to support of the school for the deaf.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### REPORT OF SIFTING COMMITTEE.

Senator Berry, from the sifting committee, submitted the following report:

MR. PRESIDENT—Your sifting committee, to whom was referred substitute for House file No. 232, a bill for an act to amend sections 5240 and 5246 of the code, relating to the drawing and empanelling of the grand jury, and challenges thereto, and providing for the summoning of additional grand jurors in case of challenges to the panel, or to individual jurors, being allowed, and to repeal section three hundred and forty of the code, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be considered.

W. H. BERRY,  
*Chairman.*

Adopted, and bill, with report of Committee on Judiciary, recommending certain amendments, and that when so amended the bill do pass, was taken up for consideration.

On motion of Senator Cheshire, the report of the Committee on Judiciary was adopted.

Senator Cheshire moved the adoption of the committee amendment to section 1, as follows:

Amend section 1, by striking out the word "full," in the fourth line thereof; also, by striking out the word "code," in

line seven; also, by inserting after the word "thirty-eight," in same line, the words "of the code."

Adopted.

Senator Cheshire moved the adoption of the committee amendment to section 2, as follows:

Amend section 2 by striking out the words "of the grand jury," in line four; also, strike out the word "such," in line nine, and insert the word "the" in lieu thereof; also, strike out the words "has been," in line twelve, and insert the word "is" in lieu thereof, and strike out the words "of the grand jury" in the same line. Further amend section 2 by striking out the words "the additional," in line thirteen, and by striking out the word "such," after the word "from," in line fourteen, and insert the word "the" in lieu thereof; also, by striking out the word "grand," in line sixteen, and by striking out the word "then," in line seventeen, and strike out the word "such" after the word "fill," in line eighteen, and insert the word "the" in lieu thereof. That said section be further amended by striking out the words "original panel of," in the nineteenth line, and insert after the word "jurors," in the same line, the words "originally summoned," and strike out the words "as may not have been," in the same line, and insert in lieu thereof the words "which were not." Strike out the word "such," in the twentieth line, and insert the word "the" in lieu thereof. Strike out the word "when," in line twenty-one, and insert the word "if" in lieu thereof, and strike out the word "then" in the same line. Strike out the words "if any," in line twenty-two, also the word "so" in the same line, and strike out the word "such," in line twenty-two, and insert in lieu thereof the word "the." Strike out the word "aforesaid," in line twenty-six, and insert the word "other" in the same line after the word "or."

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 considered 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, Bell, Barry, Byers, Carney, Cheshire, Craig, Druet, Eaton, Ericson, Everall, Finch, Funk, Gilbertson, Har-



riman, Hayward, Hobart, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, Lewis, Lothrop, Lyons, Malloy, McArthur, McIntire, Mitchell, Mullan, Perrin, Pusey, Ranck, Titus, Wallace, Wilson, Young of Delaware, Young of Lee—39.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Carroll, Ellison, Emmert, Garst, Gorrell, Healy, Palmer, Penrose, Trewin—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Also:

MR. PRESIDENT—Your sifting committee, to whom was referred substitute for House file No. 246, a bill for an act to prohibit the bringing into the state any nursery stock infested with the San Jose scale, and to prevent the spread of the scale within the state, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be considered.

W. H. BERRY,  
*Chairman.*

Report adopted and bill taken up for consideration.

Senator Mitchell 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, Berry, Byers, Carney, Cheshire, Ellison, Ericson, Funk, Garst, Gilbertson, Harriman, Hayward, Healy, Hospers, Hotchkiss, Hurst, Junkin, Kilburn, McIntire, Mitchell, Mullan, Palmer, Perrin, Titus, Trewin, Wallace, Young of Delaware, Young of Lee—28.

The nays were:

Senators Bell, Druet, Hobart, Lothrop, McArthur, Pusey, Wilson—7.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Carroll, Craig, Eaton, Emmert, Everall, Finch, Gorrell, Lewis, Lyons, Malloy, Penrose, Ranck—15.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

REPORT OF STANDING COMMITTEE.

Senator Young of Delaware, from the Committee on Congressional and Judicial Districts, submitted the following report:

MR. PRESIDENT—Your Committee on Congressional and Judicial Districts, to whom was referred Senate file No. 224, a bill for an act to increase the number of district judges in the Eighteenth judicial district, beg leave to report 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. 285 (which has passed the Senate) covers the same ground.

D. H. YOUNG,  
*Chairman.*

Ordered passed on file.

Senator Pusey asked that the Journal show that he had exchanged desks with Senator Wilson, so that hereafter Senator Wilson's number would be 33 and Senator Pusey's 43.

Senator Palmer exchanged his desk, No. 10, with Senator Lyons, for desk No. 26, and requested that the Journal show same.

Senator Ranck exchanged his desk, No. 19, with Senator Finch for desk No. 9, and requested that the Journal show same.

Senator Garst moved that the Senate take a recess, subject to call of the President.

Carried.

Senate reconvened on call of the President.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Joint resolution relative to the sale of the building of the state armory site in Des Moines, Iowa, and the disposition of the funds received for same.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

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 certain employes of the Twenty-seventh General Assembly.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

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 partition in rooms in basement of capitol building.

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. 279, a bill for an act repealing section 2291 of the code, in relation to compensation for keeping patients in the insane hospital and to enact a section in lieu thereof.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

#### HOUSE MESSAGES.

Joint resolution relative to the sale of the building of the state armory site in Des Moines, Iowa, and the disposition of the funds received for same, was read and passed on file.

Concurrent resolution relative to certain employes of the Twenty-seventh General Assembly, was read and passed on file.

Concurrent resolution relative to partition in rooms in basement of capitol building, was read and passed on file.

Senate file No. 279, a bill for an act repealing section 2291 of the code, in relation to compensation for keeping patients in the insane hospital, and to enact a section in lieu thereof, was read and passed on file.

#### REPORT OF SIFTING COMMITTEE.

Senator Berry, from the sifting committee, submitted the following report:

MR. PRESIDENT—Your sifting committee, to whom was referred House file No. 277, a bill for an act for the appointment of public examiners, defining their duties and fixing their compensation, and providing for a uniform system of keeping the books of county treasurers, beg leave to report 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 considered.

W. H. BERRY,  
*Chairman.*

Report adopted and the bill, with report of Committee on Judiciary recommending that same do pass, was taken up for consideration.

On motion of Senator Berry, the report of Committee on Judiciary was adopted.

Also:

MR. PRESIDENT—Your sifting committee, to whom was referred House file No. 226, a bill for an act to legalize certain acknowledgments of deeds, mortgages, and other instruments affecting the title of real estate, beg leave to report 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 considered.

W. H. BERRY,  
*Chairman.*

Report adopted, and the bill, with report of Committee on Judiciary, recommending that the same do pass, was taken up for consideration.

On motion, the report of the Committee on Judiciary was adopted.

Senator Cheshire moved that the bill be indefinitely postponed.

Carried.

The President of the Senate signed, in the presence of the Senate, the following bills: House file No. 344, substitute for House file No. 87, House files Nos. 161 and 181.

Senator Hurst offered the following resolution:

*Resolved*, That no further bills be taken up for consideration by this legislature.

Laid over under the rule.

#### 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. 286, a bill for an act amending section 2713 of the code, in relation to the support of the industrial school.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

#### HOUSE MESSAGES.

Senate file No. 286, a bill for an act amending section 2713 of the code, in relation to the support of the industrial school, was read and passed on file.

Senator Garst moved that Senate take a recess subject to call of the chair.

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 amended and passed the following concurrent resolution, in which the concurrence of the House was asked:

Relative to final adjournment.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file

#### HOUSE MESSAGES.

Concurrent resolution relative to final adjournment.

Senator Hayward moved that the Senate concur in House amendment to concurrent resolution.

On this a division was called for, and the House amendment was concurred in.

Senator Junkin filed the following motion:

MR. PRESIDENT—I move to reconsider the motion by which the amendment to the concurrent resolution relating to adjournment, was adopted.

J. M. JUNKIN.

Senator Hurst moved to adjourn.

Senator Titus moved to amend by making the hour 7:30 this evening.

Lost.

The motion to adjourn prevailed

The President declared the Senate stood adjourned until 9 o'clock A. M. to-morrow.

SENATE CHAMBER,  
DES MOINES, IOWA, Friday, April 1, 1898. }

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

Prayer was offered by Rev. John Cox Hall of Prairie City, Iowa.

A communication from Thos. H. Smith, in relation to attorney's fees in the senatorial contest case of Smith v. Emmert, was presented by President Milliman and ordered read.

MESSAGE FROM THE GOVERNOR.

The following message from the governor was submitted:

*To the Senate:*

I have the honor to announce the following bills, originating in the Senate, have been by me this day approved, signed and duly filed in the office of the secretary of state:

Senate file No. 263, an act to legalize the acts of the mayor and city council of the city of Waterloo in making a certain contract with one J. B. McGorrisk for paving certain streets in said city.

Senate file No. 185, an act to amend section 1744 of the code, relating to proofs of loss under contracts of insurance.

Senate file No. 181, an act to amend sections 2736 and 2737, chapter 13 of title 13, of the code, relating to county superintendents.

Senate file No. 148, an act to repeal section 41 of the code and to enact a substitute therefor.

Senate file No. 122, an act to amend section 3494 of chapter 4 of the code.

Senate file 111, an act relating to the indictment and punishment of persons who have been convicted three or more times and making certain evidence competent proof upon the trial thereof.

Senate file No. 26, an act to amend section 2564, chapter 16, title 12, of the code, in relation to the state board of health.

Senate file No. 232, an act to provide for the payment of the claims of Appanoose county against the state of Iowa for expenses incurred in the

care, restraint and transportation of insane persons not having a known residence in Iowa.

L. M. SHAW.

Ordered passed on file.

The President of the Senate signed the following bills in the presence of the Senate: Substitute for House file No. 146 and House file No. 339, Senate file No. 286, Senate file No. 279 and joint resolution No. 8.

#### REPORT OF STANDING COMMITTEE.

Senator Junkin, from the Committee on Building and Loan, submitted the following report:

MR. PRESIDENT—Your Committee on Building and Loan, to whom was referred House file No. 26, a bill for an act to amend section 1906, chapter 13, title 9 of the code of Iowa, 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 referred to the sifting committee.

J. M. JUNKIN,  
*Chairman.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 25, a bill for an act to amend section twenty-five hundred and thirty-six (2536), chapter fourteen (14), title twelve (12) of the code, in relation to the state veterinary surgeon.

Also, Senate file No. 223, an act authorizing the executive council to issue and negotiate warrants in anticipation of the revenues of the state.

Also, Senate file No. 213, an act to quiet the title to certain real estate situated in Washington county, Iowa, and confirm and establish the title in fee simple thereto, in A. B. Rogers in said county.

Also, Senate file No. 177, an act to amend section twenty-five hundred and ninety-seven (2597) of the code, relating to the practice of dentistry.

Also, Senate file No. 300, an act to provide for the use of the deputy warden a house, heat and light.

Also, Senate file No. 93, an act to legalize acknowledgments taken and certified according to the form and provisions of the code of 1873, and by the officers therein authorized to take and certify acknowledgments.

Also, Senate file No. 264, an act to legalize the organization of the independent school district of Everly, in Clay county, Iowa, and the acts of its board of directors.

Also, Senate file No. 225, an act to amend chapter four (4), title seven (7) of the code, relative to the assessment and collection of the collateral inheritance tax.

Also, substitute for Senate file No. 145, a bill for an act to repeal section twenty-six hundred and thirty-four (2634) of the code, and to enact a substitute therefor, relating to the state board of educational examiners, and authorizing it to employ a secretary.

Also, substitute for Senate file No. 67, an act making an appropriation to continue the work on the building for the hospital for the insane at Cherokee.

Also, Senate file No. 65, an act to amend section twenty-seven hundred of the code, providing for the support of the institution for feeble-minded children.

Also, substitute for Senate file No. 37, an act to amend section twenty-three hundred and eight, chapter two, of the code, relating to the rate of tax levy for county insane fund.

Also, Senate file No. 214, an act to amend section three thousand nine hundred and eighty-eight of the code, relating to levy of attachment or execution on mortgaged personal property.

Also, Senate file No. 250, an act to repeal section five thousand two hundred and seventy-four of the code, in relation to indictments, and to enact a substitute in lieu thereof.

Also, Senate file No. 133, an act to amend section twenty-three hundred and eighty-six of the code, relating to registered pharmacists.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

Senator Hurst called up resolution relative to consideration of new bills by the Senate, and moved its adoption.

Consideration was deferred for a time.

Senator Carney offered the following resolution:

*Resolved,* That the secretary be instructed to place on the pay roll for to-day only those employes of the Senate who shall personally report to him for duty.

J. L. CARNEY,  
J. H. TREWIN,  
THOS. A. CHESHIRE,  
*Committee of Senate.*

#### CONCURRENT RESOLUTION.

Senator Trewin offered the following concurrent resolution, and moved its adoption:

WHEREAS, A crisis appears to be upon this country in its relations with Spain, therefore be it



*Resolved, by the General Assembly of the State of Iowa, That we fully endorse the course and action of the president, Consul General Lee and the congress of the United States in dealing with the intricate and perplexing questions growing out of the war for Cuban independence.*

*Resolved, further, That while we sincerely deplore war, yet if it becomes necessary in order to maintain the dignity of this nation and to put an end to the most cruel and relentless war of modern times waged by Spain against the Cubans, we pledge to the president and the nation the most earnest support of the state of Iowa.*

Senator Perrin moved to amend by inserting the name of Minister Woodford.

Senator Hurst moved the previous question, on which a roll call was demanded.

On the question, "Shall the main question now be put?" the yeas were:

Senators Byers, Everall, Finch, Healy, Hobart, Hurst, Malloy, McArthur—8.

The nays were:

Senators Allyn, Bell, Berry, Carney, Cheshire, Druet, Ellison, Ericson, Funk, Garst, Gilbertson, Harriman, Hayward, Junkin, Kilburn, Lewis, Lothrop, Mullan, Palmer, Penrose, Perrin, Pusey, Titus, Trewin, Wallace, Young of Delaware—26.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Carroll, Craig, Eaton, Emmert, Gorrell, Hospers, Hotchkiss, Lyons, McIntire, Mitchell, Ranck, Wilson, Young of Lee—16.

So the motion was lost.

Senator Bell moved to amend the resolution by striking therefrom the name of Consul-General Lee, and demanded the yeas and nays on the motion.

On the question, "Shall the motion prevail?" the yeas were:

Senators Bell, Kilburn, Lothrop, Perrin—4.

The nays were:

Senators Allyn, Berry, Byers, Carney, Cheshire, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Healy, Hobart, Hotchkiss, Hurst, Junkin, Lewis, Malloy, McArthur, Mullan, Palmer, Pearose, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware—32.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Carroll, Craig, Druet, Emmert, Gorrell, Hospers, Lyons, McIntire, Mitchell, Wilson, Young of Lee—14.

The amendment was lost.

The question being on the adoption of the resolution the same was adopted by a rising vote.

#### BILLS ON THIRD READING.

Senator Hotchkiss moved that the vote by which joint resolution No. 5 was lost be reconsidered.

Carried.

Senator Funk moved that the vote by which joint resolution No. 5 was passed to engrossment be reconsidered.

Carried.

Senator Funk moved that the vote by which the previous question was demanded on joint resolution No. 5, be reconsidered

Carried.

Senator Funk offered the substitute report of the committee on joint resolution No. 5, as follows:

#### 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. 273, a bill for an act to amend section twenty-seven hundred and fifty-two (2752) of the code, relating to boards of directors of school townships.

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:

Substitute for Senate file No. 197, a bill for an act to amend an act passed by the extra session of the Twenty-sixth General Assembly of

Iowa, entitled "An act to provide for the annotation, indexing, publication, distribution and sale of the code and statutes hereafter enacted."

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

#### HOUSE MESSAGES.

Substitute for Senate file No. 197, a bill for an act to amend an act passed by the extra session of the Twenty-sixth General Assembly of Iowa, entitled, an act to provide for the annotation, indexing, publication, distribution and sale of the code and statutes hereafter enacted, was read and passed on file.

Senate file No. 273, a bill for an act to amend section 2752 of the code, relating to boards of directors of school townships, was read and passed on file.

#### MSSAGE 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 concurrent resolution, in which the concurrence of the House was asked:

Concurrent resolution relative to the general assembly pledging support to the president and congress in the present crisis with Spain.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

#### BILLS ON THIRD READING.

Joint resolution No. 5 was read for information.

Senator Funk moved that the amendments to the joint resolution recommended by the committee in the substitute report be adopted, as follows:

#### SUPPLEMENTAL REPORT.

The following supplemental report on joint resolution No. 5 was submitted:

MR. PRESIDENT—The Senate members of the joint committee on retrenchment and reform desire to submit this supplemental report:

We do not yield the opinion, based upon patient and impartial investigation of every detail involved, that the salaries reported in joint resolution No. 5, are only fair to the state and not unjust to its employes, but the same having failed to receive a constitutional majority on third reading, we submit the accompanying amendments, agreed to in a conference

with opponents of the resolution, to the end that the purposes of the same may not be utterly defeated.

A. B. FUNK,  
THOS. A. CHESHIRE,  
WARREN GARST.

Amend salaries fixed by joint resolution No. 5, as follows:

Stenographer in office of attorney-general, from \$720 to \$780.

Auditor's office: Chief clerk in revenue department, from \$1,200 to \$1,300; clerk for general work, from \$720 to \$780; janitor, from \$600 to \$660.

Clerk supreme court: Janitor, from \$600 to \$660.

Office of governor: Stenographer, from \$720 to \$780; usher, messenger and janitor, from \$720 to \$840.

Office of secretary of state: Corporation clerk, from \$720 to \$800; assistant corporation clerk, from \$720 to \$800; stenographer, from \$720 to \$780; clerk document room, from \$720 to \$800.

Office of superintendent of public instruction: Stenographer, from \$720 to \$780; janitor, from \$600 to \$660.

Office of treasurer of state: Night watch, janitor and messenger, from \$720 to \$780.

Historical department: Clerk, from \$600 to \$780.

Janitor in offices of attorney-general *et al.*, from \$600 to \$660.

Janitor in offices of pharmacy commission *et al.*, from \$600 to \$660.

Janitor in offices of G. A. R. *et al.*, from \$600 to \$660.

Report of committee adopted.

Senator Berry offered the following amendment and moved its adoption:

I move to amend by adding after the word "janitor" the words "and messenger" under office of secretary of state, and by changing salary of office of such janitor from \$600 to \$720.

Adopted.

Senator Perrin offered the following amendment and moved its adoption:

I move to amend as follows: For office state board of health one clerk or stenographer at a salary of \$900.

Lost.

Senator Druet offered the following amendment and moved its adoption:

I move to amend by striking out the words "office of pharmacy commission, one secretary and treasurer at a salary of \$1,200."

Senator Titus moved the previous question.

On the question, "Shall the main question be now put?" the motion prevailed.

On the amendment offered by Senator Druet a roll call was demanded.

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

Senators Byers, Druet, Gilbertson, Hayward, Hobart, Hospers, Junkin, Lothrop, Pusey, Titus—9.

The nays were:

Senators Allyn, Bell, Berry, Carney, Cheshire, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Harriman, Healy, Hotchkiss, Kilburn, Lewis, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Ranck, Trewin, Wallace, Young of Delaware—27.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Carroll, Craig, Emmert, Gorrell, Hospers, Hurst, Lyons, McIntire, Mitchell, Wilson, Young of Lee—14.

The amendment was lost.

Senator Carney offered the following amendment:

I move to amend by adding to paragraph in regard to the executive council, "one clerk, who shall care for rooms, under the charge of secretary of executive council, \$600" and strike out the words "for additional clerical assistance not to exceed \$250."

Lost.

Senator Trewin offered the following amendment:

I move to amend the first line of joint resolution No. 5 by striking out the words "otherwise ordered by the" and inserting in lieu thereof the words "the final adjournment of the next."

Adopted.

Senator Mullan offered the following amendment:

Strike out the words "not exceed" in line seven of printed resolution, and insert in lieu thereof the word "be."

Adopted.

Senator Trewin offered the following amendment to the joint resolution:

Insert before the words "the custodian shall provide," page 889, the following: "The last three named janitors shall be upon the custodian's pay roll.

Adopted.

Senator Funk moved that the rule be suspended, and that the joint resolution be considered engrossed and the reading just had be the third reading of the joint resolution, which motion prevailed.

On the question, "Shall the joint resolution pass?" the yeas were:

Senators Allyn, Bell, Berry, Carney, Cheshire, Eaton, Ellison, Ericson, Everall, Finch, Funk, Garst, Harriman, Hayward, Healy, Hotchkiss, Junkin, Kilburn, Lewis, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Trewin, Wallace, Young of Delaware—30.

Senator Lothrop voted in the negative.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Byers, Carroll, Craig, Druet, Emmert, Gilbertson, Gorrell, Hobart, Hospers, Hurst, Lyons, McIntire, Mitchell, Titus, Wilson, Young of Lee—19.

The resolution, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

Senator Pusey filed the following explanation of his vote on joint resolution No. 5:

MR. PRESIDENT—I think the salaries as fixed by joint resolution No. 9, passed at the extra session of the Twenty-sixth General Assembly, are substantially right and just, as under them persons living in parts of the state other than in Des Moines, can get employment in our state offices and live. Under the joint resolution now before the Senate, the employes, because of the compensation fixed, will necessarily be confined to residents of Des Moines, which I do not think is right. For the above and other reasons, I would vote against the resolution, were it not for the lateness of the session, and in order to facilitate an early adjournment, I vote "yea."

N. M. PUSEY.

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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, substitute for Senate file No. 197, a bill for an act to amend an act passed by the extra session of the Twenty-sixth General Assembly of Iowa, entitled an act to provide for the annotation, indexing, publication, distribution, and sale of the code and statutes hereafter enacted.

Also, Senate file No. 273, an act to amend section 2752 of the code, relating to boards of directors of school townships.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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, substitute for House file No. 265, a bill for an act to amend section 4850 of chapter 5, title 24 of the code, in relation to taking goods from the charge or custody of an officer.

Also, substitute for substitute for House file No. 112, an act to amend section 2734 of the code, relating to the qualifications of county superintendents.

Also, House file No. 350, an act to apportion the state into representative districts and declare the ratio of representation.

Also, substitute for Senate file No. 197, an act to amend an act passed by the extra session of the Twenty-sixth General Assembly of Iowa, entitled, "An act to provide for the annotation, indexing, publication, distribution and sale of the code and statutes hereafter enacted."

Also, Senate file No. 273, an act to amend section 2752 of the code, relating to boards of directors of school townships.

Also, Senate file No. 286, a bill for an act amending section 2713 of the code, in relation to the support of the industrial school.

Also, joint resolution No. 8, Senate joint resolution relative to the sale of building on the state armory site in Des Moines, Iowa, and the disposition of the funds received for the same.

Also, Senate file No. 279, an act repealing section 2291 of the code, in relation to compensation for keeping patients in the insane hospitals and to enact a section in lieu thereof.

Also, House file No. 339, an act to amend sections 4259 and 2930 of the code, relating to partition of real estate and to transfers in the county

auditor's office, and to make transfers by partition a matter of record in the offices of the county recorder and county auditor.

Also, substitute for House file No. 146, an act granting the city of Des Moines lots 7 and 8 of block 33 of the original town of Fort Des Moines, now included in the site of Des Moines, Polk county, Iowa, and making an appropriation therefor.

G. M. TITUS,

*Chairman Senate Committee.*

J. L. GIESLER,

*Chairman pro tem, House Committee.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day sent to the governor for his approval, Senate file No. 55, a bill for an act making an appropriation for the Benedict home at Des Moines, Iowa.

Also, Senate file No. 274, an act to legalize the levy of certain taxes for road purposes by the trustees of Morning Sun township, in Louisa county.

Also, Senate file No. 286, a bill for an act amending section 2713 of the code, in relation to the support of the industrial school.

Also, joint resolution No. 8, relative to the sale of the building on the state armory site in Des Moines, Iowa, and the disposition of the funds received for the same.

Also, Senate file No. 279, an act repealing section 2291 of the code, in relation to compensation for keeping patients in the insane hospitals and to enact a section in lieu thereof.

G. M. TITUS,

*Chairman.*

Senator Eaton moved that the protest of Thos. H. Smith of Shelby county, presented this morning, be spread on the records.

Carried.

The President announced that he had signed, in the presence of the Senate, House files Nos. 350, 112 and 265.

Senator Garst moved that the Senate take a recess subject to the call of the chair.

□ Carried.

#### HOUSE MESSAGES.

Concurrent resolution relative to the general assembly pledging support to the president and congress in the present crisis with Spain, was read and passed on file.



Senator Garst moved that the Senate take a recess.

Carried.

The President called the Senate to order.

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. 348, a bill for an act to repeal section 1654 of the code, and enact a substitute therefor.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

HOUSE MESSAGES.

House file No. 348, a bill for an act to repeal section 1654 of the code and enact a substitute therefor, was read first and second time and referred to sifting committee.

Senator Perrin presiding.

Senator Berry, from the sifting committee, returned House file No. 348, recommending that the same be considered, and the bill was taken up for consideration.

The bill was read for information.

Senator Harriman 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 Allyn, Bell, Berry, Byers, Carney, Cheshire, Druet, Ellison, Ericsoa, Everall, Finch, Funk, Gilbertson, Harriman, Hayward, Healy, Hobart, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware—34.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Carroll, Craig, Eaton, Emmert, Garst, Gorrell, Hospers, Hurst, Lyons, McIntire, Mitchell, Wilson, Young of Lee—16.

So the bill, having received a constitutional majority, was declared to have passed the Senate and title agreed to.

On motion of Senator Healy, substitute for House file No. 277, a bill for an act providing for the appointment of public examiners, defining the duties and compensation thereof, and providing for a uniform system of keeping the books of county treasurers, was taken up for further consideration.

Senator Healy moved that the recommendation of the Committee on Judiciary, that the substitute be adopted, be not adopted by the Senate.

Senator Pusey moved that the bill lie on the table, on which motion a roll call was demanded.

On the question, "Shall the bill lie on the table?" the yeas were:

Senators Berry, Cheshire, Ericson, Garst, Kilburn, Lewis, Malloy, Penrose, Pusey, Ranck—10.

The nays were:

Senators Byers, Carney, Druet, Funk, Gilbertson, Harriman, Hayward, Healy, Hobart, McArthur, Mullan, Palmer, Trewin, Wallace, Young of Delaware—15.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Carroll, Craig, Eaton, Ellison, Emmert, Everall, Finch, Gorrell, Hoppers, Hotchkiss, Hurst, Junkin, Lothrop, Lyons, McIntire, Mitchell, Titus, Wilson, Young of Lee—24.

So the motion was lost.

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

Senators Bell, Cheshire, Ericson, Garst, Junkin, Kilburn, Lewis, Malloy, McArthur, Penrose, Pusey, Ranck, Young of Delaware—13.

The nays were:

Senators Byers, Carney, Druet, Funk, Gilbertson, Harriman, Hayward, Healy, Hobart, Mullan, Palmer, Perrin, Trewin, Wallace—14.

Absent or not voting:

Senators Alexander, Allyn, Bell, Blanchard, Bolter, Carroll, Craig, Eaton, Ellison, Emmert, Everall, Finch, Gorrell,

Hospers, Hotchkiss, Hurst, Lothrop, Lyons, McIntire, Mitchell, Titus, Wilson, Young of Lee—23.

So the substitute was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Joint resolution No. 5, fixing the number and the compensation of employes in the departments of state at the seat of government.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

BILLS ON THIRD READING.

The bill, Senate file No. 277, was read for information.

Senator Healy moved that the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the yeas were:

Senators Byers, Carney, Druet, Ellison, Funk, Gilbertson, Harriman, Hayward, Healy, Hobart, Junkin, Lewis, Lothrop, McArthur, Mullan, Palmer, Perrin, Trewin, Wallace, Young of Delaware—20.

The nays were:

Senators Allyn, Berry, Cheshire, Ericson, Kilburn, Malloy, Penrose, Pusey, Ranck, Titus—10.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Bolter, Carroll, Craig, Eaton, Emmert, Everall, Finch, Garst, Gorrell, Hospers, Hotchkiss, Hurst, Lyons, McIntire, Mitchell, Wilson, Young of Lee—20.

So the bill failed of passage.

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 desires the return of Senate concurrent resolution relative to putting partitions in rooms in capitol building.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

## REPORT OF STANDING COMMITTEE.

Senator Garst, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate file No. 295, a bill for an act making appropriations for the payment of state and judicial officers, state and other expenses, beg leave to report that they have had the same under consideration and have instructed me to report the substitute hereto attached back to the Senate with the recommendation that the said substitute do pass.

WARREN GARST,  
*Chairman.*

Report of committee adopted on motion of Senator Garst, and substitute read first and second time by title.

## HOUSE MESSAGES.

Joint resolution No. 5, fixing the number of employes in the departments of state at the seat of government, was read and passed on file.

House asks the return of concurrent resolution, relative to putting partitions in rooms in capitol building.

Consent granted and resolution ordered returned.

## BILLS ON THIRD READING.

Substitute for Senate file No. 295 was read for information.

Senator Trewin offered the following amendment to the title: Add to the title the following: "and to appropriate five hundred thousand dollars, to be at the disposal of the governor, for use in the defense of the state and in aid of the national government in case of war."

Adopted.

Senator Garst 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 Allyn, Berry, Byers, Carney, Cheshire, Druet, Ellison, Ericson, Everall, Finch, Funk, Garst, Gilbertson, Harriman, Hayward, Healy, Hobart, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Malloy, McArthur, Mullan, Palmer, Penrose, Perrin, Pusey, Ranck, Titus, Trewin, Wallace, Young of Delaware—34.

The nays were:

None.

Absent or not voting:

Senators Alexander, Bell, Blanchard, Bolter, Carroll, Craig, Eaton, Emmert, Gorrell, Hospers, Hurst, Lyons, McIntire, Mitchell, Wilson, Young of Lee—14.

The bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

The President signed, in presence of the Senate, the following bills:

House file No. 338, House file No. 232, substitute for House file No. 236.

Senate reconvened.

#### INTRODUCTION OF BILLS.

By Senator Berry, Senate file No. 296, a bill for an act authorizing the executive council to use committee rooms for office purposes.

Senator Berry 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 Allyn, Bell, Berry, Byers, Carney, Cheshire, Druet, Eaton, Ericson, Everall, Funk, Garst, Gilbertson, Healy, Hotchkiss, Junkin, Kilburn, Lewis, Lothrop, Mullan, Palmer, Penrose, Perrin, Ranck, Titus, Trewin, Wallace, Young of Delaware—28.

The nays were:

None.

Absent or not voting:

Senators Alexander, Blanchard, Bolter, Carroll, Craig, Ellison, Emmert, Finch, Gorrell, Harriman, Hayward, Hobart, Hospers, Hurst, Lyons, Malloy, McArthur, McIntire, Mitchell, Pusey, Wilson, Young of Lee—22.

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 has passed the following bill, in which the concurrence of the House was asked:

Senate file No. 296, a bill for an act authorizing the executive council to use committee rooms for office purposes.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

## HOUSE MESSAGES.

Senate file No. 296, a bill for an act authorizing the executive council to use committee rooms for office purposes, was read and passed on file.

Senator Garst moved that the Senate take a recess, subject to call of the chair.

Carried.

Senate called to order by President Milliman.

## 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. 295, a bill for an act making appropriation for the payment of state and judicial officers, state and other expenses, and to appropriate \$500,000 to be at the disposal of the governor for use in defense of the state and in aid of the national government in case of war.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

## HOUSE MESSAGES.

Senate file No. 295, a bill for an act making appropriation for the payment of state and judicial officers, state and other expenses, and to appropriate \$500,000 to be at the disposal of the governor for use in defense of the state and in aid of the national government in case of war, was read and passed on file.

Senator Ericson called up resolution relative to appointment of committee to wait on the governor to notify him of adjournment, and moved its adoption.

Adopted.

President Milliman appointed the following committee to confer with the governor relative to adjournment: Senators Ericson and Everall.

Senator Junkin withdrew his motion filed to reconsider the vote by which House amendment to concurrent resolution relative to final adjournment was concurred in.

#### RESOLUTION.

Senator Trewin offered the following resolution:

*Resolved*, That the thanks of the Senate are hereby tendered to the Secretary, his assistants, and the other clerks and employes, for the faithful and efficient discharge of their duties during the session.

Adopted.

Senator Ericson, from special committee, appeared before the Senate and announced that it had communicated with the governor and the governor stated that he had nothing to communicate to the Senate.

Senator Garst moved that the Senate take a recess subject to call of 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 concurred in the following concurrent resolution, in which the concurrence of the House was asked:

Relative to extra help in document room.

JAS. D. ROWEN,  
*Chief Clerk.*

Ordered passed on file.

#### HOUSE MESSAGES.

Concurrent resolution relative to extra help in document room, was read and passed on file.

Senators Funk and Penrose exchanged seats.

Also Senators Byers and Malloy exchanged seats.

Senator Penrose moved that the President of the Senate appoint a committee to notify the House that the Senate is ready to adjourn.

Carried.

The President appointed as such committee Senators Penrose and Malloy.

The President signed in the presence of the Senate, Senate file No. 295.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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 joint resolution No. 5, fixing the number and the compensation of employes in the departments of state at the seat of government.

Also, substitute for Senate file No. 295, an act making appropriations for the payment of the state and judicial officers, state and other expenses, and to appropriate five hundred thousand dollars (\$500,000) to be at the disposal of the governor and for use in defense of the state, and in aid of the national government in case of war.

Also, Senate file No. 296, a bill for an act authorizing the executive council to use committee rooms for office purposes.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Titus, 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. 296, a bill for an act authorizing the executive council to use committee rooms for office purposes.

Also, substitute for House file No. 246, a bill for an act to prohibit the bringing into the state of any nursery stock infested with the San Jose scale; to provide for the punishment thereof, and to prevent the spread of the scale within the state.

Also, substitute for House file No. 232, an act to amend sections 5240 and 5246 of the code, relating to the drawing and empaneling of the grand jury, and challenges thereto, and providing for the summoning of additional grand jurors in case of challenges to the panel or to individual jurors being allowed, and to repeal section 340 of the code.



Also, House file No. 348, an act to repeal section 1654 of the code and to enact a substitute therefor.

Also, Senate joint resolution No. 5, joint resolution fixing the number and the compensation of employes in the department of state at the seat of government.

Also, substitute for Senate file No. 295, an act making appropriations for the payment of state and judicial officers, state and other expenses, and to appropriate five hundred thousand dollars (\$500,000) to be at the disposal of the governor for use in defense of the state and in aid of the national government in case of war.

G. M. TITUS,  
*Chairman Senate Committee.*

J. L. GIESLER,  
*Chairman pro tem, House Committee.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day sent to the governor for his approval, Senate file No. 296, a bill for an act authorizing the executive council to use committee rooms for office purposes.

Also, substitute for Senate file No. 295, a bill for an act making appropriations for the payment of state and judicial officers, state and other expenses, and to appropriate five hundred thousand dollars (\$500,000), to be at the disposal of the governor, for use in defense of the state and in aid of the national government in case of war.

Also, joint resolution No. 5, joint resolution fixing the number and compensation of employes in the department of state at the seat of government.

G. M. TITUS,  
*Chairman.*

Ordered passed on file.

The following resignation from Senator Palmer was presented to the Senate, and on motion was accepted:

April 1, 1898.

*J. C. Milliman, President of the Senate:*

SIR—In accordance with section 1268 of the code, I hereby tender my resignation as senator of the Tenth senatorial district of the state of Iowa, and ask its immediate acceptance.

I am, respectfully,

D. J. PALMER,  
*Senator Tenth District.*

Senator Penrose reported that the committee appointed to notify the House that the Senate was ready to adjourn had performed that duty.

President Milliman delivered the following touching farewell address.

*Senators:*

The hour for final adjournment reminds me that I have a duty to perform—a duty which will separate us, probably never again all to meet on earth

Turning from that sad thought allow me to express the belief that your labors will meet the fullest approval of the people of Iowa. The noble courage you have displayed and the painstaking care you have given to the work of the session are equally apparent in the laws you have enacted.

That perfect harmony has prevailed between the Senate and the House of Representatives is praiseworthy alike to all the honorable gentlemen composing the Twenty-seventh General Assembly.

I am glad to know that in the earnest efforts of each to perfect the measures you have been called upon to consider so little remains to mark the places where giant minds contended.

Masters in tactics, skilled in debate, and eloquent of speech, you are also noble enough to forgive and forget.

On behalf of the people of our state I thank you for so ably guarding their interests, and the economy and firmness shown in appropriating the public moneys.

For myself, much must be said, gentlemen, if my debt to you be paid. For every senator I entertain sentiments of the highest esteem—to every member of this body I offer the glad hand of abiding friendship. I can not tell you how deeply your generous resolutions and the gift of this beautiful chair have affected me.

To-day my heart throbs in tenderness toward each of you, and I shrink from the task of fittingly thanking the members of this grand body for kindness and support daily given, but, Senators, if the opportune time shall come this heart will rush my blood on its errand that I may be a gallant knight in defense of your work and good name.

To the secretaries and clerks and other employes of the Senate I am indebted for constant courtesies and assistance.

To one and all I extend kindest greetings and hope for you only blessings and honor while toiling upward and to our final destiny. Again and again I thank you.

The President declared the Senate stood adjourned without day.

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